

Cstaff1

From: Anthony Palazzolo <palazzolo@thepatentsource.com>
Sent: Monday, August 26, 2024 11:02 AM
To: 'CStaff'
Cc: Anthony M. Palazzolo Jr. Esq.
Subject: Attention Jeff Willis: 2 of 2 - For CRMC Assent Application File 2024-04-008 and 8-27-24 CRMC Meeting
Attachments: Fire-District-To-Guarantee-Beach-Access ... Providence-Journal-RI May-26-1988.pdf; 6-24-2024 Emily HALL Email Re Substitute Access Per 1.3.6(A.3).pdf; Assent B87-10-066 - Complete File Compressed.pdf; Assent B87-10-066 Highlighted & Excerpted 5-24-1988 Transcript.pdf; Assent B87-10-066 SEE STIPULATION Q - CRMC Assent Only - SEE STIPULATION Q.pdf; Assent B87-10-0665-24-1988 Hearing Transcript FOR SPECIAL EXCEPTION APPLICATION.pdf

Sincerely,

Anthony M. Palazzolo Jr., Esq.



THE PATENT SOURCE

285 Pendleton Hill Road
North Stonington, CT 06359
phone: (860) 599-8507
fax: (860) 599-8537
palazzolo@thepatentsource.com

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From: Anthony Palazzolo
Sent: Monday, August 26, 2024 10:55 AM
To: 'CStaff' <cstaff1@crmc.ri.gov>
Cc: Anthony M. Palazzolo Jr. Esq. <palazzolo@thepatentsource.com>
Subject: Attention Jeff Willis: 1 of 2 - For CRMC Assent Application File 2024-04-008 and 8-27-24 CRMC Meeting

To Whom It May Concern:

Please include this email and attachments in the above-identified file and provide a copy to the full Council so that they may review it prior to their meeting tomorrow night.

Thank you.

Sincerely,

Anthony M. Palazzolo Jr

ehall@crmc.ri.gov

From: Becky Wilson <Becky@thewatchhillconservancy.org>
Sent: Thursday, June 6, 2024 2:49 PM
To: ehall@crmc.ri.gov
Cc: Barbara Axmacher
Subject: RE: Notification of Objection received by CRMC re: 2024-04-008

Categories: 04-008, follow-up comms needed

Hi Emily,

Thank you for your email. I have copied our Executive Director, Barbara Axmacher as well.

Thank you,
Becky

From: ehall@crmc.ri.gov <ehall@crmc.ri.gov>
Sent: Thursday, June 6, 2024 2:35 PM
To: Becky Wilson <Becky@thewatchhillconservancy.org>
Subject: FW: Notification of Objection received by CRMC re: 2024-04-008

Hi Becky,

I just got Dan's OOO notification, so I'm forwarding the below to you in the meantime.

Emily

Emily Hall (she/her)
Coastal Geologist II
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879
Main Office: (401)783-3370

From: ehall@crmc.ri.gov <ehall@crmc.ri.gov>
Sent: Thursday, June 6, 2024 2:04 PM
To: 'Daniel Cole' <daniel@thewatchhillconservancy.org>
Cc: lfeldman@crmc.ri.gov; Justin Skenyon (jskenyon@crmc.ri.gov) <jskenyon@crmc.ri.gov>
Subject: Notification of Objection received by CRMC re: 2024-04-008

Hi Dan,

Our staff recently received an objection to the maintenance application filed under 2024-04-008. A PDF of the full objection letter is attached here. In short, the objector poses that the fences to be maintained obstruct access via the Fort Road Right of Way adopted by the Town of Westerly. Staff invites you to respond to the objection and/or revise the application.

One potential avenue would be a revision of the site plan to exclude fencing from the 20' wide ROW. Fencing could be removed along the sections that are being objected to, and signage could be installed in place, with language that invites users of Napatree to take part in conservation efforts and stay off the dune vegetation. Fencing portions that are not obstructing the ROW are still permissible, as their primary purpose is restoration/improvement of the feature as a natural habitat for native plants and wildlife (see Red Book 1.2.2(G.1.e)).

Another potential avenue for response would be to argue that you already have met the standards for public access (see 1.3.6(A.3)).

Staff will review any revisions/responses received. If suitable, we can send the response and/or revised application to the objector, and they may choose to rescind their objection. In that case, the application would continue its review at the Cat A level. If the objector does not rescind their objection, their request for a public hearing will be abided by and will likely be scheduled for the Council meeting in August.

If you'd like to discuss any of this further, please feel free to email or call the office.

Best,
Emily

Emily Hall (she/her)
Coastal Geologist II
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879
Main Office: (401)783-3370



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, R.I. 02879

March 27, 1991

Mr. Jack Payne
Watch Hill Fire District
46 Granite Street
Westerly, RI 02891

RE: CRMC File Number 87-10-66 - request for two year extension, for completion of the seawall reconstruction.

Dear Mr. Payne:

Coastal Resources Management Council Assent No. 87-10-66 is granted a two year extension from June 20, 1991 and will expire June 20, 1993.

Sincerely yours,

Grover J. Fugate, Executive Director
Coastal Resources Management Council

GJF/jmm



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, R.I. 02879

ASSENT MODIFICATION

Mr. Jack Payne, Esq.
Watch Hill Fire District
46 Granite Street
Westerly, RI 02891

May 16, 1991

RE: Assent Modification Request, CRMC File Number 87-10-66 - Watch Hill Fire District Parks Commission. Location - Bay Street and Fort Road, Plat 185, lot 34, Original Project: Construct and maintain 700 lf. of steel sheetpile bulkhead in front of existing stone seawall, and modified on 11/7/90 to relocate 100' segment of work area from SW to NE end of project area.

Dear Mr. Payne:

The Coastal Resources Management Council has reviewed your request for Modification of Assent No. B87-10-66 and approve the modification with the following additional stipulations.

- (1) Except/unless as stipulated herein, all stipulations of the original assent for file number B87-10-66 dated 6/20/88, as modified by letter from CRMC dated 11/7/90, shall remain in full force and effect.

Please note that the expiration date remains as modified on 3/27/91, to expire on 6/20/93.

Sincerely yours,

Grover J. Fugate, Executive Director
Coastal Resources Management Council

/lam



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, R.I. 02879

January 5, 1988

Watch Hill Fire District
Parks Commission
Watch Hill, R.I. 02891

RE: Assent Modification request for File 87-10-66, Watch Hill Fire District, Bay Street and Fort Hill Road, Plat 185, Lot 34, Westerly. Request to delete filter fabric and pressure grouting.

Dear Sirs:

The Coastal Resources Management Council has reviewed your request for Modification of Assent No. B87-10-66 and approve the modification with the following additional stipulations.

- 1) Except/unless as stipulated herein, all stipulations of the original assent for file number 87-10-66, dated 6/20/88, shall remain in full force an effect.
- 2) The following may be substituted for stipulation "A": The approved plans shall be those entitled "Seawall Rehabilitation - Phase 1... Watch Hill Fire District Parks Commission..." sheet 1 of 2, and revised 12/9/88, and stamped by Mark A. Eichstadt, P.E. Except/unless as stipulated, all details and specifications thereon shall be strictly adhered to.

Please note that the original expiration date remains the same.

Sincerely yours,

Grover J. Fugate, Executive Director
Coastal Resources Management Council

/brc

cc: P.M. Bellagamba, P.E



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, R.I. 02879

January 5, 1989

Watch Hill Fire District
Parks Commission
Watch Hill, R.I. 02891

RE: Assent Modification request for File 87-10-66, Watch Hill Fire District, Bay Street and Fort Hill Road, Plat 185, Lot 34, Westerly. Request to delete filter fabric and pressure grouting.

Dear Sirs:

The Coastal Resources Management Council has reviewed your request for Modification of Assent No. B87-10-66 and approve the modification with the following additional stipulations.

- 1) Except/unless as stipulated herein, all stipulations of the original assent for file number 87-10-66, dated 6/20/88, shall remain in full force an effect.
- 2) The following may be substituted for stipulation "A": The approved plans shall be those entitled "Seawall Rehabilitation - Phase 1... Watch Hill Fire District Parks Commission..." sheet 1 of 2, and revised 12/9/88, and stamped by Mark A. Eichstadt, P.E. Except/unless as stipulated, all details and specifications thereon shall be strictly adhered to.

Please note that the original expiration date remains the same.

Sincerely yours,

Grover J. Fugate, Executive Director
Coastal Resources Management Council

/brc

cc: P.M. Bellagamba, P.E



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, R.I. 02879

ASSENT

File Number: 87-10-66

Assent Number: B87-10-66

Meeting Date: May 24, 1988

Whereas, Watch Hill Fire District
Parks Commission
of Watch Hill, RI 02891

has applied to the Coastal Resources Management Council for assent to: Construct and Maintain 700 +/- linear feet of steel sheet pile bulkhead constituting 200 +/- cubic yards of gravel and concrete fill over an area of 1050 +/- square feet of tidal waters, along the face of the existing stone seawall, and hereby represents that THEY are the owner(s) of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: Construct and Maintain 700 +/- linear feet of steel sheet pile bulkhead constituting 200 +/- cubic yards of gravel and concrete fill over an area of 1050 +/- square feet of tidal waters, along the face of the existing stone seawall, located at Bay Street and Fort Road, Westerly, Plat 185, Lot 34, in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before June 20, 1991, after which date this assent is null and void, (unless written notice requesting an extension is received by CRMC sixty (60) days prior to expiration date).

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to applicants property to make on-site inspections to insure compliance with the assent.

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date thereof, after which time this permission shall terminate necessitating either complete removal or a new application.

A copy of this Assent shall be kept on site during construction.

Plans for future alteration of the shoreline or construction or alteration within the CRMC jurisdiction should be submitted to the CRMC for review prior to commencing such activity.

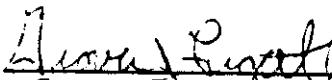
All local, state or federal ordinances and regulations must be complied with.

This assent is granted subject to the following stipulations:

(Stipulations set forth below):

(A) (B) (C) (D)

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this twentieth day of June in the year nineteen hundred eighty eight.



Grover J. Fugate, Executive Director
Coastal Resources Management Council

ASSENT SUBJECT TO STIPULATIONS CIRCLED:

- (A.) Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these pier facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said pier or from land adjacent thereto.
- (B.) In accordance with a decision of the Coastal Resources Management Council on October 9, 1973, this Assent is granted with the proviso that it is subject to the imposition of a usage fee to be established by the Coastal Resources Management Council.
- (C.) No work shall be done under this Assent until the required Federal Permit has been obtained.
- (D.) Additional Stipulations, Standards, Prohibitions, and Policies. (See attached sheets).

ATTENTION: ALL STRUCTURES IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters. Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification upon expiration.

THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID.

ADDITIONAL STIPULATIONS:

- A. The approved plan shall be that entitled "New Sheet Pile Bulkhead...By: Watch Hill Fire District Parks Commission", Sheets 1 through 3 of 3, dated 8/10/87, stamped by L.H. Bentley, P.E. Except/unless as stipulated, all details and specifications thereon shall be strictly adhered to.
- B. Both ends of the proposed sheeting shall return (preferably on a taper) to the existing adjacent vertical wall.
- C. As indicated, the sheeting shall be driven 10' to 15' into sediment.
- D. Backfill shall be clean gravel.
- E. As indicated, the maximum seaward extension shall be 18" (1 1/2') beyond the existing wall face.
- F. Proposed concrete cap shall utilize type II Portland Cement Concrete.
- G. As indicated, drainage scuppers shall be provided.
- H. As indicated, sheeting shall be PZ 22 or PZ 27 (indicated in project description).
- I. The sheeting shall be galvanized, coated, or otherwise suitably protected against corrosion.
- J. The 'Project Description' included on the public notice shall be considered as part of the approved and required specifications.
- K. For the purpose of this permit, the coastal feature shall be the seawall, and the inland edge of the coastal feature shall be the top of the existing seawall.

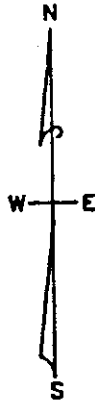
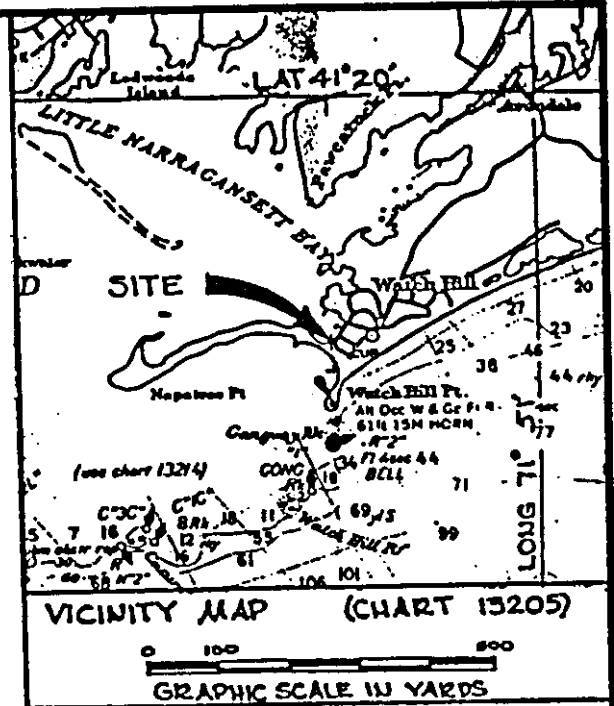
- L. All site grades shall be returned to the original grade unless indicated on approved plan and approved.
- M. All excess excavated materials, excess soils, excess construction materials, and debris (including any destructed materials) shall be removed from the site and disposed of at an inland landfill or a suitable and legal upland location. No materials shall be deposited on the coastal feature, within 10 feet of the inland edge of the coastal feature, or in coastal waters.
- N. All fill materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.
- O. Excavation and grading shall be limited to the area of the approved activity only. Excess earthwork beyond that approved by the approved plans and stipulations of this assent is not permitted.
- P. There shall be no stockpiling or disposal of soils, construction materials, within 10 feet of the inland edge of the coastal feature, or in coastal waters.
- Q. Pedestrian traffic to Napatree Point shall not be restricted.

NOTES

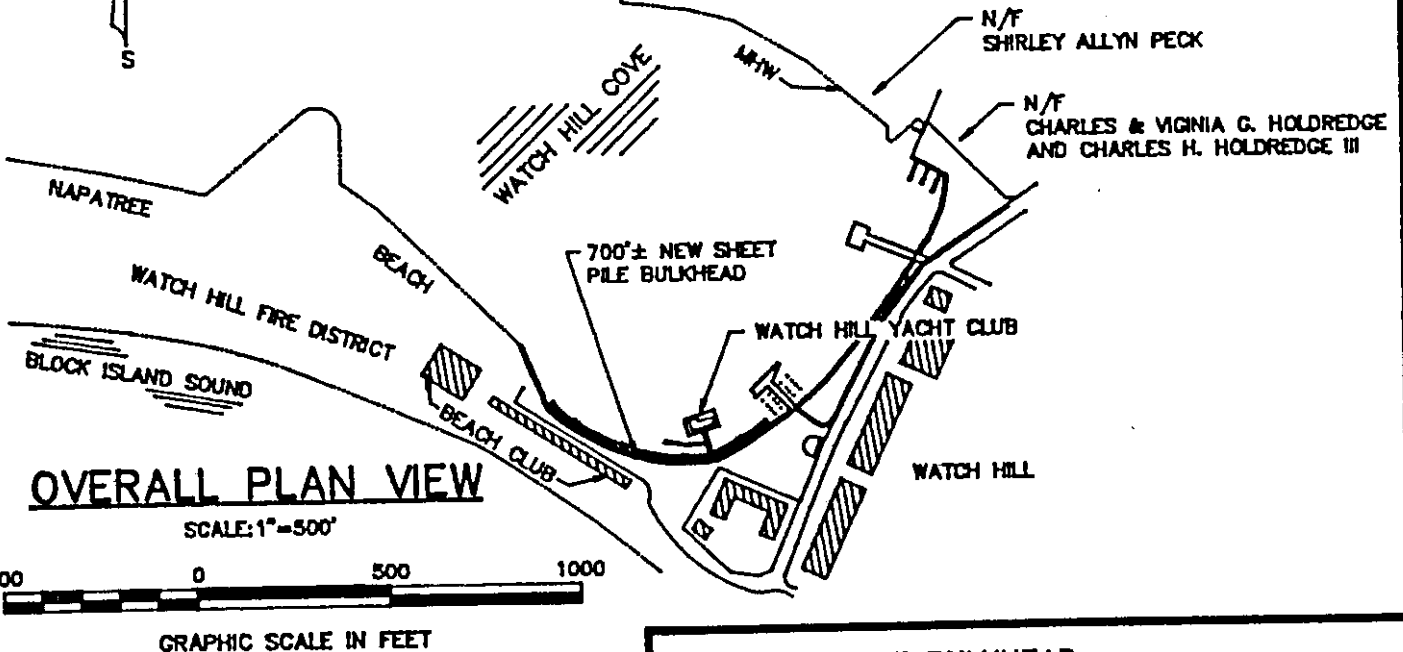
1. ELEVATIONS BASED ON MEAN LOW WATER (MLW) DATUM.
2. TIDES ARE TAKEN FROM 1987 N.O.A.A. TIDE TABLES.
3. PURPOSE: PUBLIC USE.
4. ADJOINERS: NORTH - PECK
EAST - HOLDREDGE
WEST - WATCH HILL FIRE DISTRICT
5. PROPOSED ACTIVITIES:
CONSTRUCTION OF 700(+/-) LINEAR FEET OF SHEET PILE BULKHEAD, CONSTITUTING 200(+/-) CUBIC YARDS OF FILL OVER AN AREA OF 1000(+/-) SQUARE FEET, WATERWARD OF THE HIGH TIDE LINE.
6. THIS IS A CLASS "B" SURVEY.
7. THIS PLAN IS PREPARED FOR PERMIT PURPOSES ONLY. IT IS NOT A CONTRACT DOCUMENT

LEGEND AND ABBREVIATIONS

MSW	MEAN HIGH WATER
NHL	HIGH TIDE LINE
MLW	MEAN LOW WATER
W/Y	WOW OR FORMERLY
AVG	AVERAGE
EL	ELEVATION
TYP	TYPICAL
MIN	MINIMUM
MAX	MAXIMUM



LITTLE NARRAGANSETT BAY
FERRIS



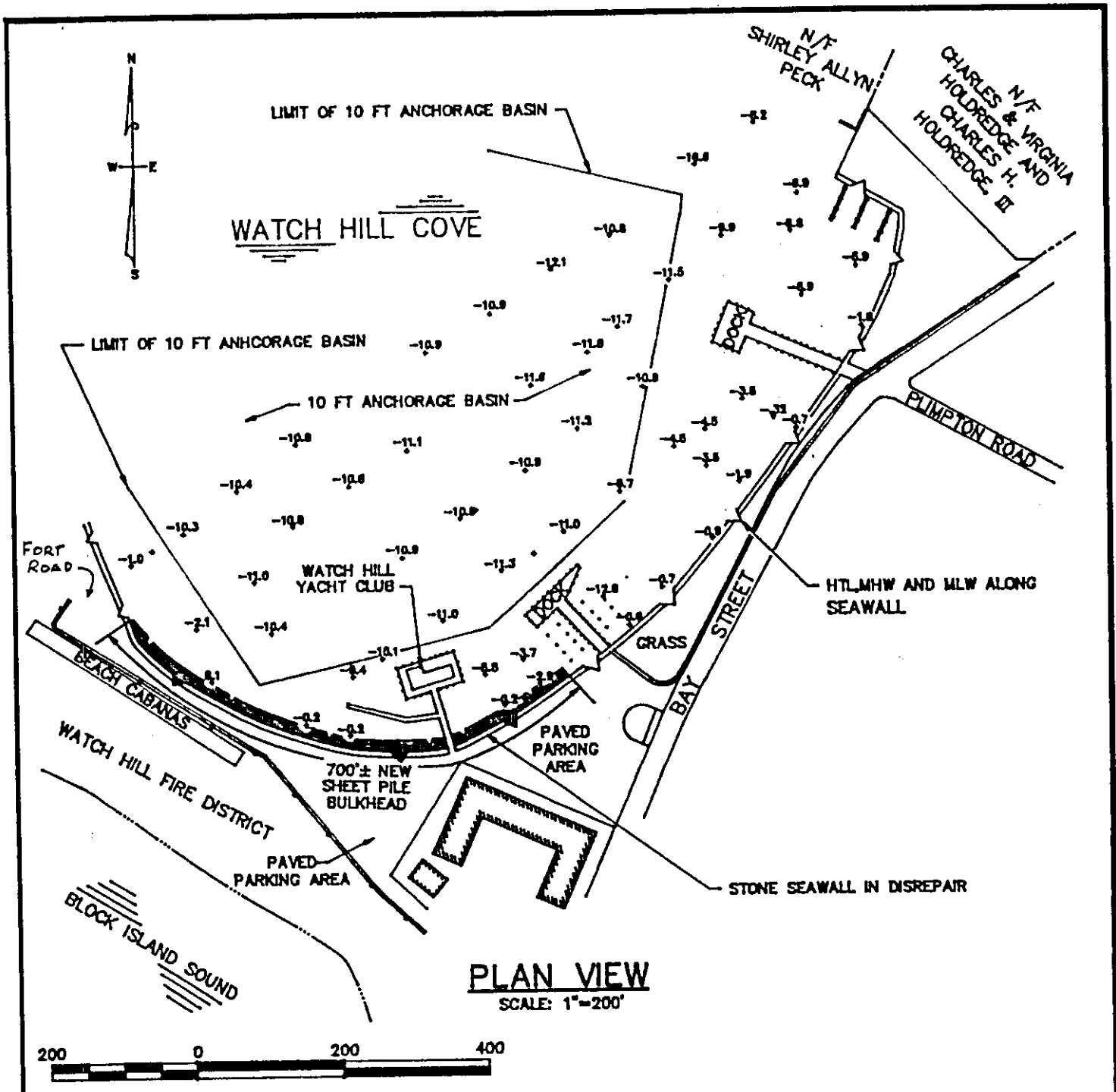
LAWRENCE H. BENTLEY

No. 2791



REGISTERED PROFESSIONAL ENGINEER

NEW SHEET PILE BULKHEAD
IN: WATCH HILL COVE
AT: WATCH HILL, WASHINGTON COUNTY,
RHODE ISLAND
APPLICATION BY: WATCH HILL FIRE DISTRICT
PARKS COMMISSION
SCALE: AS SHOWN AUGUST 10, 1987
DICESARE-BENTLEY ENGINEERS, INC.
GROTON, CONNECTICUT
SHEET 1 OF 3



PLAN VIEW
SCALE: 1"=200'

LAWRENCE H. BENTLEY



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DICESARE-BENTLEY ENGINEERS, INC.
GROTON, CONNECTICUT SHEET 2 OF 3

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

OLIVER H. STEDMAN GOVERNMENT CENTER

Tower Hill Road, Wakefield, Rhode Island 02879

N O T I C E

File Number: 87-10-66 Date: November 16, 1987

This office has under consideration the application of:

Watch Hill Fire District Parks Commission
Watch Hill, RI 02891

for a State of Rhode Island Assent to construct and maintain:

700'+- linear feet of sheet pile bulkhead constituting 200 -- cubic yards of gravel and concrete fill over an area of 1050+- sq. feet waterward of high tide line, along the face of the existing stone seawall.

See attached plans and project description

Project Location: Bay Street and Fort Road
Street & Number: Watch Hill
Pole Number: City/Town: Westerly
Plat Number: 185 Lot Number (s): 34
Block Number: ISOS Number:
Waterway: Watch Hill Cove

Plans of the proposed work may be seen at this office.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing and be received at this office on or before
December 17, 1987

WATCH HILL FIRE DISTRICT
SEAWALL REHABILITATION

PROJECT DESCRIPTION

This proposed construction is intended to stabilize existing seawall and its foundation through use of a sheet pile bulkhead placed approximately eighteen inches in front of the existing stone seawall. The sheet piling will be designed to be embedded between ten and fifteen feet in depth below Mean Low Water and will be strong enough to support earth loads generated by the parking lot, the existing seawall and the backfill material (including concrete and gravel) without the use of tie backs. It is anticipated that the sheet piling will be PZ-22 or PZ-27 sections.

The existing site, Watch Hill Cove, is designated a Type 5 area, waters and adjoining land area utilized for berthing, mooring and servicing of recreational craft, commercial fishing vessels and ferrys, water-dependent and water-enhanced commerce and activities to maintain and enhance water quality and historic features. These improvements are covered under Section 300.7 of the Regulations, Construction of Shoreline Protection Facilities, and in this case, the project is proposed to control and prevent the further erosion of coastal features, particularly the base and sub-base structure of the parking lot adjacent to Watch Hill.

Although a non-structural alternative could be preferable, it is not deemed feasible in view of the destructive nature of wave and ice action against the unmoartered joints of the existing seawall. The proposed improvements include pressure grouting the voids which have been created behind the seawall and beneath the pavement section itself. The probability of controlling the erosion problem utilizing sheet piling is excellent because, not only will subsurface sand movement be controlled by the extensive penetration of the piles, but wave action and the erosive forces of that wave action will be completely eliminated from the stone seawall. The project is also not likely to increase erosion in adjacent areas because it will not be altering the characteristics of wave reflection or refraction in the cove, merely protecting the existing stone seawall.

In view of the long-term erosion characteristics of this area, it is felt that the sheet piling bulkhead is the best available option. Other options explored include a stone revetment, sloped at 1:1, filter fabric, and granular backfill material for base stabilization. It is felt that this type of proposal would create a hazard to foot traffic, especially children; it may not withstand ice damage and would protrude significantly farther into the water. The proposal for sheet piling bulkhead would in all likelihood be virtually maintenance free for the first five years of its exposure and thereafter would require occasional painting to minimize corrosion of the sheet pilings.

The base of the bulkhead has been located as close as practicable to the existing stone seawall and in such a way that construction can proceed without interfering or jeopardizing the structural integrity of the existing stone seawall. The ends of the bulkhead will be turned back, tied, and grouted to the existing seawall to minimize any structural weaknesses as the end conditions. It is not anticipated that any structural protection will be required at the base of the bulkhead.

Drainage will be enhanced by the extension of drainage holes (scuppers) through the bulkhead. Soils in the area are fine and the predominate materials which collect on the pavement behind the seawall are wind-blown sands from the southern portion of the dune, which creates Napatree Point. Filter fabric will be placed between the new bulkhead and the existing stone seawall prior to any pressure grouting. Since the bulkhead itself will not allow water contact with the stone seawall, the use of pressure grout is apparently not precluded for void filling and pavement stabilization behind the stone seawall. It is anticipated at this time that the bulkhead might have a slight slope to it which will not exceed one foot horizontally for ten foot vertically. The sole advantage to sloping the wall like this would be for wave energy dissipation in high wave conditions and to minimize the amount of protrusion into the usable waters of Watch Hill Cove by the bulkhead. The bulkhead will not be supported with tie-back bars or earthened-based anchors; however, the inherent characteristics of the sheet piling, the slope characteristic of the face and the curving alignment of the wall enhance the structural integrity of the sheet piling. Concrete used for back-fill behind the bulkhead will be Type 2 air entraining Portland Cement concrete, or the equivalent.

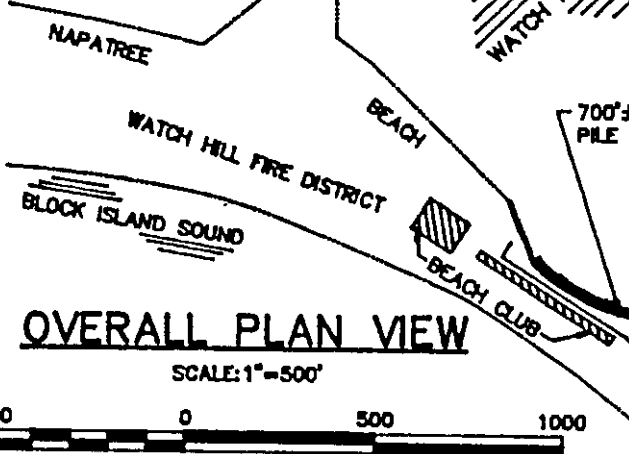
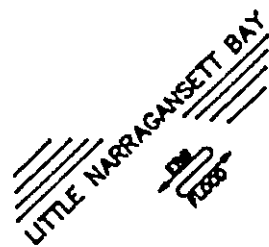
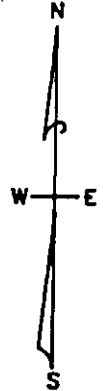
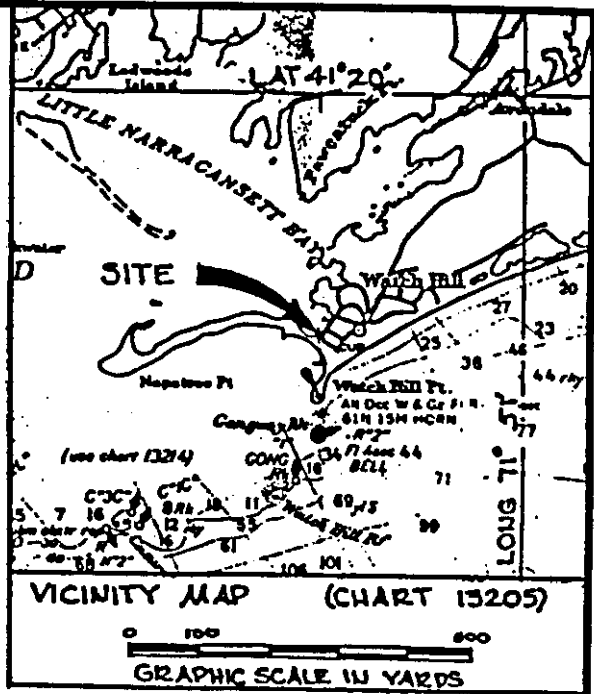
An Army Corps of Engineers Permit Application is being submitted simultaneously with this application, and includes this application information to the Rhode Island CRMC.

NOTES

1. ELEVATIONS BASED ON MEAN LOW WATER (MLW) DATUM.
2. TIDES ARE TAKEN FROM 1987 U.S.A.A. TIDE TABLES.
3. PURPOSE: PUBLIC USE.
4. ADJOINERS: NORTH - PECK
EAST - HOLDREDGE
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LEGEND AND ABBREVIATIONS

MHW	MEAN HIGH WATER
HTL	HIGH TIDE LINE
MLW	MEAN LOW WATER
M/W	MOW OR FORMERLY
AVG	AVERAGE
EL	ELEVATION
TYP	TYPICAL
MIN	MINIMUM
MAX	MAXIMUM



OVERALL PLAN VIEW

SCALE: 1"=500'



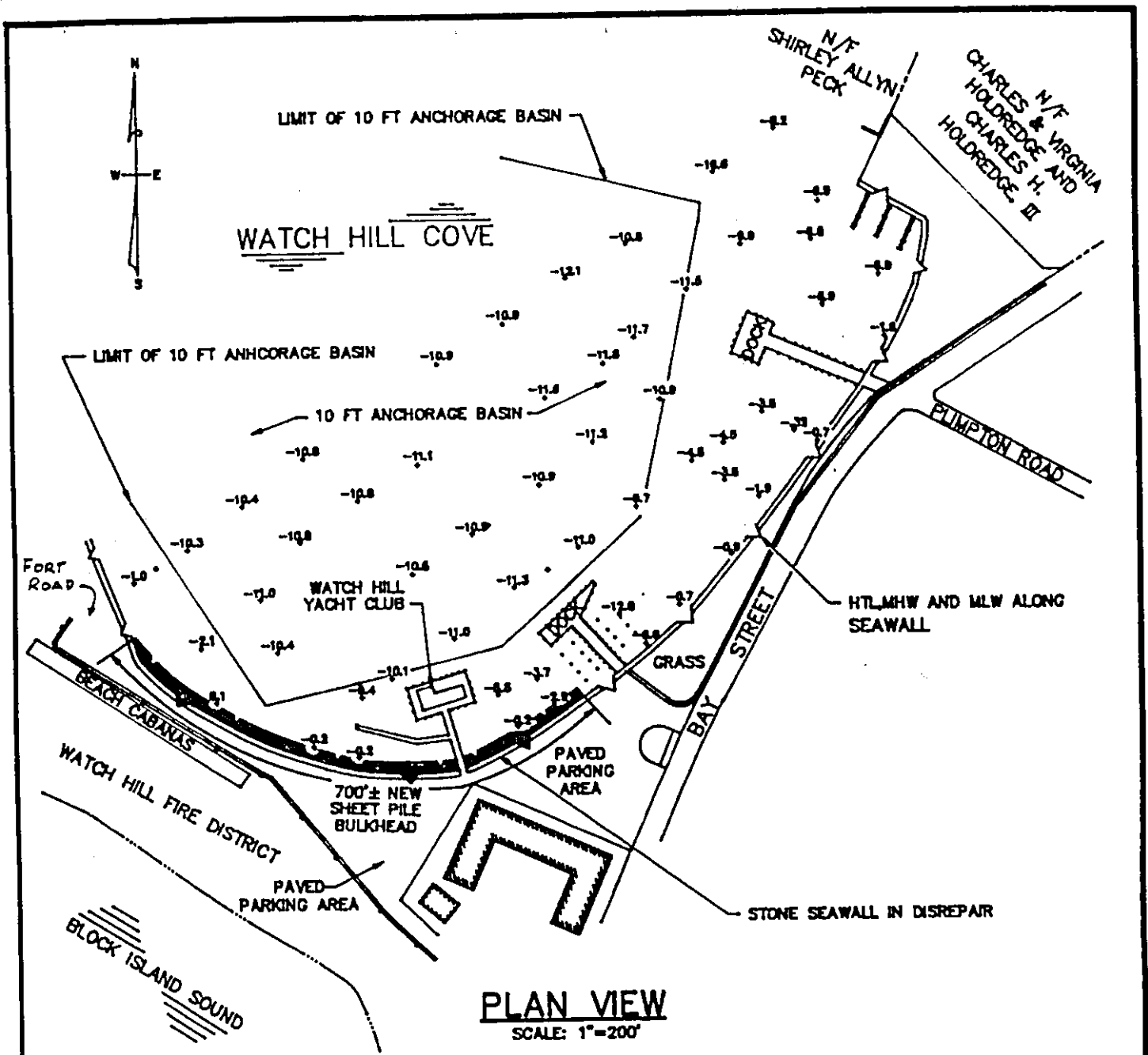
GRAPHIC SCALE IN FEET

LAWRENCE H. BENTLEY



REGISTERED PROFESSIONAL ENGINEER

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 SHEET 1 OF 3



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SCALE: 1"=200'



GRAPHIC SCALE IN FEET

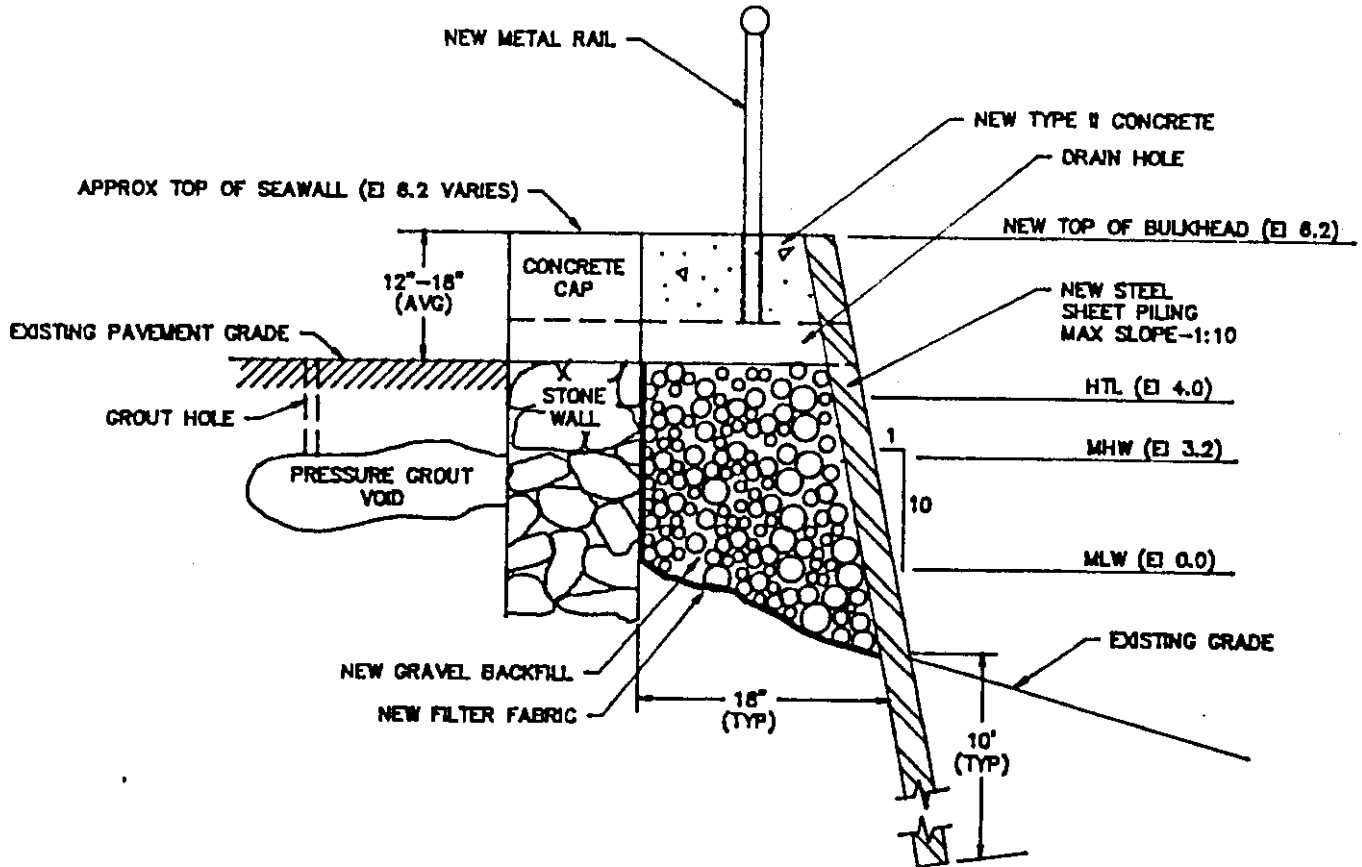
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 PARKS COMMISSION
 SCALE: AS SHOWN AUGUST 10, 1987
 DICESARE-BENTLEY ENGINEERS, INC.
 GROTON, CONNECTICUT



SHEET PILE BULKHEAD DETAIL

NOT TO SCALE

LAWRENCE H. BENTLEY

No. **2791**



**REGISTERED
PROFESSIONAL ENGINEER**

NEW SHEET PILE BULKHEAD

IN: WATCH HILL COVE

**AT: WATCH HILL, WASHINGTON COUNTY,
RHODE ISLAND**

**APPLICATION BY: WATCH HILL FIRE DISTRICT
PARKS COMMISSION**

SCALE: AS SHOWN

AUGUST 10, 1987

**DICESARE-BENTLEY ENGINEERS, INC.
GROTON, CONNECTICUT**

SHEET 3 OF 3

STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
Tower Hill Road, Wakefield, RI 02879

AMENDED

NOTICE OF PUBLIC HEARING

Date: April 25, 1988

File Number: 87-10-66

In accordance with and pursuant to the provisions of the "Administrative Procedures Act", (Chapter 42-35 of the General Laws of Rhode Island), and the Rules and Regulations of the Coastal Resources Management Council, a hearing will be held on the petition of:

Watch Hill Fire District
Parks Commission
Watch Hill, RI 02891

relative to Title 46, Chapter 23, of Section 6D(a), (b), (c), (d), Title 46, Chapter 6, Section 1, Title 46, Chapter 6, Section 2 of the Rhode Island General Laws of 1956, as amended, for a State of Rhode Island Assent to: construct and maintain 700+- linear feet of steel sheet pile bulkhead constituting 200+- cubic yards of gravel & concrete fill over an area of 1050+- sq. ft. of tidal waters, along the face of the existing stone seawall. Located at Bay & Fort Roads, Plat 185, Lot 34, Westerly, R.I.

This applicant requires a special exception per section 130 of the Coastal Resources Management Program, as Amended.

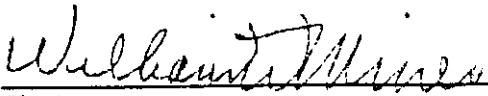
The hearing will be held at The R.I. State House, Room 313, Providence, on Tuesday, May 24, 1988 at 8:00 p.m.

Parties interested in/or concerned with the above mentioned matter are invited to be present and/or represented by counsel at the above mentioned time and place.

Plans of the proposed work may be seen in the office of the Coastal Resources Management Council, Oliver H. Stedman Government Center, Tower Hill Road, Wakefield, Rhode Island, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday.

Oral statements will be heard and recorded and statements may be submitted to the hearing officers at the time of hearing.

Signed this 25th day of April, 1988.



Chairman
Coastal Resources Management Council

?a?

Library: forms

Doc. I.D.: modifica (a)

JANUARY 3, 1989

WATCH HILL FIRE DISTRICT
PARKS COMMISSION
WATCH HILL, RI 02891

RE: ASSENT MODIFICATION REQUEST FOR FILE 87-10-66, WATCH HILL FIRE DISTRICT, BAY ST. & FORT HILL ROAD, PLAT 185, LOT 34, WESTERLY, RI. REQUEST TO DELETE FILTER FABRIC & PRESSURE GROUTING.
Dear SIRS:

The Coastal Resources Management Council has reviewed your request for Modification of Assent No. B 87-10-66 and approve the modification with the following additional stipulations.

(see attached)

Please note that the original expiration date remains the same.

Sincerely yours,

ALSO SEND TO:

ATTN T.M. BELLACAMBA, PE Grover J. Fugate, Executive Director
D. CESARE BENTLEY ENGINEERING Coastal Resources Management Council

/brc?? 240 POST ROAD
WESTERLY, RI 02891

File No. _____

ASSENT MODIFICATION REQUEST REVIEW

Recommended Changes, Additional Stipulations:

(1) Except/unless as stipulated herein, all stipulations of the original assent for file number 87-10-66, dated 6/20/88, shall remain in full force an effect.

(2) THE FOLLOWING MAY BE SUBSTITUTED FOR STIPULATION 'A' : THE APPROVED PLANS SHALL BE THOSE ENTITLED "SEAWALL REHABILITATION - PHASE 1 ... WATCH HILL FIRE DISTRICT PARKS COMMISSION..." SHEET 1 OF 2 , AND "DETAIL SHEET ..." SHEET 2 OF 2 , BOTH DATED REVISED 12/9/88 , AND STAMPED BY MARK A. EICHSTADT, PE. EXCEPT /UNLESS AS STIPULATED, ALL DETAILS AND SPECIFICATIONS THEREON SHALL BE STRICTLY ADHERED TO.

?b?

Library: Forms

Doc. I.D.: modifica (b)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

INTER-OFFICE MEMO

TO: G. FOCATE EXEC DIR

DATE: 1/3/89

DEPT: CRMC

FROM: N A PISANI PE SR CIV. ENG.

DEPT: CRMC STAFF

SUBJECT: ASSENT MODIFICATION

FILE NO.: 87-10-66 Expiration Date: 6/20/91

ORIGINAL FILE NAME: WATCH HILL FIRE DISTRICT

LOCATION: BAY ST & FORT HILL RD

PLAT: 185 LOT(s): 34

TOWN: WESTERLY

PRESENT OWNER: SAME

ADDRESS: "

Also send any modified approval to: D. CESARE BENTLY ENGINEERS INC, 240 POST RD, WESTERLY, RI 02891

Type of Assent received (circle): P/SE; B; A; Maintenance

Proposed Modifications(s): ELIMINATION OF PRESSURE GROUT & FILTER FABRIC, ALSO INCREASE DEPTH OF EMBEDMENT ON SHEET PILE.

ASSENT MODIFICATION REQUEST REVIEW

Review & Comments:

AS THE BULKHEAD ITSELF WILL RETAIN SEDIMENTS,
THE USE OF FILTER FABRIC
IS CONSIDERED DUPLICATIVE. ALSO, THE USE OF
BACKFILL IN PLACE OF GROUT IS ACCEPTABLE,
ALTHOUGH ADDITIONAL SETTLING MIGHT BE
EXPECTED. THIS SETTLING SHOULD NOT BE AN
ENVIRONMENTAL OR CONSIDERABLE STRUCTURAL
CONCERN.

BASED ON THE ABOVE, NO OBJECTION TO THE
CHANGE.

File No. 87-10-66

ASSENT MODIFICATION REQUEST REVIEW

Based on the above:

The proposed changes to the project and/or assent will have minimal impact on coastal resources beyond that granted in the original assent, and will represent a minimal change to the original assent and stipulations, provided that any and all recommended changes to assent are followed (attached).

The proposed change(s) represent more than an insignificant change, therefore, a new application should be required.

Due to the extent of the assent modification proposed, this matter should be addressed to the full CRMC for review.

Other: _____

SEE ATTACHED STIPULATIONS/CHANGES

Signed N. A. Pisani PE 1/3/89
John Sparto, Willl. Bid. 1/3/89

INTER-OFFICE MEMO

TO: Grover Fugate
DEPT: CRMC Executive Director
FROM: John Sposato JS
DEPT: CRMC Biology Section

DATE: 1/3/89

SUBJECT: The following application, Category B Category A Maintenance

MODIFICATION
OF ASSESSMENT

CRMC File Number 87-10-66 Name Watch Hill Fire District

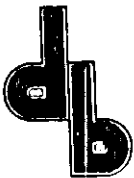
Location: Bay St. + Fort Hill Rd. Westerly
Plat 185 Lot 34

Project Description: The elimination of pressure grout and
filter fabric and increasing the depth of embedment
on sheet pile

appears to have minimal impact on coastal biological processes. There are no biological objections provided: staff stipulations are adhered to

..... and that the applicant/agent adheres to all standards, prohibitions, and policies of the Coastal Resources Management Program, As Amended, and the applicable Special Area Management Plan.

Signed John Sposato Staff Biologist



DiCESARE-BENTLEY

ENGINEERS, INC.

240 POST ROAD
WESTERLY, RHODE ISLAND 02891
TELEPHONE (401)596-8811

LETTER OF TRANSMITTAL

DATE 12-13-88 JOB NO. R86-6-373

ATTENTION:

RE: CRMC Assent # B87-10-66

Watch Hill Fire District

Seawall Rehabilitation

TO: Mr. Nicholas A. Pisani, P.E.
Coastal Resources Management Council
Oliver H. Stedman Government Center
Tower Hill Rd.
Wakefield, R.I. 02879

GENTLEMEN: We are sending you Attached Under Separate Cover Via Mail, the following items:

- SHOP DRAWINGS
- PRINTS
- PLANS
- SAMPLES
- SPECIFICATIONS
- COPY OF LETTER
- COMPUTER WORK
- DESIGNS
- Other _____

copies	date or no.	description
1	8-26-88	Seawall Rehabilitation - Phase I Watch Hill Cove Property of: Watch Hill Fire District Parks Commission Watch Hill, Rhode Island sheets 1 & 2 of 2
1	12-12-88	Letter of Explanation

THESE ARE TRANSMITTED AS CHECKED BELOW:

- FOR YOUR APPROVAL
- FOR YOUR USE
- AS YOU REQUESTED
- FOR REVIEW AND COMMENT
- APPROVED AS SUBMITTED
- APPROVED AS NOTED
- RETURNED FOR CORRECTIONS
- _____
- RESUBMIT _____ COPIES FOR APPROVAL
- SUBMIT _____ COPIES FOR DISTRIBUTION
- RETURN _____ CORRECTED PRINTS
- _____
- For Bids Due _____, 19____
- Prints Returned After Loan To Us

REMARKS:

COPIES:

IF ENCLOSURES ARE NOT AS NOTED, KINDLY NOTIFY US AT ONCE.

SIGNED Paul M. Bellagamba
Paul M. Bellagamba, P.E.



ENGINEERS/SURVEYORS/PLANNERS

December 12, 1988

Mr. Nicholas A. Pisani, P.E.
Coastal Resources Management Council
Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, RI 02879

Re: CRMC Assent #B87-10-66
Watch Hill Fire District
Parks Commission - Seawall
Rehabilitation

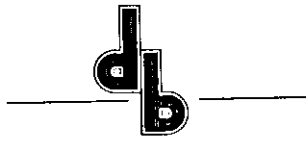
Dear Mr. Pisani:

As we discussed in our telephone conversation last Friday, December 9, 1988, there are some proposed construction changes to this project. I have enclosed a revised set of plans for your review.

The filter fabric surrounding the stone backfill will be eliminated from the project. I feel that elimination of the filter fabric will not adversely affect the existing seawall or the new construction. It will benefit the owner by reducing the overall cost of the project.

Pressure grouting of voids behind the existing seawall has been eliminated from the project. The use of pressure grout has been reviewed and we have determined that it is not suitable for this project. Areas with voids will be excavated and refilled with subbase material and overlaid with bituminous concrete by conventional construction methods.

Please review the revisions to this project and provide us with a determination on how this will affect the CRMC assent. Since no significant changes are being proposed, I respectfully request that the assent be modified to accommodate the indicated revisions.



If you have any questions or require additional information,
please contact me at 322-8094.

Sincerely,

DICESARE-BENTLEY ENGINEERS, INC.

Paul M. Bellagamba, P.E.
Project Engineer

Enclosure

cc: Jack Payne, Chairman
Watch Hill Fire District, Parks Commission

AG) Pedestrian traffic to Napatee Point shall
not be restricted.

DIVISION OF COASTAL RESOURCES — ENGINEER'S FIELD REPORT

TYPE OF REVIEW: A. (Circle One): _____ FILE NUMBER: 87-10-66

Nicholas A Pisani PE 4/14/88

Name: WATCH HILL FIRE DISTRICT PARKS COMMISSION City/Town: WESTERLY

Plat: 185 Lot (s): 34

Mailing Address: WATCH HILL, RI 02891

Designer, Address: L. BENTLY, PE; 210 POST RD. WESTERLY RI 02891

Location: Pole: BAY STREET AND FORT ROAD

Waterway: WATCH HILL COVE

Barrier Beach: NAPATREE BEACH - WLY, EASTERN PORTION Type: MODERATELY DEVELOPED

Proposal: CONSTRUCT & MAINTAIN 700 ± LINEAR FEET OF STEEL SHEET PILE BULKHEAD CONSTITUTING 200 ± CUBIC YARDS OF GRAVEL & CONCRETE FILL OVER AN AREA OF 1050 ± SQUARE FEET OF TIDAL WATERS, ALONG THE FACE OF THE EXISTING STONE SEAWALL.

SEE PROJECT DESCRIPTION ON THE PUBLIC NOTICE.

Inspector: NICK A. PISANI Date: 5/12/86 Time: 11:30 AM ±

Inspector: _____ Date: _____ Time: _____

Persons Present & Views Exchanged: L. BENTLY, PE; J. DAUKAS OF W.H. FIRE DISTRICT; OTHER REPRESENTATIVES OF FIRE DISTRICT. PRELIMINARY DISCUSSION AS TO VARIOUS ALTERNATIVES TO PROVIDING RESTORATION / RECONSTRUCTION OF THE EXISTING DETERIORATED WALL.

Measurements, Samples, Tests Made: EXISTING CONDITIONS NOTED.

Photographs: NONE.

Other Review Items Used (Maps, Charts, Etc.): FEMA FLOOD MAPS, R.I. SOIL SURVEY

Previous CRMC Actions for this Site: INITIAL SITE VISIT WAS FOR PREAPPLICATION MEETING.

- FIRE DISTRICT ALSO HAS DREDGING APPROVAL.

Corroboration and Adequacy of Plans: SUBMITTED PLANS APPEAR TO BE SUBSTANTIALLY ACCURATE AND ARE SUFFICIENT FOR REVIEW.

Permit Requirements:

DEM/ISDS: NOT PERTINENT.

DEM/Land Resources, Freshwater: NOT PERTINENT.

Local Building: MAY BE REQUIRED?

Corps of Engineers: REQUIRED; APPLICATION INDICATES THAT THIS IS BEING SOUGHT.

Other Local, State, Federal: _____

Significant Programmatic Characteristics (Erosion Zone, Etc.): APR - BARRIER BEACH.

NOT IN ANY SAM PLAN.

SECTION 140 INDICATES A 150' SETBACK REQ'T ON OCEAN-FACING BEACH.

Public Infrastructure:

Adjacent Roads: LOCAL STREETS ARE NEARBY.

Public Water Service: YES, IN VICINITY.

Public Sewer Service: NO.

Flood Zone Information:

<u>Flood Zone</u>	<u>Base Flood Elevation (B.F.E.)</u>	<u>Wave Height Included?</u>
Closest To Shore: <u>✓</u>	<u>14' MSL</u>	<u>YES</u>
Furthest Inland: _____	_____	_____

B.F.E. is the 100 year intensity Storm Water Level.

Flood Zone at Building/Project Site: ✓ BFE 14' MSL Wave Hgt. Included? _____

Classification of Project:

New Construction _____; Substantial Improvement _____; Accessory: _____

Non-Substantial Improvement: _____ Other: WALL CONSTRUCTION

Waterway Information:

1983 RICRMP Use Category:

Type 1, Conservation: _____

Type 2, Low Intensity: _____

Type 3, High Intensity Boating: _____

Type 4, Multipurpose: _____

Type 5, Commercial Recreational Harbors: _____

X

Type 6, Industrial Waterfront & Commercial Navigation Channels: _____

DEM Water Quality Classification: SA

Harbor, Channel Line Information: NOT PERTINENT

Riparian Line Information: NO APPARENT RIPARIAN CONFLICTS.

Normal Wave Energy (Not Including Hurricane Events):

Minimal (Large Wetlands, Small Ponds _____, Low (Fetch < 2 mi ±) _____

Moderate (Fetch 2 to 6 miles ±) X, High (Fetch > 6 mi ±) _____

Direction from which maximum normal fetch emanates: NORTH

General Waterway Classification & Other Pertinent Information: WATERWAY IS A COVE OF A BAYMOUTH AREA OF AN ESTUARINE RIVER. IT IS LOCATED ON THE INLAND SIDE OF BARRIER SPIT/BEACH WHICH PARTIALLY ENCLOSES THE ESTUARY MOUTH.

Benthic Sediment Information: FROM SITE INSPECTION, AND INFORMATION IN R.I. SOIL SURVEY, IT APPEARS THAT BENTHIC SEDIMENT WILL BE SAND

Circulation & Flushing Information: STAFF ESTIMATES FAIR CIRCULATION AND FAIR TO POOR FLUSHING.

Existing Waterway Development & Uses (On Site & Surrounding): A PIER EXTENDS FROM THE SEAWALL (YACHT CLUB USE). AN ANCHORAGE BASIN IS OFFSHORE.

87-10-66

Page 4/12

Coastal Feature Information:

Coastal Features (s): THE EXISTING SHORELINE CONDITION IS A VERTICAL WETSTONE (MORTARED) WALL WHICH HAS TOE AT OR JUST BELOW MEAN LOW WATER.

THIS WALL EXISTS PREDOMINANTLY ALONG THE LEEWARD SIDE OF A DESIGNATED MODERATELY DEVELOPED BARRIER BEACH.

Existing Shoreline Protection Facilities (On Site & Adjoining): THE EXISTING WALL IS IN POOR CONDITION, DUE TO GENERAL DETERIORATION AND LOSS OF FINES FROM BEHIND THE WALL.

THE WALL IS A VERTICAL STONE WALL (MORTARED), WITH TOE AT OR JUST BELOW MLW, AND TOP AT $N + 4\frac{1}{2}$ MLW ($N + 1\frac{1}{2}$ MHW), APPROXIMATELY.

THE VERTICAL WALL CONTINUES BEYOND BOTH ENDS OF THE PROJECT AREA.

Coastal Erosion Characteristics: THE WALL IN QUESTION IS ACTUALLY WITHIN THE 150' SETBACK, ALTHOUGH AS THIS IS IMPROVEMENT OF AN EXISTING WALL, THE SETBACK REQUIREMENT DOES NOT APPEAR TO BE PERTINENT.

Lateral Access Characteristics: THERE IS PRESENTLY NO LATERAL ACCESS, AS THE WALL'S TOE IS GENERALLY AT TO JUST BELOW MLW.

Upland Information:

Backing Upland Feature (s) (Note Elevations): LEVEL PAVED AREA BACKS THE SITE. SITE ELEVATION IS APPROX. +5' MLW ($N + 2'$ MHW).

Existing Upland Development (On Site & Surrounding): UPLAND AREA IS LEVEL & PAVED PART OF THE AREA IS A PUBLIC(?) / QUASI-PUBLIC(?) ROAD.

Upland Drainage, Runoff, and Erosion Characteristics: DRAINAGE IS PRIMARILY SHEET FLOW. NUMEROUS 'SCUPPERS' CARRY SURFACE FLOW FROM THE ROAD TO THE WATERWAY.

Soils Information (From Soil Survey of R.I., USDA SCS, Except As Noted): Map Unit(s): _____

UD - UDDORTMENTS - URBAN LAND COMPLEX

UAB - UDISAMMENTS, UNDULATING

Hydrologic Groups (s): A: High Infiltration Rate when thoroughly wet (X - ESTIMATED)

B: Moderate... : C: Slow... : D: Very Slow

Typical High Water Table Information: (STAFF ESTIMATES THE LEVEL OF HIGH WATER TABLE AT JUST ABOVE MEAN HIGH WATER ELEVATION).

Glacial Geology:

Upland Till Plains X (BORDERLINE) Narragansett Till Plains
CHA. & Block Island Moraine Outwash Deposits X (BORDERLINE)

Other Pertinent R.I.S.S. Info/Suitabilities: R.I.S.S. DESCRIBES UD AS "... MODERATELY WELL DRAINED TO EXCESSIVELY DRAINED SOILS THAT HAVE BEEN CUT, FILLED, OR ERODED..." AND DESCRIBES UAB AS "... MODERATELY WELL DRAINED TO EXCESSIVELY DRAINED WINDBLOWN SAND DUNES AND BLOWOUT AREAS THAT HAVE BEEN STABILIZED BY BEACH GRASSES..."

Soils info from Other Sources (On site, DEM/ISDS, AP., Etc): FROM ON SITE INSPECTION, IT APPEARS THAT SEDIMENTS ARE PRIMARILY SAND FROM BARRIER BEACH ORIGIN.

Other Specific Geologic, Hydrologic and Topographic Info:

MEAN TIDAL RANGE ≈ 3 TO 3 1/2'

Distance of Proposal to Coastal Feature and Elevations of Proposal: THE TOE (SAND INTERCEPT) OF PILING IS TO BE 18" (1 1/2') SEAWARD OF THE FACE OF EXISTING WALL. WALL HEIGHT WILL BE INCREASED TO +6.2' MLW (INCREASE OF 12" TO 18").

Other Pertinent Information: BOTTOM OF SHEET PILE IS TO BE -10' BELOW MUD LINE.

APPLICANT'S NAME: WATCH HILL FIRE DISTRICT TOWN: WLY

LOCATION: FILE NO: 87-10-66

MEMO/ RECOMMENDATIONS: (CIRCLE ONE)

COMMENTS WITH RESPECT TO ENGINEERING CONCERNS OF THE RICRMP -

RE 140 - ALTHOUGH THE SITE IS WITHIN THE REQUIRED 150' SETBACK FROM THE DUNE FEATURE OF THE BARRIER BEACH'S OCEAN-FACING BEACH, THE PROPOSED WALL IS ON ANOTHER WATERWAY, WHICH DOES NOT HAVE A MAPPED EROSION ZONE. ALSO, SHORELINE PROTECTION DEVICES ARE NOT LISTED IN SECTION 140 AS HAVING TO MEET SETBACKS.

RE 110 - MATRIX - A SUBSTANTIAL PORTION OF THE PROPOSED WALL IMPROVEMENT WORK IS LOCATED IN AN AREA DESIGNATED AS A 'MODERATELY DEVELOPED' BARRIER BEACH IN THE RICRMP. THE MATRIX CHART FOR TYPE 5 WATERS LISTS A 'P' FOR PROHIBITED IN THE COLUMN FOR MODERATELY DEVELOPED BARRIER BEACHES.

RE 300.7 E1 - ESTABLISHING NON-STRUCTURAL PROTECTION HERE WOULD REQUIRE REMOVAL OF EXISTING WALL, AND WOULD NECESSITATE LOSS OF SIGNIFICANT AMOUNTS OF ADJACENT UPLAND. BASED ON THIS, IT WAS NOT CONSIDERED A VIABLE OPTION.

" E2 - a - THE PROPOSED STRUCTURE WILL FUNCTION SIMILAR TO THE EXISTING VERTICAL WALL, EXCEPT THAT THE PROBLEM OF SEDIMENT WASHOUT FROM BEHIND THE WALL WILL BE SOLVED, AND THE DETERIORATED CONDITION WILL

REVIEWER'S/INSPECTOR'S SIGNATURE AND DATE:

.....

APPLICANT'S NAME: W. H. F. D.TOWN: WLY

LOCATION: _____

FILE NO: 87-10-66MEMO/ RECOMMENDATIONS:
(CIRCLE ONE)

BE REMEDIED.

" E2b - THE PROJECT WILL ONLY BE $1\frac{1}{2}$ ' SEAWARD OF THE EXISTING WALL, WHICH CONTINUES BEYOND THE PROJECT AREA TO BE IMPROVED, THUS WILL HAVE MINIMAL IMPACT ON ADJACENT AREAS.

" E2c - EROSION HAS NOT BEEN OCCURRING AT THE SITE, APART FROM THE EXISTING WALL'S DETERIORATION. EROSION IS MAPPED IN THE RICMP AT THE OCEAN SIDE OF THE BARRIER BEACH. THE EFFECT OF HURRICANES ON THE WALL WOULD BE TO WASH OVER IT FROM THE SOUTH/LANDWARD SIDE, WHICH IS WHERE OCEAN WAVES WOULD PROPAGATE FROM.

AS MENTIONED ABOVE, ADJACENT AREAS SHOULD NOT BE IMPACTED.

" E2d - THE PROPOSAL WILL EVENTUALLY NEED REPLACEMENT UPON THE DETERIORATION OF THE SHEETING. NOTE THAT A PROTECTIVE COATING IS PROPOSED.

RE 300.7 F3 - THE BASE OF THE SHEETING IS $-10'$ BELOW MUD LINE, WHICH IS ADEQUATE.

" F2 - THE SHEETING SHOULD RETURN TO THE ADJACENT WALL SECTION. AS ONLY $1\frac{1}{2}'$ IS INVOLVED, IT DOES NOT APPEAR THAT A GRADUAL RETURN IS CRITICAL, ALTHOUGH IT IS PREFERRED.

RE 300.7 F1 - THE PROPOSED SHEETING IS TO BE ONLY $18"$ ($1\frac{1}{2}'$) SEAWARD OF THE EXISTING WALL FACE. THIS IS

REVIEWER'S/INSPECTOR'S SIGNATURE AND DATE:
.....

APPLICANT'S NAME: W H F DTOWN: WLY

LOCATION: _____

FILE NO: 87-10-66MEMO/ RECOMMENDATIONS:
(CIRCLE ONE)

CONSIDERED TO BE AN ACCEPTABLE MINIMUM.

RE 300.7 F4 - DRAINAGE SCUPPERS ARE PROVIDED TO CONTROL FLOWS FROM PAVED AREAS ATOP THE WALL.

THE WALL'S INCREASE IN HEIGHT WILL TEND TO DECREASE SOME OF THE MOON TIDE FLOODING OF THE AREA, BUT SHOULD NOT PREVENT IT, AS FLOW WILL ENTER THROUGH THE DRAINS.

RE 300.7 F8 - PE STAMP IS ON PLANS.

RE 300.7 F9 - TYPE II P. CEMENT CONCRETE IS USED FOR CAP.

RE 300.10 - D4 - IT APPEARS THAT THE AMOUNT OF FILLING PROPOSED HAS BEEN MINIMIZED TO THAT ABSOLUTELY NECESSARY.

REVIEWER'S/INSPECTOR'S SIGNATURE AND DATE:

9/12

COASTAL RESOURCES SPECIAL EXCEPTION REVIEW FORM

Prohibition to which the special exception is requested

Section: MATRIX - 110

Description: STRUCTURAL SHORELINE PROTECTION PROHIBITED ON MODERATELY DEVELOPED BARRIER BEACHES

Extent of special exception requested: PROPOSAL IS TO IMPROVE FAILING EXISTING WALL BY DRIVING SHEET PILE 18" (1 1/2") SEAWARD OF IT.

COMMENTS REGARDING SECTION 130 CRITERIA:

(A-1) Does the proposed activity serve a compelling public purpose as per 130 A.1?
THE APPLICANT AND CRMC SHOULD ADDRESS THIS MATTER. THE WATCH HILL FIRE DISTRICT APPEARS TO BE AT LEAST A QUASI-PUBLIC AGENCY. ACCESS THROUGH THIS AREA SHOULD BE ADDRESSED.

(A-2) Have all reasonable steps been taken to minimize environmental impacts and/or use conflict?
MINIMAL ENVIRONMENTAL IMPACT IS EXPECTED, EXCEPT FOR THE APPARENTLY UNAVOIDABLE

(A-3) Are there any reasonable alternative means of, or location for, serving the compelling public purpose cited.
RECONSTRUCTING THE WALL IN PLACE WOULD APPARENTLY BE COST PROHIBITIVE AND WOULD CAUSE A LARGE AMOUNT OF CONSTRUCTION-RELATED TURBIDITY IMPACTS.

(C) Recommended conditions to promote the objectives of the RICRMP.
RECOMMENDED STIPULATIONS ARE INCLUDED IN THIS REPORT.

APPLICANT'S NAME: WATCH HILL FD

TOWN: WLY

10/12

LOCATION: _____

FILE NO: 87-10-66

MEMO / RECOMMENDATIONS:
(CIRCLE ONE)

PROVIDED THAT THE CRMC DETERMINES THAT THE APPLICATION MEETS THE REQUIRED BURDENS OF PROOF, AND PROVIDED THAT THE REQUIRED SPECIAL EXCEPTION IS GRANTED, THE FOLLOWING STIPULATIONS, WHICH ARE BASED ON ENGINEERING CONCERNS OF THE RICRMP, ARE RECOMMENDED:

(NAP) THE APPROVED PLAN SHALL BE THAT ENTITLED "NEW SHEET PILE BULKHEAD... BY: WATCH HILL FIRE DISTRICT PARKS COMMISSION", 3 SHEETS 1 THROUGH 3 OF 3, DATED 8/10/87, STAMPED BY L.H. BENTLEY, PE. EXCEPT/UNLESS AS STIPULATED, ALL DETAILS AND SPECIFICATIONS THEREON SHALL BE STRICTLY ADHERED TO.

(NAP) BOTH ENDS OF THE PROPOSED SHEETING SHALL RETURN (PREFERABLY ON A TAPER) TO THE EXISTING ADJACENT VERTICAL WALL.

(NAP) AS INDICATED, THE SHEETING SHALL BE DRIVEN 10' TO 15' INTO SEDIMENT.

(NAP) BACKFILL SHALL BE CLEAN GRAVEL.

(NAP) AS INDICATED, THE MAXIMUM SEAWARD EXTENSION SHALL BE 18" (1 1/2') BEYOND THE EXISTING WALL FACE.

REVIEWER'S/INSPECTOR'S SIGNATURE AND DATE:
Nicholas A. Proemi PE 4/14/88

- CONTINUED -

APPLICANT'S NAME: WHFDTOWN: WLY11/12

LOCATION: _____

FILE NO: 87-10-66MEMO/ RECOMMENDATIONS:
(CIRCLE ONE)

(NAP) PROPOSED CONCRETE CAP SHALL UTILIZE TYPE II PORTLAND CEMENT CONCRETE.

(NAP) AS INDICATED, DRAINAGE SCUPPERS SHALL BE PROVIDED.

(NAP) AS INDICATED, SHEETING SHALL BE PZ 22 OR PZ-27 (INDICATED IN PROJECT DESCRIPTION).

(NAP) THE SHEETING SHALL BE GALVANIZED, COATED, OR OTHERWISE SUITABLY PROTECTED AGAINST CORROSION.

(NAP) THE 'PROJECT DESCRIPTION' INCLUDED ON THE PUBLIC NOTICE SHALL BE CONSIDERED AS PART OF THE APPROVED AND REQUIRED SPECIFICATIONS.

REVIEWER'S/INSPECTOR'S SIGNATURE AND DATE:
.....

Name: WHFD

Town: WLY

File No. 87-10-66

12/12

GENERAL STIPULATIONS
(GENSTIP1)

(NAP) For the purpose of this permit, the coastal feature shall be THE SEAWALL, and the inland edge of the coastal feature shall be THE TOP OF THE EXISTING SEAWALL.

(NAP) All site grades shall be returned to the original grade unless indicated on approved plan and approved.

(NAP) All excess excavated materials, excess soils, excess construction materials, and debris (including any destructed materials) shall be removed from the site and disposed of at an inland landfill or a suitable and legal upland location. No materials shall be deposited on the coastal feature, within 10 feet of the inland edge of the coastal feature, or in coastal waters.

(NAP) All fill materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.

_____ All areas of exposed soil which are disturbed by construction and related activities shall be revegetated as immediately as is physically possible so as to minimize erosion and sedimentation. If the season is not conducive to immediate revegetation, all exposed soils shall be temporarily stabilized with hay mulch or similar material. Soil stabilization methods shall be employed during, as well as after, the construction phase to the maximum extent possible.

The proposed fill shall have a maximum grade of 30 percent.

(NAP) Excavation and grading shall be limited to the area of the approved activity only. Excess earthwork beyond that approved by the approved plans and stipulations of this assent is not permitted.

(NAP) There shall be no stockpiling or disposal of soils, construction materials, within 10 feet of the inland edge of the coastal feature, or in coastal waters.

_____ No stockpiling or disposal of soils, construction materials, or debris shall occur on the coastal feature, within _____ feet of the inland edge of the coastal feature, or in coastal waters.

_____ No operations of heavy machinery shall occur on the coastal feature, within _____ feet of the inland edge of the coastal feature, or in coastal waters.

_____ A setback (ref. CRMP Sect. 140) of _____ feet in width as measured landward from the inland edge of the coastal feature shall be maintained; No significant activity or alteration within the Setback shall occur within this setback unless the appropriate Variance (ref. CRMC Sect. 120) is obtained from the CRMC.

_____ This site is within a designated Critical Erosion Area and the required Setback is _____ feet landward from the inland edge of the coastal feature (ref. CRMP Sect. 120) from the CRMC.

APPLICANT'S NAME: WATCH HILL FD

TOWN: WLY

LOCATION: _____

FILE NO: 87-10-66

MEMO/ RECOMMENDATIONS:
(CIRCLE ONE)

- PROJECT DESCRIPTION OF ENGR

- ENGR STIPS

- 1 STIP BY G. FORATE RE Access.

REVIEWER'S/INSPECTOR'S SIGNATURE AND DATE:

NAP 6/9/88

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
 Coastal Resources Management Council
 Oliver Stedman Government Center
 Tower Hill Road
 Wakefield, RI 02879

Application for State Assent to perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 amended.

		File No. <u>87-10-66</u>	Appl. No.
Location No.	Street	City/Town	
	Bay Street and Fort Road, Watch Hill, RI	Westerly	
Owner's Name		Plat No.	Lot No.
Watch Hill Fire District Parks Commission		185	34
Address		Telephone No.	
Watch Hill, Rhode Island		(401) 348-8262	
Contractor	Address	Telephone No.	
N/A			
Designer	Address	Telephone No.	
DiCesare-Bentley Engineers	100 Fort Hill Road, Groton, CT 06340	(203) 448-0400	
Name of Waterway	Estimated Cost of Project	Fee	
Watch Hill Cove	\$350,000.00	\$50.00	

Have the extensions of riparian boundary lines been established to determine the area of riparian rights? YES NO

Proof of riparian ownership (written statement from tax assessor).

Name and address of adjacent property owners whose property adjoins the project site.

North: Shirley Allyn Peck South (West): Watch Hill Fire District

Pawcatuck Avenue

c/o John Daukas

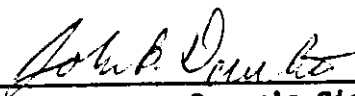
Watch Hill, RI 02891

Ocean View Highway, Watch Hill, RI

Describe accurately the work proposed. (Use additional sheets of paper if necessary and attach this form.)

This project is the Seawall Rehabilitation at Watch Hill Cove, Watch Hill, RI.

See attached Project Description.



Owner's Signature

John Daukas, Chairman
 Watch Hill Fire District Parks Commission

Note:

The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burden of proofs for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking state assent.

WATCH HILL FIRE DISTRICT
SEAWALL REHABILITATION

IMPACT STATEMENT

CATEGORY B - ASSENT REQUIREMENTS

In accordance with Section 300 of the State of Rhode Island Coastal Resources Management Program, as amended, the following information is offered for Category B - Assent requested for the rehabilitation of the seawall at Watch Hill Fire District in Watch Hill, Town of Westerly, Rhode Island.

This project is for the structural rehabilitation and enhancement of the existing stone seawall located in Watch Hill along Bay Street and Fort Road. This is a man-made feature in accordance with definitions of Section 100, paragraph 100.1, subparagraph (d). The seawall rehabilitation is required to protect the existing unmoortered stone seawall from further deterioration and possible collapse due to wave activity and ice damage. This seawall protects portions of the Watch Hill Historic District although the wall itself is not considered to have historic significance; it was built to replace the wall breached in the hurricane of 1938. The Town of Westerly Building Official, Mr. Richard Koske, and the Town Engineer, Mr. Arthur Leiper, P.E., have been contacted regarding the extent of proposed development (see Project Description), and neither agent felt that any permits would be required for this project. The only applicable local regulations impacting this structure are zoning ordinances with which this project complies.

The coastal waters boundary is basically an inter-tidal flat in Watch Hill Cove at the base of Napatree Point. The proposed improvements will not in any way degradate the abundance or diversity of plant and animal life in the area. Nor will the project have any impact on the public access to the tidal waters or the shore. It is planned that ultimately a steel railing will be installed upon completion of this project to prevent inadvertent and accidental entry into the water adjacent to the bulkhead. There will be no impact on water circulation, flushing, or turbidity of the area, nor will there be any deterioration of quality of water in the vicinity of the new seawall. There will be no impact on archeological structures in the area, and it is not believed that the existing stone seawall represents any kind of a historically significant structure. This project is not in conflict with existing water-dependent uses and activities in the area, including boating, fishing, swimming, navigation and commerce. It is not anticipated that this project will create adverse scenic impact on the Watch Hill Cove area since it is basically the same structure and same configuration as the existing vertical stone seawall. Upon completion of the installation, the sheet piling will be painted with two coats of coal tar emulsion in order to create a uniform appearance and minimize any corrosion of the sheet piling material.

WATCH HILL FIRE DISTRICT
SEAWALL REHABILITATION

PROJECT DESCRIPTION

This proposed construction is intended to stabilize existing seawall and its foundation through use of a sheet pile bulkhead placed approximately eighteen inches in front of the existing stone seawall. The sheet piling will be designed to be embedded between ten and fifteen feet in depth below Mean Low Water and will be strong enough to support earth loads generated by the parking lot, the existing seawall and the backfill material (including concrete and gravel) without the use of tie backs. It is anticipated that the sheet piling will be PZ-22 or PZ-27 sections.

The existing site, Watch Hill Cove, is designated a Type 5 area, waters and adjoining land area utilized for berthing, mooring and servicing of recreational craft, commercial fishing vessels and ferrys, water-dependent and water-enhanced commerce and activities to maintain and enhance water quality and historic features. These improvements are covered under Section 300.7 of the Regulations, Construction of Shoreline Protection Facilities, and in this case, the project is proposed to control and prevent the further erosion of coastal features, particularly the base and sub-base structure of the parking lot adjacent to Watch Hill.

Although a non-structural alternative could be preferable, it is not deemed feasible in view of the destructive nature of wave and ice action against the unmoored joints of the existing seawall. The proposed improvements include pressure grouting the voids which have been created behind the seawall and beneath the pavement section itself. The probability of controlling the erosion problem utilizing sheet piling is excellent because, not only will subsurface sand movement be controlled by the extensive penetration of the piles, but wave action and the erosive forces of that wave action will be completely eliminated from the stone seawall. The project is also not likely to increase erosion in adjacent areas because it will not be altering the characteristics of wave reflection or refraction in the cove, merely protecting the existing stone seawall.

In view of the long-term erosion characteristics of this area, it is felt that the sheet piling bulkhead is the best available option. Other options explored include a stone revetment, sloped at 1:1, filter fabric, and granular backfill material for base stabilization. It is felt that this type of proposal would create a hazard to foot traffic, especially children; it may not withstand ice damage and would protrude significantly farther into the water. The proposal for sheet piling bulkhead would in all likelihood be virtually maintenance free for the first five years of its exposure and thereafter would require occasional painting to minimize corrosion of the sheet pilings.

The base of the bulkhead has been located as close as practicable to the existing stone seawall and in such a way that construction can proceed without interfering or jeopardizing the structural integrity of the existing stone seawall. The ends of the bulkhead will be turned back, tied, and grouted to the existing seawall to minimize any structural weaknesses as the end conditions. It is not anticipated that any structural protection will be required at the base of the bulkhead.

Drainage will be enhanced by the extension of drainage holes (scuppers) through the bulkhead. Soils in the area are fine and the predominate materials which collect on the pavement behind the seawall are wind-blown sands from the southern portion of the dune, which creates Napatree Point. Filter fabric will be placed between the new bulkhead and the existing stone seawall prior to any pressure grouting. Since the bulkhead itself will not allow water contact with the stone seawall, the use of pressure grout is apparently not precluded for void filling and pavement stabilization behind the stone seawall. It is anticipated at this time that the bulkhead might have a slight slope to it which will not exceed one foot horizontally for ten foot vertically. The sole advantage to sloping the wall like this would be for wave energy dissipation in high wave conditions and to minimize the amount of protrusion into the usable waters of Watch Hill Cove by the bulkhead. The bulkhead will not be supported with tie-back bars or earthened-based anchors; however, the inherent characteristics of the sheet piling, the slope characteristic of the face and the curving alignment of the wall enhance the structural integrity of the sheet piling. Concrete used for back-fill behind the bulkhead will be Type 2 air entraining Portland Cement concrete, or the equivalent.

An Army Corps of Engineers Permit Applications is being submitted simultaneously with this application, and includes this application information to the Rhode Island CRMC.

WATCH HILL FIRE DISTRICT PARKS COMMISSION
WATCH HILL, RHODE ISLAND

JULY 10, 1987

I, JOHN DAUKAS, CERTIFY THAT THE PROPOSED ACTIVITIES FOR SEAWALL REHABILITATION IN WATCH HILL COVE, WATCH HILL, RHODE ISLAND, COMPLIES WITH THE STATE'S APPROVED COASTAL ZONE MANAGEMENT PROGRAM AND THAT SUCH ACTIVITY WILL BE CONDUCTED IN A MANNER CONSISTENT WITH THE PROGRAM.



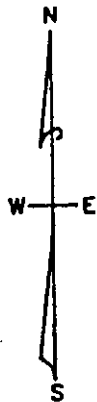
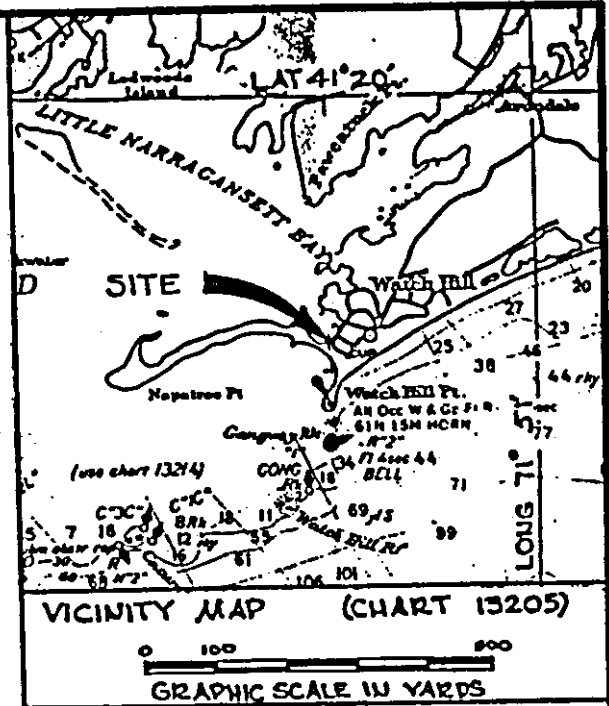
JOHN DAUKAS, CHAIRMAN
WATCH HILL FIRE DISTRICT PARKS COMMISSION

NOTES

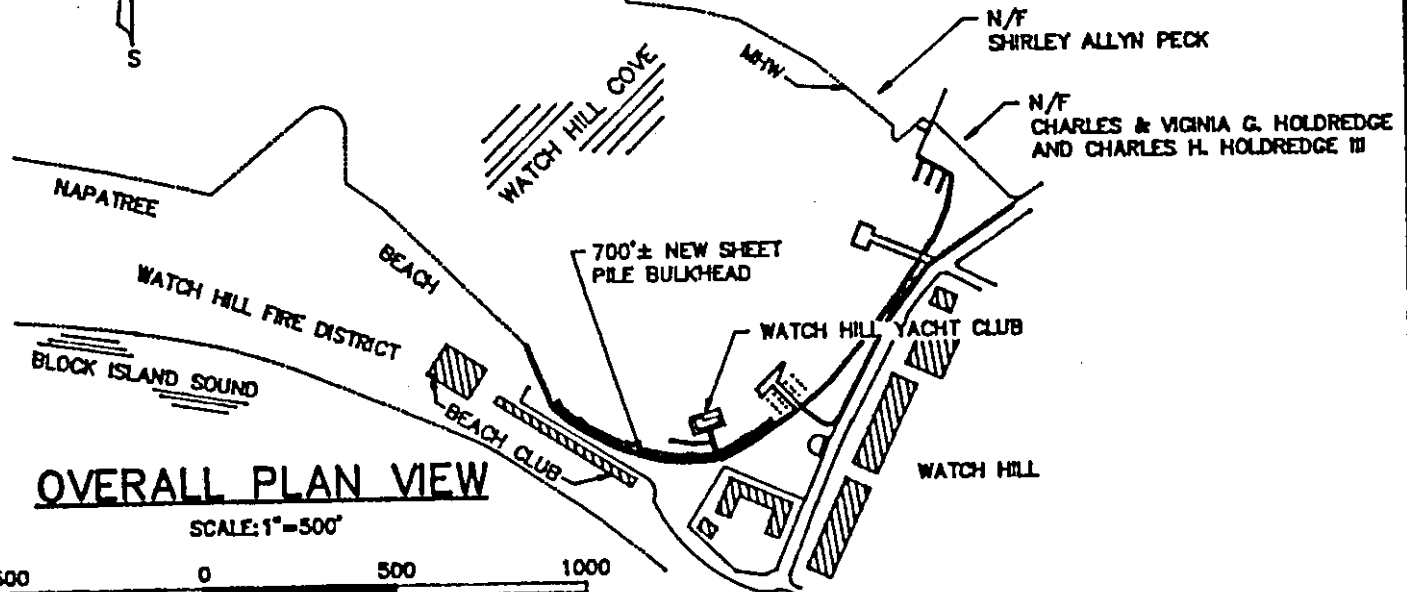
- ELEVATIONS BASED ON MEAN LOW WATER (MLW) DATUM.
- TIDES ARE TAKEN FROM 1987 N.O.A.A. TIDE TABLES.
- PURPOSE: PUBLIC USE.
- ADJOINERS: NORTH - PECK
EAST - HOLDREDGE
WEST - WATCH HILL FIRE DISTRICT
- PROPOSED ACTIVITIES:
CONSTRUCTION OF 700(+/-) LINEAR FEET OF SHEET PILE BULKHEAD, CONSTITUTING 200(+/-) CUBIC YARDS OF FILL OVER AN AREA OF 1000(+/-) SQUARE FEET, WATERWARD OF THE HIGH TIDE LINE.
- THIS IS A CLASS "D" SURVEY.
- THIS PLAN IS PREPARED FOR PERMIT PURPOSES ONLY. IT IS NOT A CONTRACT DOCUMENT

LEGEND AND ABBREVIATIONS

MHW	MEAN HIGH WATER
HTL	HIGH TIDE LINE
MLW	MEAN LOW WATER
M/W	MOM OR FORMERLY
AVG	AVERAGE
E1	ELEVATION
TYP	TYPICAL
MIN	MINIMUM
MAX	MAXIMUM



LITTLE NARRAGANSETT BAY



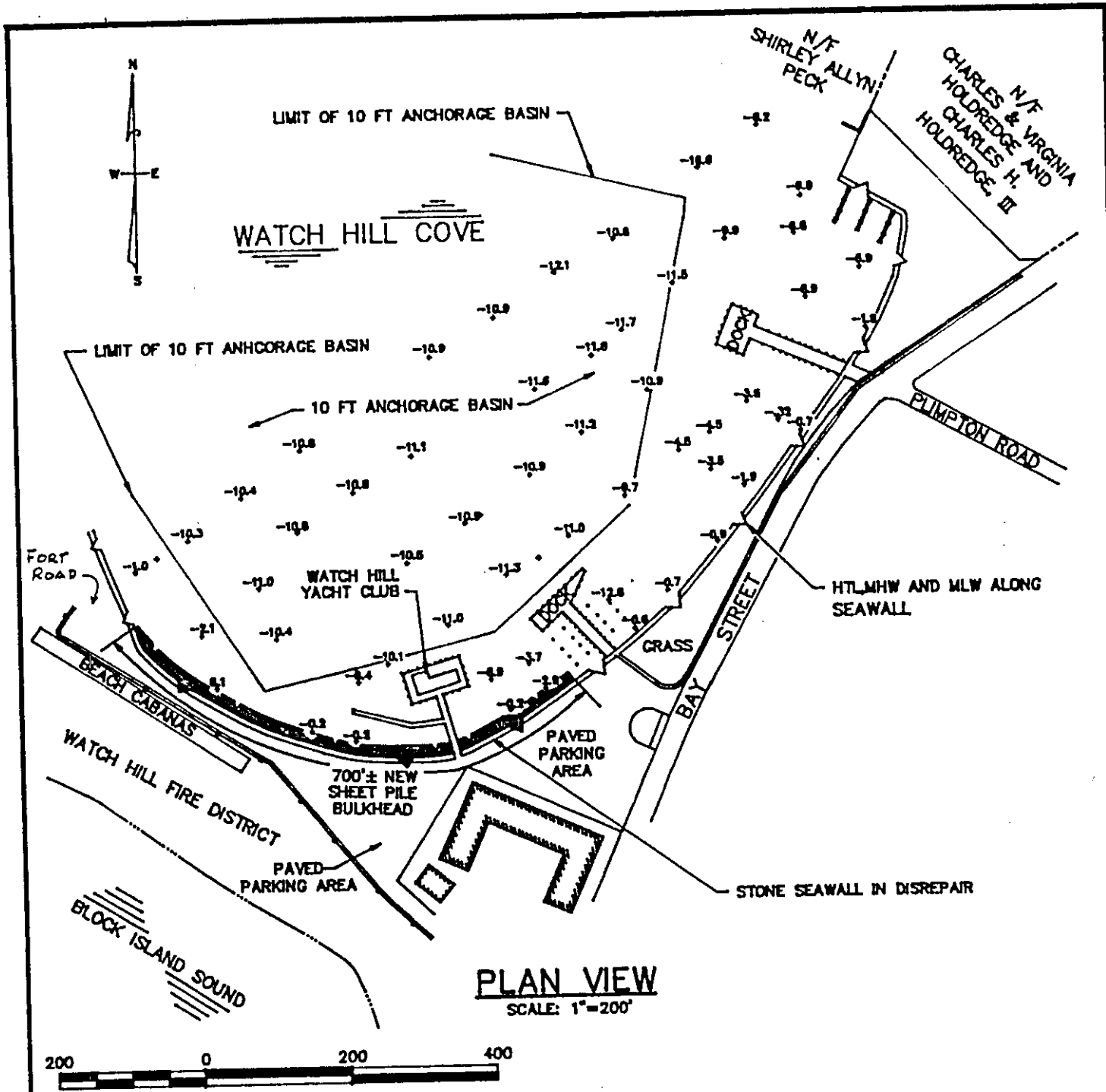
LAWRENCE H. BENTLEY

No. 2791



REGISTERED PROFESSIONAL ENGINEER

NEW SHEET PILE BULKHEAD
 IN: WATCH HILL COVE
 AT: WATCH HILL, WASHINGTON COUNTY,
 RHODE ISLAND
 APPLICATION BY: WATCH HILL FIRE DISTRICT
 PARKS COMMISSION
 SCALE: AS SHOWN AUGUST 10, 1987
 DICESARE-BENTLEY ENGINEERS, INC.
 GROTON, CONNECTICUT
 SHEET 1 OF 3



LAWRENCE H. BENTLEY



REGISTERED
PROFESSIONAL ENGINEER

No. 2791

NEW SHEET PILE BULKHEAD
IN: WATCH HILL COVE
AT: WATCH HILL, WASHINGTON COUNTY,
RHODE ISLAND
APPLICATION BY: WATCH HILL FIRE DISTRICT
PARKS COMMISSION
SCALE: AS SHOWN AUGUST 10, 1987
DICESARE-BENTLEY ENGINEERS, INC.
GROTON, CONNECTICUT SHEET 2 OF 3

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

OLIVER H. STEDMAN GOVERNMENT CENTER

Tower Hill Road, Wakefield, Rhode Island 02879

N O T I C E

File Number: 87-10-66 Date: November 16, 1987

This office has under consideration the application of:

Watch Hill Fire District Parks Commission
Watch Hill, RI 02891

for a State of Rhode Island Assent to construct and maintain:

700'+- linear feet of sheet pile bulkhead constituting 200 +- cubic yards of gravel and concrete fill over an area of 1050+- sq. feet waterward of high tide line, along the face of the existing stone seawall.

See attached plans and project description

Project Location: Bay Street and Fort Road
Street & Number: Watch Hill
Pole Number: City/Town: Westerly
Plat Number: 185 Lot Number (s): 34
Block Number: ISOS Number:
Waterway: Watch Hill Cove

Plans of the proposed work may be seen at this office.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing and be received at this office on or before December 17, 1987.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
INTER-OFFICE MEMO

TO: Grover Fugate, George Seavey

DATE: 4/25/88

DEPT: Coastal Resources Management Council

FROM: Dennis Erkan, Biologist

DEPT: Coastal Resources Management Council

SUBJECT: The Following application, Category B Category A _____ Maintenance _____

CRMC File Number

87-10-66

Name

WATCH HILL FIRE DISTRICT
PARKS COMMISSION

Location

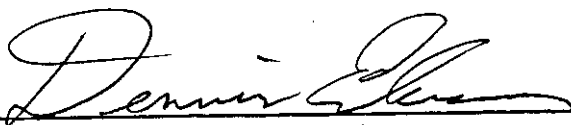
BAY ST AND FORT RD
ABUTTING WATCH HILL COVE
WESTERLY, RI

Project Description: CONSTRUCTION AND MAINTENANCE OF 700
LINEAR FT. OF SHEET PILE BULKHEAD WITH 200 YD³ OF
FILL SEWARD OF THE EXISTING STONE SEAWALL...

appears to have minimal impact on coastal biological processes. There are no biological objections provided that the applicant/agent adheres to all standards, prohibitions, and policies of the Coastal Resources Management Program, As Amended, and the applicable Special Area Management Plan.

ALSO PROVIDED THAT: THE CRMC STAFF
ENGINEER'S STIPULATIONS ARE STRICTLY ADHERED
TO.

Signed



Staff Biologist



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, R.I. 02879

NOTICE

Town of Westerly

The application for State Assent of WATCH HILL FIRE DISTRICT File Number 87-10-66 will be reviewed at the next meeting of the Coastal Resources Management Council.

The meeting is to be held at 8:00 P.M. on Tuesday, May 24, 1988 at the Rhode Island State House, Smith Street, Room 313, Providence, R.I. New evidence or testimony regarding this case may be submitted at the time of the meeting.

Very truly yours,

William J. Mosunic

William J. Mosunic, App. Coordinator
Coastal Resources Management Council

It is necessary that the applicant or his/her attorney be present at the meeting to answer any questions that may arise.

Interested parties may attend to give testimony for or against, or for informational purposes.

/brc

ACTION REQUESTED BY COUNCIL

File # 87-10-66 Watch Hill Line

Meeting Date 5/24/88

Amendment to stipulate that pedestrian traffic
not be restricted to Repatree Rd



STATE OF RHODE ISLAND

*Pls Type
and make
seperator sheet*

TATIONS

COASTAL RESOURCES
Oliver H. Stedman Gov
Tower Hill Road
Wake Field, R.I. 02879

MANAGEMENT COUNCIL

NOTICE

*May 24TH
Agenda
Special Session*

Town of: *Westerly*

Watch Hill Fire District

to be held at the next meeting of the Coastal Resources Management Council

on *Tues May 24, 1984*
~~R.I. STATE HOUSE Room 313 Smith St~~
~~in the Health Policy Forum Room, Cannon Building, 75 Davis Street, Providence, R.I.~~

New evidence or testimony regarding this case may be submitted at the time of the meeting.

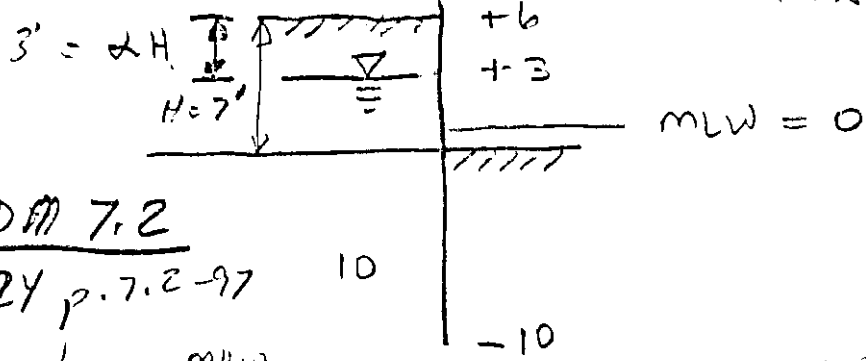
Very truly yours,

William W. Miner

Dr. William W. Miner, Chairman
Coastal Resources Management Council

It is necessary that the applicant or his/her attorney be present at the meeting to answer any questions that may arise.

Interested parties may attend to give testimony for or against, or for informational purposes.



IN DM 7.2

USE f_y 24 p. 7.2-97

try m/w

$\alpha H = 3'$
 $D = 10'$
 $H = 7'$

try m/w

$\alpha H = 6'$
 $D = 10'$
 $H = 7'$

$(D/H = 10/7 = 1.43)$

$K_p/K_A = 9$

$\alpha H = 3'$
 $\alpha(10) = 3$
 $\alpha = 3/10$

$(D/H = 10/7 = 1.43)$

$K_p/K_A = 9$

$\alpha H = 6$
 $H = 6/10$

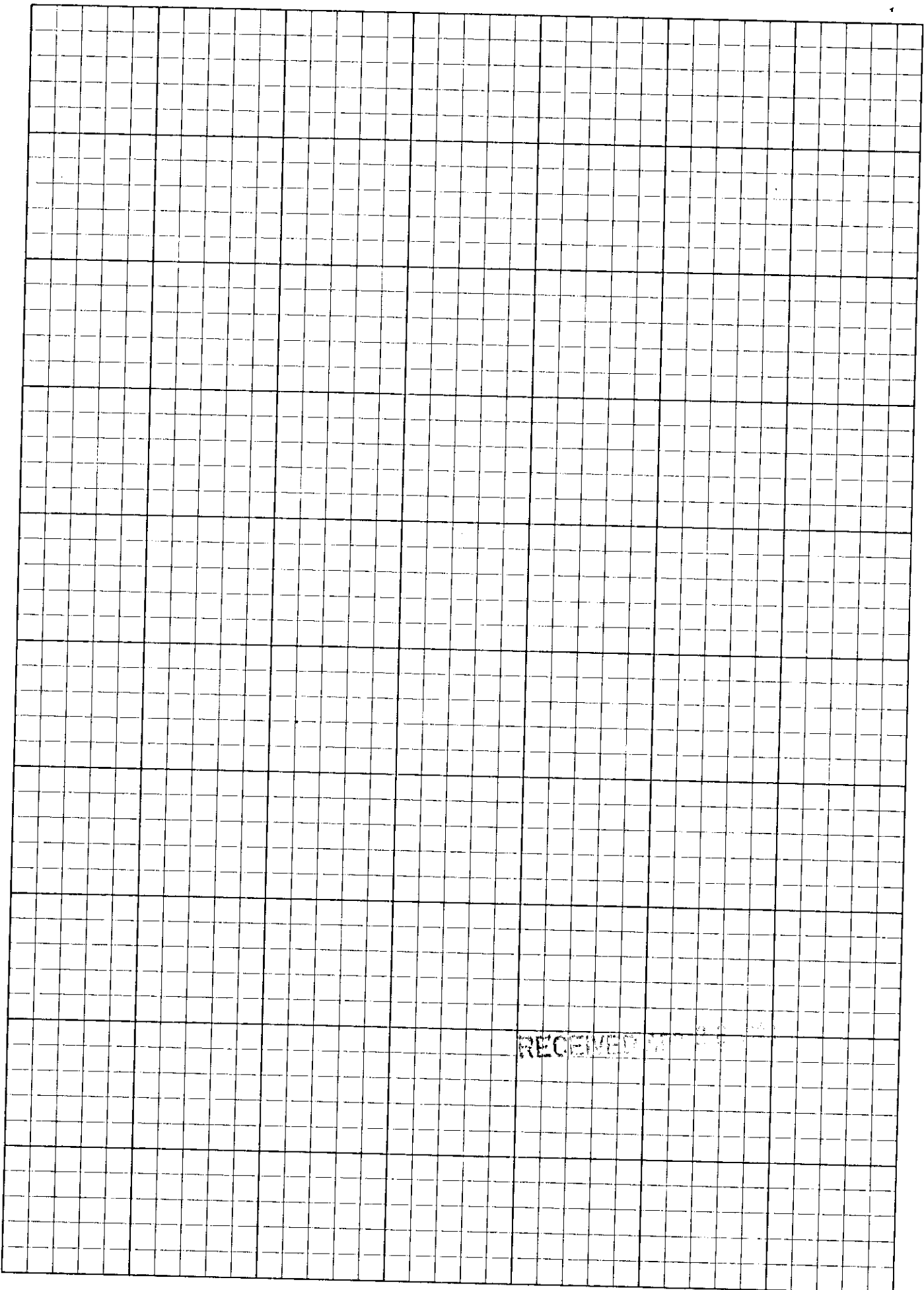
from chart: $D/H =$
 $\frac{D}{H} = 1.25$

$D = 1.25H = 8.75'$

1.4

$D = 1.4 = (1.4) \times 7 = 9.8'$

$\therefore 10'$ is OK



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1964

2/3

7.2-97

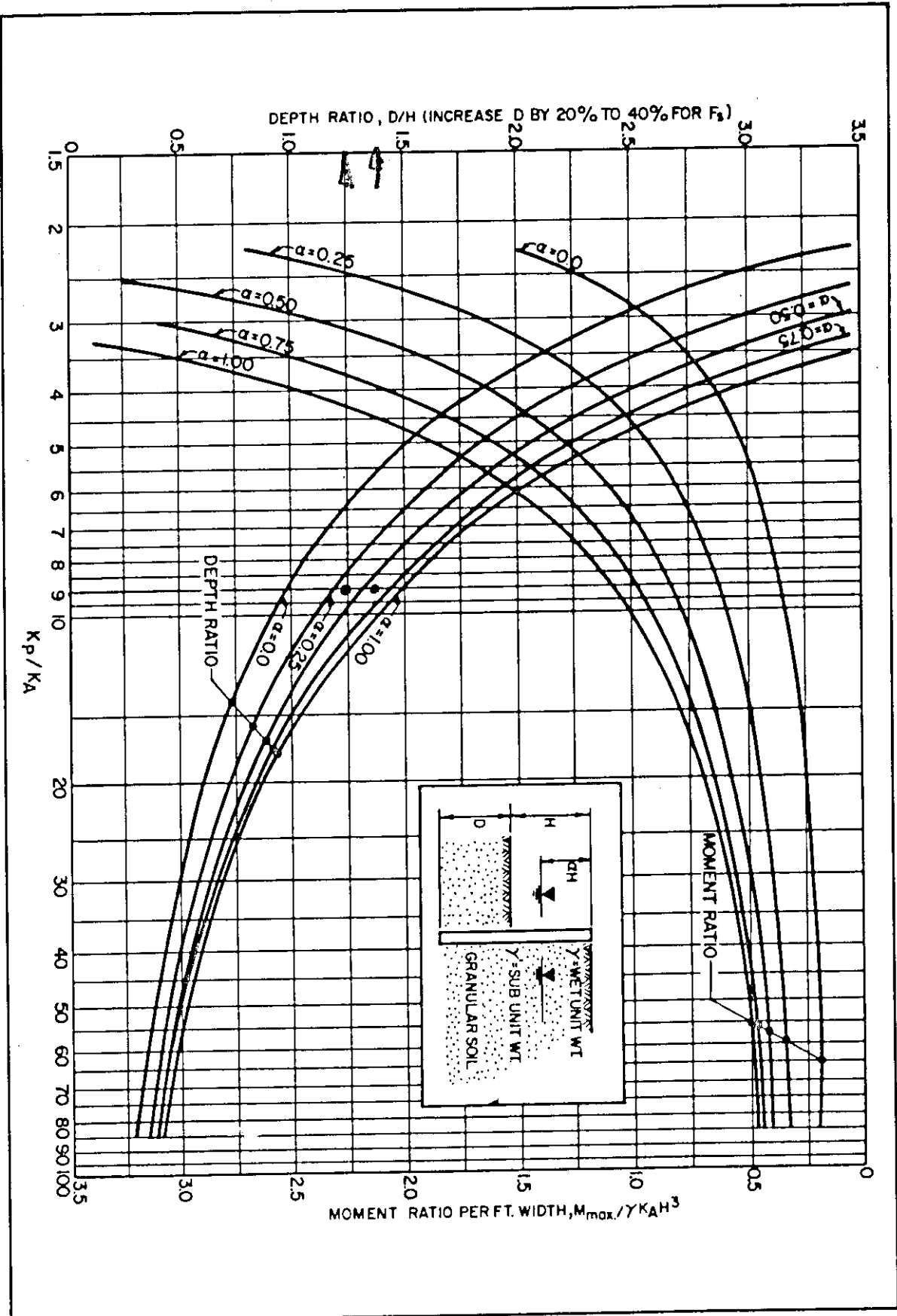


FIGURE 24
Cantilever Steel Sheet Pile Wall in Homogeneous Granular Soil

need K_p/K_A use $\phi = 30^\circ$ CONSERVATIVE.

$$K_p = \frac{1}{6} \left(4.5 + \frac{\phi}{3} \right) = 3.0$$

$$K_A = \frac{1}{6} \left(4.5 - \frac{\phi}{3} \right) = .333$$

$$K_p/K_A = \frac{3}{.333} = 9.$$

 $\alpha H =$

RECEIVED AM 20 1983

APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT

For use of this form, see EP 1145-2-1

The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of P. L. 92-500 and Section 103 of P. L. 92-532. These laws require permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided in ENG Form 4345 will be used in evaluating the application for a permit. Information in the application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and checklist) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

1. Application number (To be assigned by Corps) _____	2. Date <table style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center; border-bottom: 1px solid black;">10</td> <td style="text-align: center; border-bottom: 1px solid black;">08</td> <td style="text-align: center; border-bottom: 1px solid black;">87</td> </tr> <tr> <td style="text-align: center; font-size: small;">Day</td> <td style="text-align: center; font-size: small;">Mo.</td> <td style="text-align: center; font-size: small;">Yr.</td> </tr> </table>	10	08	87	Day	Mo.	Yr.	3. For Corps use only.
10	08	87						
Day	Mo.	Yr.						

4. Name and address of applicant. Watch Hill Fire District Parks Commissioner c/o John Daukas, Chairman Ocean View Highway Watch Hill, RI 02891 Telephone no. during business hours A/C (401) <u>348-8262</u> A/C () _____	5. Name, address and title of authorized agent. DiCesare-Bentley Engineers, Inc. 100 Fort Hill Road Groton, CT 06340 Telephone no. during business hours A/C (203) <u>448-0400</u> A/C () _____
--	--

6. Describe in detail the proposed activity, its purpose and intended use (private, public, commercial or other) including description of the type of structures, if any to be erected on fills, or pile or float-supported platforms, the type, composition and quantity of materials to be discharged or dumped and means of conveyance, and the source of discharge or fill material. If additional space is needed, use Block 14.

Construction of 700± Linear Feet (LF) of steel sheet pile bulkhead constituting 200± Cubic Yards (CY) of gravel and concrete fill over an area of 1050± Square Feet (SF) waterward of High Tide Line, along the face of the existing stone seawall.

7. Names, addresses and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.

North: Shirley Allyn Peck Pawcatuck Avenue Watch Hill, RI 02891	South/West: Watch Hill Fire District c/o John Daukas Ocean View Highway Watch Hill, RI 02891 (401) 348-8262
---	---

8. Location where proposed activity exists or will occur.

Address: <u>Bay Street & Fort Road</u> Street, road or other descriptive location <u>Watch Hill</u> In or near city or town <u>Washington</u> <u>RI</u> <u>02891</u> County State Zip Code	Tax Assessors Description: (if known) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center; border-bottom: 1px solid black;">185</td> <td style="text-align: center; border-bottom: 1px solid black;">N/A</td> <td style="text-align: center; border-bottom: 1px solid black;">34</td> </tr> <tr> <td style="text-align: center; font-size: small;">Map No.</td> <td style="text-align: center; font-size: small;">Subdiv. No.</td> <td style="text-align: center; font-size: small;">Lot No.</td> </tr> <tr> <td style="text-align: center; border-bottom: 1px solid black;"> </td> <td style="text-align: center; border-bottom: 1px solid black;"> </td> <td style="text-align: center; border-bottom: 1px solid black;"> </td> </tr> <tr> <td style="text-align: center; font-size: small;">Sec.</td> <td style="text-align: center; font-size: small;">Twp.</td> <td style="text-align: center; font-size: small;">Rge.</td> </tr> </table>	185	N/A	34	Map No.	Subdiv. No.	Lot No.				Sec.	Twp.	Rge.
185	N/A	34											
Map No.	Subdiv. No.	Lot No.											
Sec.	Twp.	Rge.											

9. Name of waterway at location of the activity.

Watch Hill Cove

10. Date activity is proposed to commence, October 1, 1987
Date activity is expected to be completed March 30, 1987

11. Is any portion of the activity for which authorization is sought now complete? YES NO
If answer is "Yes" give reasons in the remark section. Month and year the activity was completed _____ . Indicate the existing work on the drawings.

12. List all approvals or certifications required by other federal, interstate, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application.

<u>Issuing Agency</u>	<u>Type Approval</u>	<u>Identification No.</u>	<u>Date of Application</u>	<u>Date of Approval</u>
State of Rhode Island	CRMC Assent	Pending	August 10, 1987	Pending
Town of Westerly, RI	Site Plan	Pending	Pending	Pending

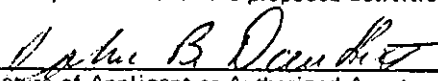
13. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein?

Yes No (If "Yes" explain in remarks)

14. Remarks (Checklist, Appendix H for additional information required for certain activities).

Wave action has eroded sand from behind the stone seawall causing pavement and seawall failures. The proposed project will stabilize the toe of the seawall slope and prevent further erosion. Landside construction includes pressure grouting the pavement base behind the seawall to enhance structural integrity. A rail will be placed along the new bulkhead to minimize injury potential to pedestrians.

15. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.


Signature of Applicant or Authorized Agent

The application must be signed by the applicant; however, it may be signed by a duly authorized agent (named in Item 5) if this form is accompanied by a statement by the applicant designating the agent and agreeing to furnish upon request, supplemental information in support of the application.

18 U. S. C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.



Town of Westerly, R. I.

OFFICE OF TOWN ASSESSOR

TOWN OF WESTERLY, R. I.

OFFICE OF TOWN ASSESSOR

COASTAL RESOURCE MANAGEMENT COUNCIL
VETERANS MEMORIAL BUILDING - ROOM 508
83 PARK STREET
PROVIDENCE, RHODE ISLAND 02903

TO WHOM IT MAY CONCERN:

RECORDS AT THE ASSESSOR'S OFFICE, TOWN OF WESTERLY, R.I. SHOW THAT
THE FOLLOWING OWN PROPERTY IN SAID TOWN:

NAME: Watch Hill Fire District

ADDRESS:

PROPERTY LOCATION: Fort Road

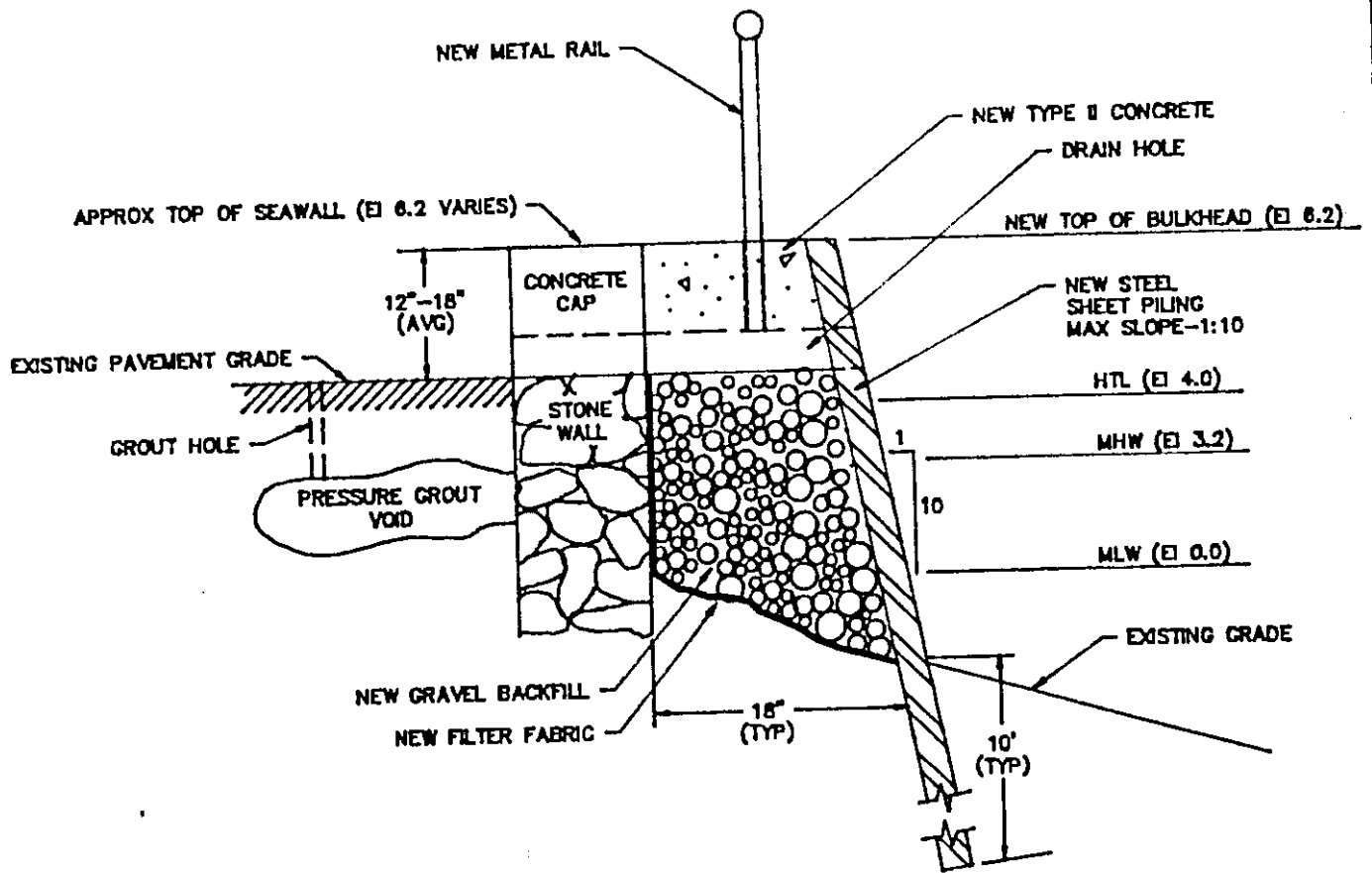
PLAT/LOT: 182/1

LAND EVIDENCE RECORDS: BOOK 63 PAGE 249

DATE ISSUED: September 21, 1987

RESPECTFULLY SUBMITTED,

CHARLES E. VACCA
TOWN ASSESSOR



SHEET PILE BULKHEAD DETAIL

NOT TO SCALE

LAWRENCE H. BENTLEY

No. 2791



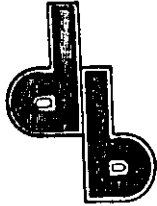
REGISTERED
PROFESSIONAL ENGINEER

NEW SHEET PILE BULKHEAD
IN: WATCH HILL COVE
AT: WATCH HILL, WASHINGTON COUNTY,
RHODE ISLAND
APPLICATION BY: WATCH HILL FIRE DISTRICT
PARKS COMMISSION
SCALE: AS SHOWN AUGUST 10, 1987

DICESARE-BENTLEY ENGINEERS, INC.
GROTON, CONNECTICUT

SHEET 3 OF 3

COPY



DICESARE - BENTLEY
ENGINEERS, INC.

CIVIL ENGINEERS AND SURVEYORS

Reply To:
MAIN OFFICE: 100 FORT HILL ROAD
GROTON, CONNECTICUT 06340
(203) 448-0400
FAX (203) 448-0899

240 POST ROAD
WESTERLY, RHODE ISLAND 02891
(401) 596-8811

October 1, 1987

Ms. Terri Flieger
Regulatory Branch
New England Division
Army Corps of Engineers
424 Trapelo Road
Waltham, MA 02254-9149

Re: Watch Hill Fire District
Permit Application

Dear Ms. Flieger:

We enclose herewith the following:

Corps of Engineers Permit Application;
Two prints of a plan titled "New Sheet Pile Bulkhead, In: Watch Hill
Cove, At: Watch Hill, Washington County, Rhode Island, Application By:
Watch Hill Fire District, Parks Commission, Scale: As Shown, August
10, 1987", DiCesare-Bentley Engineers, Inc., Groton, Connecticut, Sheet
1 of 3;
One Paper Reproducible of same;
One copy of Coastal Resource Management Council (CRMC) application for
State of Rhode Island.

On behalf of our client, we request a Department of the Army Permit.

Very truly yours,

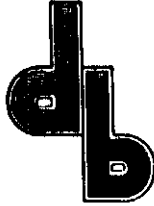
DICESARE-BENTLEY ENGINEERS, INC.

Keith B. Neilson, P.E.

KBN:ps

Enclosure

cc: Nick Pisani, RI CRMC
John Daukas
File 86-6-373



DICESARE - BENTLEY
ENGINEERS, INC.

CIVIL ENGINEERS AND SURVEYORS

MAIN OFFICE: 100 FORT HILL ROAD
GROTON, CONNECTICUT 06340
(203) 448-0400
FAX (203) 448-0899

240 POST ROAD
WESTERLY, RHODE ISLAND 02891
(401) 596-8811

October 13, 1987

Mr. William J. Mosunic
Application Coordinator
Coastal Resources Management Council
Oliver Stedman Government Center
Tower Hill Road
Wakefield, R.I. 02879

Re: Watch Hill Fire District
SeaWall Rehabilitation
Westerly, Rhode Island

Dear Mr. Mosunic,

We are resubmitting the above referenced application for review and approval by your office. We have included a signed copy of the form relating to the applicant's agreement to fees. We have contacted the Building Inspector's office for a letter relating to this project. We were informed that governmental or pseudo governmental bodies such as the Fire Department were not required to take out a building permit in the Town of Westerly. Accordingly, no letter from his office would be required for this application.

Very truly yours,

DICESARE-BENTLEY ENGINEERS, INC.

Mark A. Eichstadt
Project Engineer

cc: John Daukas
Keith Neilson
Job #86-6-373

MAE/sp

RE: Watch Hill Fire District Parks Commission
SME: Westerly

Date 11/19/87

Rhode Island Statewide Planning Program

Notice of Comment

This Office has a substantive comment on this proposal, Application number 87-10-66, as follows:

- A. State Guide Plan: Open Space _____ Policy # _____
Shore Region ✓ Policy # 2
- B. Flood Hazard: Zone _____ Elevation _____
- C. CRMC Program Policy # _____ Section 300.7.B, F
- D. "208" Plan: E & S _____ Buffer Strip _____
- E. Other Comments: USNA² _____ APR³ _____ GAPC⁴ _____ SBC⁵ _____
- F. Permits Required: Wetlands _____ ISDS _____ COE⁶ ✓ Other _____

- G. Recommendations: While this project appears to comply with the policies and standards set forth in the section of the RICMP cited above, particular attention must be paid to any changes which may occur, however minor, to erosion rates at the Napatree barrier beach as a result.

Bruce Vild
Bruce Vild
Sr. Environmental Planner

BV/kag

- 1 - R.I. Erosion & Sediment Control Handbook and/or "208" Water Quality Management Plan
- 2 - Unique and Significant Natural Area
- 3 - Area for Preservation and Restoration
- 4 - Geographic Area of Particular Concern
- 5 - State Building Code
- 6 - Army Corps of Engineers

OSP-021 (8-86)

CC to:
DI CESARE BENTLEY ENGINEERS
CENTURY PROFESSIONAL CENTER
SUITE 3
100 FORT HILL ROAD
GROTON, CT 06340

9 MAY 1991

MR. JACK PAYNE, ESQ.
WATCH HILL FIRE DISTRICT
46 GRANITE STREET
WESTERLY, RI 02891

RE: (see attached to insert here)

Dear MR. PAYNE :

The Coastal Resources Management Council has reviewed your request for Modification of Assent No. B 87-10-66 and approve the modification with the following additional stipulations.

(1) EXCEPT/UNLESS AS STIPULATED HEREIN, ALL STIPULATIONS OF THE ORIGINAL ASSENT FOR FILE NUMBER B87-10-66 DATED 6/20/88, AS MODIFIED BY LETTER FROM CRMC DATED 11/7/90, SHALL REMAIN IN FULL FORCE AND EFFECT.

continued

Please note that the original expiration date remains ~~the same~~ as modified ON 3/27/91 TO EXPIRE ON 6/20/1993.
Sincerely yours,

Grover J. Fugate, Executive Director
Coastal Resources Management Council

NAP
/brc???

~~Comments with respect to engineering concerns of the RICRMP:~~ _____

RE: ASSENT MODIFICATION REQUEST, CRMC FILE B 87-10-66
WATCH HILL FIRE DISTRICT PARKS COMMISSION
LOCATION - BAY ST. & FORT ROAD, PLAT 185, LOT 34
ORIGINAL PROJECT - CONSTRUCT & MAINTAIN 700 L.F.
OF STEEL SHEETPILE BULKHEAD IN FRONT OF EXISTING
STONE SEAWALL, AND MODIFIED ON 11/7/90 TO
RELOCATE 100' SEGMENT OF WORK AREA FROM SW
TO NE END OF PROJECT AREA.
PROPOSED MODIFICATION -

SIGNATURE AND DATE: _____

NAME: W H F D

TOWN: WLY

FILE NO. 87-10-66 Page

Comments with respect to engineering concerns of the RICRMP: _____

- (2) THE APPROVED REVISED PLANS SHALL BE THOSE TITLED "SEAWALL REHABILITATION - PHASE 2 WATCH HILL COVE... WATCH HILL FIRE DISTRICT PARK COMMISSION..." SHEETS 1 AND 2 OF 2, BOTH DATED REVISED 2/8/91, STAMPED BY L. H. BENTLEY, PE. EXCEPT/UNLESS AS STIPULATED, ALL DETAILS THEREON SHALL BE STRICTLY FOLLOWED.
- (3) NOTE THAT THIS CHANGE IS FOR APPLICANT'S PHASE 2; APPLICANT'S PHASE 1 IS COMPLETED AND THE PLAN REFERENCED ON ORIGINAL ASSENT APPLIES FOR PURPOSES OF MONITORING OF PHASE 1.

SIGNATURE AND DATE: _____

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

INTER-OFFICE MEMO

DATE: 5/9/91

TO: G. FOATE

DEPT: CRMC

FROM: N. PISANI

DEPT: CRMC STAFF

SUBJECT: ASSENT MODIFICATION

FILE NO.: 87-10-66 Expiration Date: 6/20/93 AS EXT.

ORIGINAL FILE NAME: WATCH HILL FIRE DISTRICT PARK COMMISSION

LOCATION: BAY ST & FORT RD

PLAT: 185 LOT(s): 34

TOWN: WESTERLY

PRESENT OWNER: SAME

ADDRESS: (SEE LETTER)

Also send any modified approval to: (SEE LETTER)

Type of Assent received (circle): P/SE; (B); A; Maintenance

Proposed Modifications(s): FOR A 40' LENGTH OF BULKHEAD, TO ALLOW CONSTRUCTION OF STEEL SHEETPILE UP TO 4' SEAWARD OF ORIGINAL BULKHEAD INSTEAD OF THE ASSENTED 1 1/2'. THIS AREA OF ALTERATION IS LOCATED IN THE AREA OF THE WATCH HILL YACHT CLUB FIXED PIER.

ALSO, USE VERTICAL SHEETPILE RATHER THAN ON A BATTER.

ASSENT MODIFICATION REQUEST REVIEW

Review & Comments:

A SITE MEETING WAS REQUESTED BY THE APPLICANT'S ENGINEER AND WAS HELD ON 1/28/91.

STAFF PRESENT - D. ERKAN (CRMC, BIOL.)
N. PISANI (CRMC, ENGR)

APPL. ENGRS - { L. BENTLEY
R. WOOD

CONTRACTORS { BOB SMITH
(WHALING CITY DREDGE & DOCK) { BOB SHARP
JOE VEGARI - SUP'T

4 PEOPLE FROM { JACK PAYNE
W.H.F.D. { WILLIAM REAGAN
HUBBARD PHELPS
FRED BOCKLEY

THE TWO MAIN CONCERNS MENTIONED WERE TO MATCH THE PREVIOUS PHASE OF THE PROJECT ADJACENT TO THE SOUTHWEST; AND TO AVOID THE IN-GROUND REMNANTS OF THE FIRST SET OF PILINGS WHICH WERE CUT OFF AT THE MUD(SAND) LINE. ALSO, MANY UTILITY (WATER, ELEC, ETC) CONNECTIONS FOR THE PIER ARE IN THE IMMEDIATELY ADJACENT AREA (SEE PHOTO #1 BY STAFF)

NO WETLANDS AREAS ARE INVOLVED.

THE SUBSTRATE IS SANDY.

THE AMOUNT OF AREA INVOLVED IS RELATIVELY SMALL, ESPECIALLY IN VIEW OF THE SCOPE OF THE ENTIRE PROJECT.

THE EXTENT FURTHER SEAWARD IS A MAXIMUM OF 2 1/2' AND TAPERS TO 0' (MEASURED FROM THE 18" FURTHER SEAWARD ALLOWED BY ORIGINAL ASSENT)

NO ENGINEERING, ENVIRONMENTAL, OR STRUCTURAL CONCERNS IDENTIFIED - JUST THE RICHMP CONCERN OF FILLING IN TIDAL WATERS.

Comments with respect to engineering concerns of the RICRMP: _____

RE: 300.10 - WATER TYPE IS 'S'

"DY - FILLING MAY BE PERMITTED WHERE NECESSARY FOR AN APPROVED EROSION CONTROL OR BULKHEADING PROJECT AND ONLY WHEN IT IS DEMONSTRATED THAT THE AMOUNT OF FILLING IS MINIMIZED."

- BASED ON THE INFORMATION SUBMITTED, IT DOES APPEAR THAT THE AMOUNT OF FILLING IS MINIMIZED. THE MAXIMUM EXTENT SEAWARD IS IN THE S.W. AREA OF THE 40' LENGTH OF 'EXCEEDANCE', AS THIS IS IN FRONT OF THE BURIED PILING OF THE PIER, AND ADJACENT TO THE SEAWALL TO THE SOUTHWEST. THE BULKHEAD THEN TAPERS TO THE ORIGINALLY ASSENTED LOCATION 40' TO THE NE.

- NO SIGNIFICANT CONCERN ON HAVING A VERTICAL VS. A SLIGHTLY BATTERED BULKHEAD.

NOTE - AT TIME OF INSPECTION, THE SHEETING WAS ALREADY INSTALLED IN THE MODIFIED LOCATION; HOWEVER, IT WAS NOT BACKFILLED. THE REQUEST FOR MEETING WAS BY THE DESIGN ENGINEER, BASED ON THEIR OBSERVATION OF THE SITE. THE DESIGNER CONTACTED CRMC STAFF TO DETERMINE IF WORK AS MODIFIED COULD PROCEED.

SIGNATURE AND DATE: _____

File No. 87-10-66

ASSENT MODIFICATION REQUEST REVIEW

Based on the above:

- The proposed changes to the project and/or assent will have minimal impact on coastal resources beyond that granted in the original assent, and will represent a minimal change to the original assent and stipulations, provided that any and all recommended changes to assent are followed (attached).
- The proposed change(s) represent more than an insignificant change, therefore, a new application should be required.
- Due to the extent of the assent modification proposed, this matter should be addressed to the full CRMC for review.

Other: SHORTLY AFTER THE ON SITE MEETING,
STAFF CONSULTED THE CRMC EXECUTIVE DIRECTOR,
G. FUGATE, WHO STATED THAT THE PROJECT
MODIFICATION COULD BE APPROVED ADMINISTRATIVELY.

STAFF HAD INFORMED HIM THAT APART FROM THE
MINOR AREA OF FILLING IN TIDAL WATERS, THERE WAS
NO SIGNIFICANT ENVIRONMENTAL OR ENGINEERING
CONCERN WITH THE MODIFICATION PROPOSED.

SEE ATTACHED STIPULATIONS/CHANGES

Signed

Nicholas A. Liviani 5/10/9
Dennis E. [Signature]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

COPY

CRMC ASSENT MODIFICATION REQUEST FORM

File Number of Assent/Permit: B87-10-66

Expiration date (including any extensions): June 20, 1991

Name which assent was issued to: Watch Hill Fire District Parks Commission

Location of project: Bay Street & Fort Road

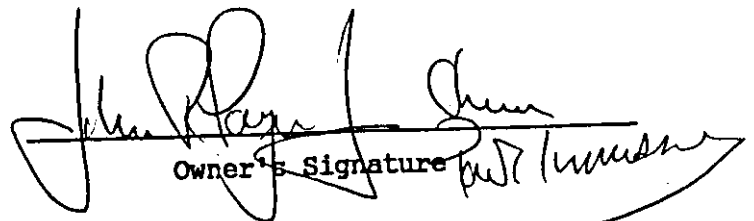
Plat: 185 Lot (s): 34

Town: Watch Hill, Westerly, RI

Present Owner: Watch Hill Fire District Park Commission

Address: c/o Jack R. Payne, Jr.
46 Granite Street, Westerly, RI 02891

Describe the proposed modification(s), including reasons for change: To Allow approximately 40 linear feet (LF) of the total Phase 2 300 LF of sheetpile bulkhead to exceed the 18 inches maximum, as stated in the original assent. This portion of wall is in the area of the WHYC fixed dock and where it connects to Phase 1. This portion of the bulkhead was constructed a maximum of 4 feet from the existing seawall to the back of the new bulkhead. The contractor has indicated that he required this additional room to be able (see attached)
What stage of construction is the project in? 250 LF (Phase 1) of total 700 LF is completed & the 300 LF of sheet pile for Phase 2 has been installed. Additional portions of Phase 2 are in progress.


Owner's Signature

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking state assent.

Describe the proposed modification(s), including reasons for change: Cont'd.

to tie into the previously constructed portion of bulkhead and to avoid a portion of the Watch Hill Yacht Club fixed dock that could not be removed. He has also indicated that this was further complicated by having to work around existing utilities from shore to the Watch Hill Yacht Club. An additional modification is the construction of the steel sheet pile bulkhead vertically in lieu of at a 1H:10V batter as previously shown. This has been done for ease of construction.



FACSIMILE COVER LETTER

TIME: 1:25

DATE: 1/29/91

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: NICK PISANI

FIRM: RI-CMCC

CITY: WAKEFIELD, RI

TELEPHONE NUMBER: 401-277-2976

FACSIMILE NUMBER: 401-277-3922

JOB NAME AND NUMBER: WATCH HILL FIRE DISTRICT

RE: LIST OF ATTENDEES @ MEETING

SENDER RON WOOD

WE ARE TRANSMITTING 2 PAGES (INCLUDING THIS COVER LETTER)

FACSIMILE NUMBER (203) 448-0899

NOTE: IF YOU DO NOT RECEIVE ALL THE PAGES OR IF A PROBLEM ARISES DURING TRANSMISSION, PLEASE CALL OUR MAIN NUMBER ASAP AND ASK FOR SENDER.

TELEPHONE NUMBER (203) 448-0400

DICESARE-BENTLEY ENGINEERS, INC.
FORT HILL ROAD
MIDDLETOWN, CONNECTICUT 06340
TELEPHONE 203-448-0400

RECORD _____ TELECOMM _____ MEMO MEETING NOTES
DATE/TIME 1/28/91
PROJECT WHEA
JOB NUMBER 89-052.70
BY RWOOD

WITH CRMC - NICK PISANI & DENNIS BERKAN

ATTENDEES: NICK PISANI & DENNIS BERKAN - CRMC

JACK PAYNE
WILLIAM REAGAN
HUBBARD PHELPS
FRBO BUCKLEY

WATCH HILL FIRE DISTRICT
PARK COMMISSION

BOB SHARP
BOB SMITH
JOE VEGARTI

WHALING CITY DREDGE &
POUC

LARRY BENTLEY
RAN WOOD

DICESARE-BENTLEY
ENGINEERS, INC.



FACSIMILE COVER LETTER

TIME: 1:25

DATE: 1/29/91

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: NICK PISANI

FIRM: RI-CMC

CITY: WAKEFIELD, RI

TELEPHONE NUMBER: 401-277-2476

FACSIMILE NUMBER: 401-277-3922

JOB NAME AND NUMBER: WATCH HILL FIRE DISTRICT

RE: LIST OF ATTENDEES @ MEETING

SENDER RON WOOD

WE ARE TRANSMITTING 2 PAGES (INCLUDING THIS COVER LETTER)

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TELEPHONE NUMBER (203) 448-0400



COPY

ENGINEERS/SURVEYORS/PLANNERS

February 11, 1991

Mr. Grover Fugate
Coastal Resource Management Council
Oliver Stedman Government Building
Tower Hill Road
Wakefield, RI 02879

Re: Assent Modification Request
CRMC File No. B87-10-66

Dear Mr. Fugate:

Enclosed is a completed CRMC Assent Modification Request that involves the Seawall Rehabilitation for the Watch Hill Fire District Park Commission, Watch Hill, RI including:

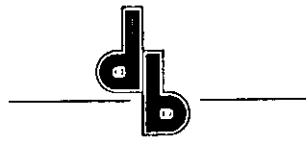
Four copies of CRMC Assent Modification Request Form

Four sets of plans titled: "Seawall Rehabilitation -Phase 2 Watch Hill Cove Property of: Watch Hill Fire District Park Commission, Watch Hill, Rhode Island, Scale: As Shown Date: September 19, 1990, Sheets 1-2 of 2, Revised 2/8/91

One Check in the amount of \$100.00 payable to CRMC, filing fee.

The original Assent No. B87-10-66 was issued June 20, 1988 with Assent Modifications issued on January 5, 1989 and November 15, 1990. This Assent Modification Request is a result of construction difficulties encountered during the installation of the steel sheet pile bulkhead by the contractor, as outlined on the enclosed request form.

It is my opinion, as a Professional Engineer licensed in the State of Rhode Island, that the modification of installing the sheet pile vertically instead of on a slope will not affect the structural integrity of the new sheet pile bulkhead.



Please review the enclosed information and call me or Ron Wood of this office if you have any questions. On behalf of Watch Hill Fire District Park Commission, we request that this Assent Modification be granted.

Sincerely,

DICESARE-BENTLEY ENGINEERS, INC.

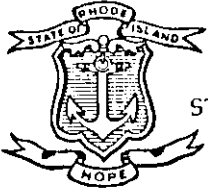
Lawrence H. Bentley, PELS
President

RPW:LHB/pgb

Enclosure

cc: Nick Pisanl, RI CRMC
Atty: Jack Payne, WHFD

File 89-052.4B



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

HISTORICAL PRESERVATION COMMISSION

Old State House
150 Benefit Street
Providence, R.I. 02903
(401) 277-2678

Mr. George N. DiMuro, Chairman
Coastal Resources Management Council
Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, RI 02879

Regarding: Applicant: *Watch Hill Fire District*
File Reference: *B87-10-66*
Project Location: *Westerly*
Response Date: *2-25-91*

Dear Mr. DiMuro:

This office has reviewed the above-referenced project in accordance with Section 220 of the Coastal Resources Management Plan.

The proposed project will have no adverse effect on significant historic or archaeological properties (those on or considered eligible for the National Register of Historic Places).

Very truly yours,

Edward F. Sanderson for
Edward F. Sanderson
Executive Director
Deputy State Historic
Preservation Officer

EFS: |



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, R.I. 02879

NOTICE

Town of WESTERLY

The application for State Assent of WATCH HILL FIRE DISTRICT File Number B87-10-66 will be reviewed at the next meeting of the Coastal Resources Management Council.

The meeting is to be held at 7:30 p.m. on Tuesday, March 26, 1991 in the Health Policy Forum Room at the Cannon Health Building, 3 Capitol Hill, (previously 75 Davis Street), Providence, R.I. New evidence or testimony regarding this case may be submitted at the time of the meeting.

Individuals requesting interpreter services for the hearing impaired must notify the Council office at 277-2476 48 hours in advance of the hearing date.

Very truly yours,

George N. DiMuro, Chairman
Coastal Resources Management Council

— It is necessary that the applicant or his/her attorney be present at the meeting to answer any questions that may arise.

— Interested parties may attend to give testimony for or against, or for informational purposes.

/lam

Watch Hill Fire District

Watch Hill, R. I.

March 6, 1991

Mr. Grover J. Fugate
Executive Director
Coastal Resources Management Council
Oliver H. Steadman Government Center
Tower Hill Road
Wakefield, RI 02879

RE: Assent No. B87-10-66; Request for Extension

Dear Mr. Fugate:

We would like to request a two year extension on Assent No. B87-10-66, which expire June 20, 1991, copy enclosed. This extension would make the new expiration date June 20, 1993.

This extension is required to allow for the completion of Phase 3 of the Seawall Reconstruction. Phases 1 and 2 have been completed; however, because of the current economic climate in the area, monies will not be available for Phase 3 until late 1992 or early 1993.

We have enclosed a plan titled: "Seawall Rehabilitation - Phase 2 - Watch Hill Cove, Property of: Watch Hill Fire District Park Commission, Watch Hill, Rhode Island, Scale: As Shown Date: September 19, 1990," Sheet 1 of 2, Revised 2/8/91, to illustrate which portions have been completed and what remains. Phase 1 of the project, 250 linear feet (lf), was completed in 1988/1989. Phase 2, 300 lf, was completed this year. Phase 3, 150 lf, still remains to be completed.

This seawall reconstruction project is very important to the Watch Hill area and must be completed. However, once bids were received for this work and construction began, we realized that the Watch Hill Fire District could not afford to complete the entire project within the original time limit of the Assent.

Please do not hesitate to call if you have any questions or require additional information.

Very truly yours,



Watch Hill Fire District
Park Commission

Enc.

cc: DiCesare-Bentley Engineers, Inc.



ENGINEERS/SURVEYORS/PLANNERS

February 27, 1991

Mr. Jack Payne, Esq.
Watch Hill Fire District
46 Granite Street
Westerly, RI 02891

Re: CRMC Assent Extension for Seawall

Dear Attorney Payne:

I recently spoke with Tom Madleros of the Rhode Island Coastal Resource Management Council (CRMC) concerning extension of Assent No. B87-10-66 for the seawall reconstruction, which expires June 20, 1991. He confirmed that a written notice requesting an extension must be submitted by the permittee a minimum of sixty (60) days prior to the expiration date (see the last sentence of the second paragraph, first sheet of the original Assent).

Once they receive your request for an extension, it will go before the Commission for review. Tom stated that previously the Commission didn't consider economics a good reason for an extension; however, considering the current economic climate they have allowed this.

Tom also suggested that you request the amount of time you want for an extension, but be willing to accept what the Commission allows. Typically, extensions are granted for one year.

I have drafted a letter that you can use as a guide for your letter to the CRMC. Your letter should be submitted as soon as possible, but no later than April 19, 1991.

I have also enclosed a copy of the original Assent and three prints of the Phase 2 construction drawing, Drawing Number 84-052.01, for your use with the request.

Please feel free to call this office with any questions or if we can be of further assistance.

Sincerely,

DICESARE-BENTLEY ENGINEERS, INC.

Ronald P. Wood
Project Engineer

RPW/ljg

Enclosures

cc: File 89-052.70

State of Rhode Island and Providence Plantations
COASTAL RESOURCES MANAGEMENT COUNCIL

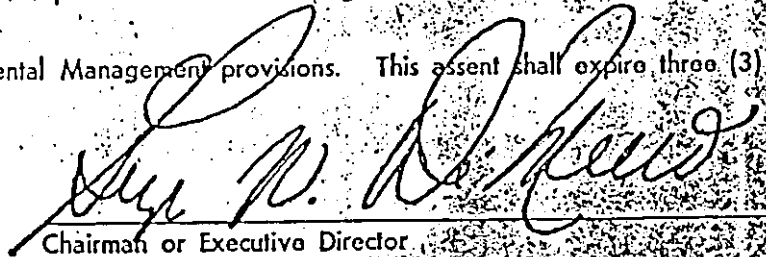
ASSENT

No. B87-10-1da

Date June 20, 1988

This certifies that WATCH HILL FIRE DISTRICT
has permission to CM 700' +- of STEEL SHEET PILE bulkhead
situated at Bay St. + Fort Road
Plat No. 185 Lot No. 34

Said construction operations to be done in accordance with an application on file in the Office of the Coastal Resources Management Council and subject further to all the provisions of the building ordinances of the **TOWN OF WESTERLY** and to all the applicable State Department of Environmental Management provisions. This assent shall expire three (3) years from date of issue.



Chairman or Executive Director

COASTAL RESOURCES MANAGEMENT COUNCIL

**THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES.
FAILURE TO DISPLAY WILL RESULT IN LEGAL ACTION**

B87-10-66

CRMC FILE ENTRY SHEET

FILE NO. : ~~90-10-70~~ Category Modification Project Type(s) 24
 FIRST NAME : Watch Hill
 LAST NAME : Fire District Park Commission
 PROJECT ADDRESS : Bay St. & Fort Road
 TOWN : Westerly
 PLAT(s) : 185 LOT(s) : 34

Variance YES () NO () Special Exception YES () NO ()
 Date of Advertisement _____

CRMC Acceptance : 10-23-90

Biologist : _____ Date : _____ Biologist: _____ Date : _____
 Engineer : _____ Date : _____ Engineer : _____ Date : _____
 Water Quality : _____ WQ Denial _____ ISDS: _____
 : _____ ISDS Denial: _____
 HPC : _____ HPC PENDING: _____

Return to Applicant : 1) _____ 2) _____ 3) _____
 Public Notice: _____
 SUBSTANTIVE OBJECTIONS: Yes ___ / No ___ / _____ / _____
 Hearings: _____

Notice of Violation: _____ #. _____ Cease & Desist: _____ #. _____
 ASSENT: 6-20-88 DENIAL: _____
 MODIFICATION: 11-15-90 CANCELLATION: _____
 EXTENSION: 5-16-91 WITHDRAWN: _____
 30 DAY TO CANCEL LETTER: _____ DECISION AMENDED: _____
 SUB-COMMITTEE DECISION: _____ 30 DAY COUNCIL DECISION: _____
1/17 6-20-90 to 6-20-93

John
and

	ENCLOSED	N/A	ENCLOSED	N/A
APPLICATION:	<u>WN</u>	_____	LESS THAN 50% DOCUMENTATION:	_____
APPLICATION FEE:	<u>WN</u>	_____	PHOTOGRAPHS:	_____
PROOF OF OWNERSHIP:	<u>WN</u>	_____	I.S.D.S.:	_____
BUILDING PERMIT APPROVAL:	_____	_____	COMMENTS:	_____



ENGINEERS/SURVEYORS/PLANNERS

February 11, 1991

Mr. Grover Fugate
Coastal Resource Management Council
Oliver Stedman Government Building
Tower Hill Road
Wakefield, RI 02879

Re: Assent Modification Request
CRMC File No. B87-10-66

Dear Mr. Fugate:

Enclosed is a completed CRMC Assent Modification Request that involves the Seawall Rehabilitation for the Watch Hill Fire District Park Commission, Watch Hill, RI including:

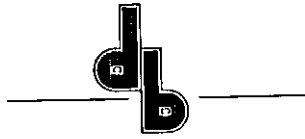
Four copies of CRMC Assent Modification Request Form

Four sets of plans titled: "Seawall Rehabilitation -Phase 2 Watch Hill Cove Property of: Watch Hill Fire District Park Commission, Watch Hill, Rhode Island, Scale: As Shown Date: September 19, 1990, Sheets 1-2 of 2, Revised 2/8/91

One Check in the amount of \$100.00 payable to CRMC, filing fee.

The original Assent No. B87-10-66 was issued June 20, 1988 with Assent Modifications issued on January 5, 1989 and November 15, 1990. This Assent Modification Request is a result of construction difficulties encountered during the installation of the steel sheet pile bulkhead by the contractor, as outlined on the enclosed request form.

It is my opinion, as a Professional Engineer licensed in the State of Rhode Island, that the modification of installing the sheet pile vertically instead of on a slope will not affect the structural integrity of the new sheet pile bulkhead.



Please review the enclosed information and call me or Ron Wood of this office if you have any questions. On behalf of Watch Hill Fire District Park Commission, we request that this Assent Modification be granted.

Sincerely,

DICESARE-BENTLEY ENGINEERS, INC.

Lawrence H. Bentley, PE, LS
President

RPW:LHB/pgb

Enclosure

cc: Nick Pisani, RI CRMC
Atty: Jack Payne, WHFD

File 89-052.4B

WATER RESOURCES DIVISION
STATE OF RHODE ISLAND

DRAFT

February 27, 1991

Mr. Grover J. Fugate
Executive Director
Coastal Resources Management Council
Oliver H. Steadman Government Center
Tower Hill Road
Wakefield, RI 02879

Re: Assent No. B87-10-66; Request for Extension

Dear Mr. Fugate:

We would like to request a two year extension on Assent No. B87-10-66, which expires June 20, 1991, copy enclosed. This extension would make the new expiration date June 20, 1993.

This extension is required to allow for the completion of Phase 3 of the Seawall Reconstruction. Phases 1 and 2 have been completed; however, because of the current economic climate in the area, monies will not be available for Phase 3 until late 1992 or early 1993.

We have enclosed a plan titled: "Seawall Rehabilitation - Phase 2 - Watch Hill Cove, Property of: Watch Hill Fire District Park Commission, Watch Hill, Rhode Island, Scale: As Shown, Date: September 19, 1990," Sheet 1 of 2, Revised 2/8/91, to illustrate which portions have been completed and what remains. Phase 1 of the project, 250 linear feet (lf), was completed in 1988/1989. Phase 2, 300 lf, was completed this year. Phase 3, 150 lf, still remains to be completed.

This seawall reconstruction project is very important to the Watch Hill area and must be completed. However, once bids were received for this work and construction began, we realized that the Watch Hill Fire District could not afford to complete the entire project within the original time limit of the Assent.

Please don't hesitate to call if you have any questions or require additional information.

Sincerely,

Watch Hill Fire District
Park Commission

Enclosures

cc: DiCesare-Bentley Engineers, Inc.

file

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

CRMC ASSENT MODIFICATION REQUEST FORM

File Number of Assent/Permit: B87-10-66

Expiration date (including any extensions): June 20, 1991

Name which assent was issued to: Watch Hill Fire District Parks Commission

Location of project: Bay Street & Fort Road

Plat: 185 Lot (s): 34

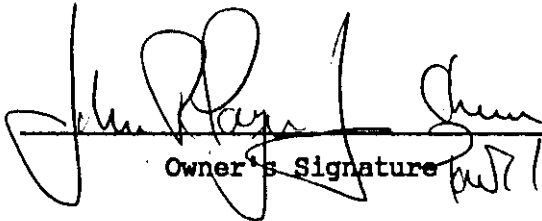
Town: Watch Hill, Westerly, RI

Present Owner: Watch Hill Fire District Park Commission

Address: c/o Jack R. Payne, Jr.
46 Granite Street, Westerly, RI 02891

Describe the proposed modification(s), including reasons for change: To Allow approximately 40 linear feet (LF) of the total Phase 2 300 LF of sheetpile bulkhead to exceed the 18 inches maximum as stated in the original assent. This portion of wall is in the area of the WHYC fixed dock and where it connects to Phase 1. This portion of the bulkhead was constructed a maximum of 4 feet from the existing seawall to the back of the new bulkhead. The contractor has indicated that he required this additional room to be able (see attached)

What stage of construction is the project in? 250 LF (Phase 1) of total 700 LF is completed & the 300 LF of sheet pile for Phase 2 has been installed. Additional portions of Phase 2 are in progress.


Owner's Signature *John R. Payne, Jr.*

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking state assent.

Describe the proposed modification(s), including reasons for change: Cont'd.

to tie into the previously constructed portion of bulkhead and to avoid a portion of the Watch Hill Yacht Club fixed dock that could not be removed. He has also indicated that this was further complicated by having to work around existing utilities from shore to the Watch Hill Yacht Club. An additional modification is the construction of the steel sheet pile bulkhead vertically in lieu of at a 1H:10V battery as previously shown. This has been done for ease of construction.



DEPARTMENT OF THE ARMY
NEW ENGLAND DIVISION, CORPS OF ENGINEERS
424 TRAPELO ROAD
WALTHAM, MASSACHUSETTS 02254-9149

November 16, 1990

REPLY TO
ATTENTION OF

Regulatory Division
CENED-OD-R-15-1987-1805

Ron Wood
DiCesare-Bentley
240 Post Road
Westerly, Rhode Island 02891

Dear Mr. Wood:

We have completed our review of the application of the Watch Hill Fire District Park Commission (No. 15-1987-1805) for a Corps of Engineers permit to construct a sheet pile bulkhead seaward of the existing deteriorating seawall in Watch Hill Cove at Bay Street and Fort Road in Watch Hill, Rhode Island. The work involves construction of 450 linear feet of bulkhead (Phases 2 and 3). This work received prior verification of Nationwide permit status in 1988 for 700 linear feet of bulkhead. Work was completed on only 150' (Phase 1). The location of the remaining repair work has been shifted eastward slightly, however the total length of bulkhead work will not exceed 700'.

That work is permitted under Title 33 Code of Federal Regulations, Part 330.5(a)(3), Nationwide Permits, as published in the November 13, 1986 - Federal Register, and does not require further processing.

This authorization is made in accordance with the attached plans (in 4 sheets) entitled "New Sheet Pile Bulkhead", dated "revised 8/15/90" and subject to the attached General Conditions for Nationwide Permits issued in the State of Rhode Island.

Any temporary fill (i.e. - roadways, cofferdams, etc.), except as shown on the plans, that is placed in the waterway or wetlands to facilitate construction of this activity will require an individual permit.

This verification will be valid until the nationwide permit is modified, reissued, or revoked. All the nationwide permits are scheduled to be modified, reissued, or revoked prior to 13 January 1992. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit.

Note that these conditions require the use of other practical alternatives to avoid or minimize the discharge of dredged or fill material into waters and wetlands of the United States.

Before you begin work, you are required to obtain any necessary State and/or local permits, and other necessary Federal permits.

Should you have any questions concerning this matter, please contact Nancy Derey-Wilson at 617-647-8685 or use our toll-free number 1-800-343-4789 or 1-800-362-4367 if calling within Massachusetts.

Sincerely,

Victor Cole
Acting Chief, Permits Branch
Regulatory Division

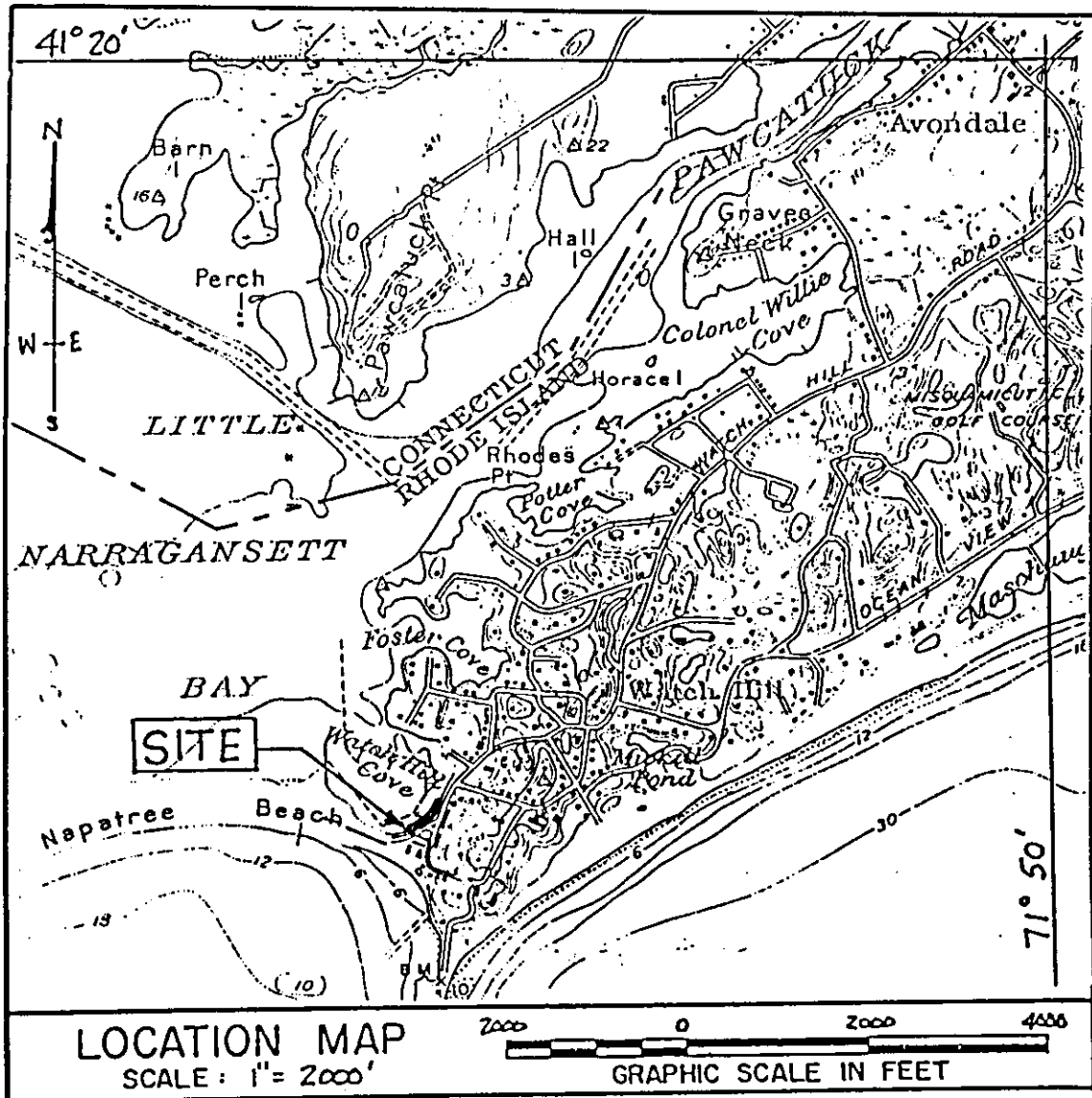
Attachments

Copy Furnished:

Jack R. Payne, Jr.
Watch Hill Fire District Park Commission
46 Granite Street
Westerly, Rhode Island 02891

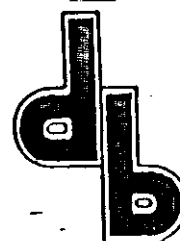
Grover Fugate
Coastal Resources Management Council
Oliver Stedman Government Center
Tower Hill Road
Wakefield, Rhode Island 02879

Richard Greenwood
Rhode Island Historic Preservation Commission
150 Benefit Street
Providence, Rhode Island 02903



LOCATION MAP

NEW SHEET PILE BULKHEAD
 WATCH HILL FIRE DISTRICT
 PARKS COMMISSION
 WATCH HILL, WESTERLY, RI
 WATCH HILL, RI, QUADRANGLE



**DICESARE-
BENTLEY**

ENGINEERS, INC.

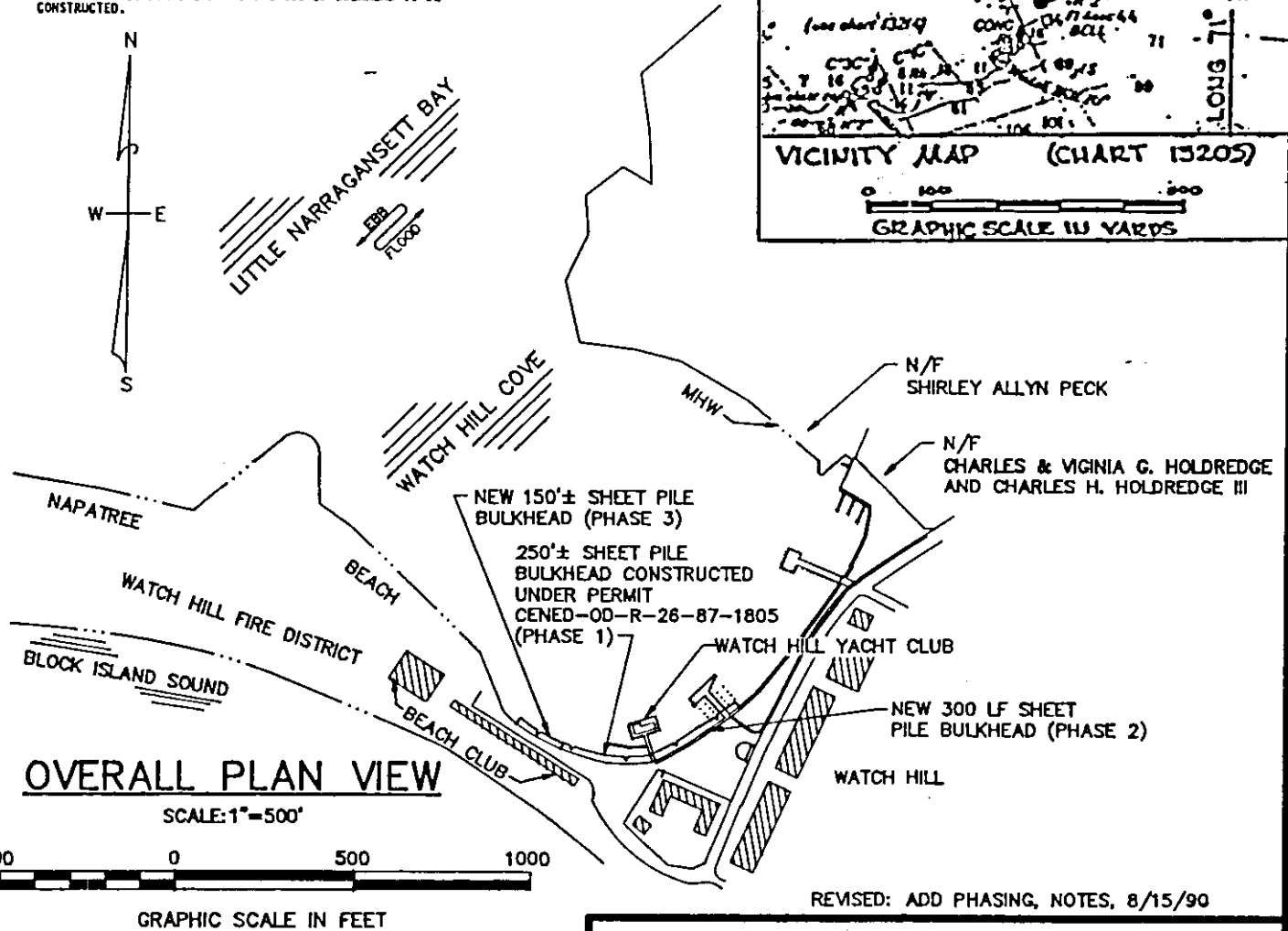
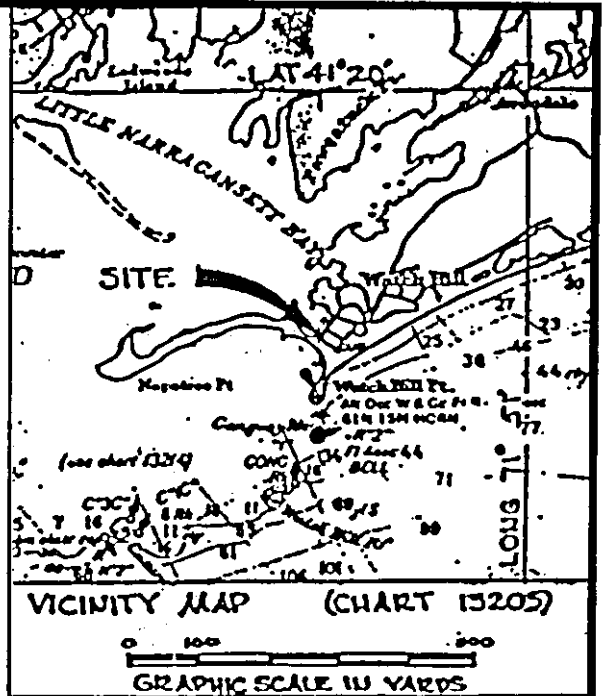
240 POST ROAD
 WESTERLY, RHODE ISLAND

NOTES:

1. ELEVATIONS BASED ON MEAN LOW WATER (MLW) DATUM.
2. TIDES ARE TAKEN FROM 1957 N.O.A.A. TIDE TABLES.
3. PURPOSE: PUBLIC USE.
4. ADJOINERS: NORTH - PECK
EAST - HOLDREDGE
WEST - WATCH HILL FIRE DISTRICT
5. PROPOSED ACTIVITIES:
CONSTRUCTION OF 450 (+/-) LINEAR FEET OF SHEET PILE BULKHEAD, CONSTITUTING 300 (+/-) CUBIC YARDS OF FILL OVER AN AREA OF 1000 (+/-) SQUARE FEET, WATER WARD OF THE HIGH TIDE LINE.
6. THIS IS A CLASS "E" SURVEY.
7. THIS PLAN IS PREPARED FOR PERMIT PURPOSES ONLY. IT IS NOT A CONTRACT DOCUMENT.
8. REFERENCE IS MADE TO PREVIOUS CORPS OF ENGINEERS PERMIT NO. CENED-OD-R-26-87-185, EXPIRED ON JANUARY 22, 1990 FOR 700 LF OF BULKHEAD TO BE CONSTRUCTED. APPROXIMATELY 250 LF OF BULKHEAD WAS CONSTRUCTED UNDER THE PREVIOUS PERMIT. THIS APPLICATION IS FOR THE REMAINING 450 LF BULKHEAD TO BE CONSTRUCTED.

LEGEND AND ABBREVIATIONS

MHW	MEAN HIGH WATER
NTL	HIGH TIDE LINE
MLW	MEAN LOW WATER
N/F	NOW OR FORMERLY
AVG	AVERAGE
EL	ELEVATION
TYP	TYPICAL
MIN	MINIMUM
MAX	MAXIMUM



REVISED: ADD PHASING, NOTES, 8/15/90

LAWRENCE H. BENTLEY

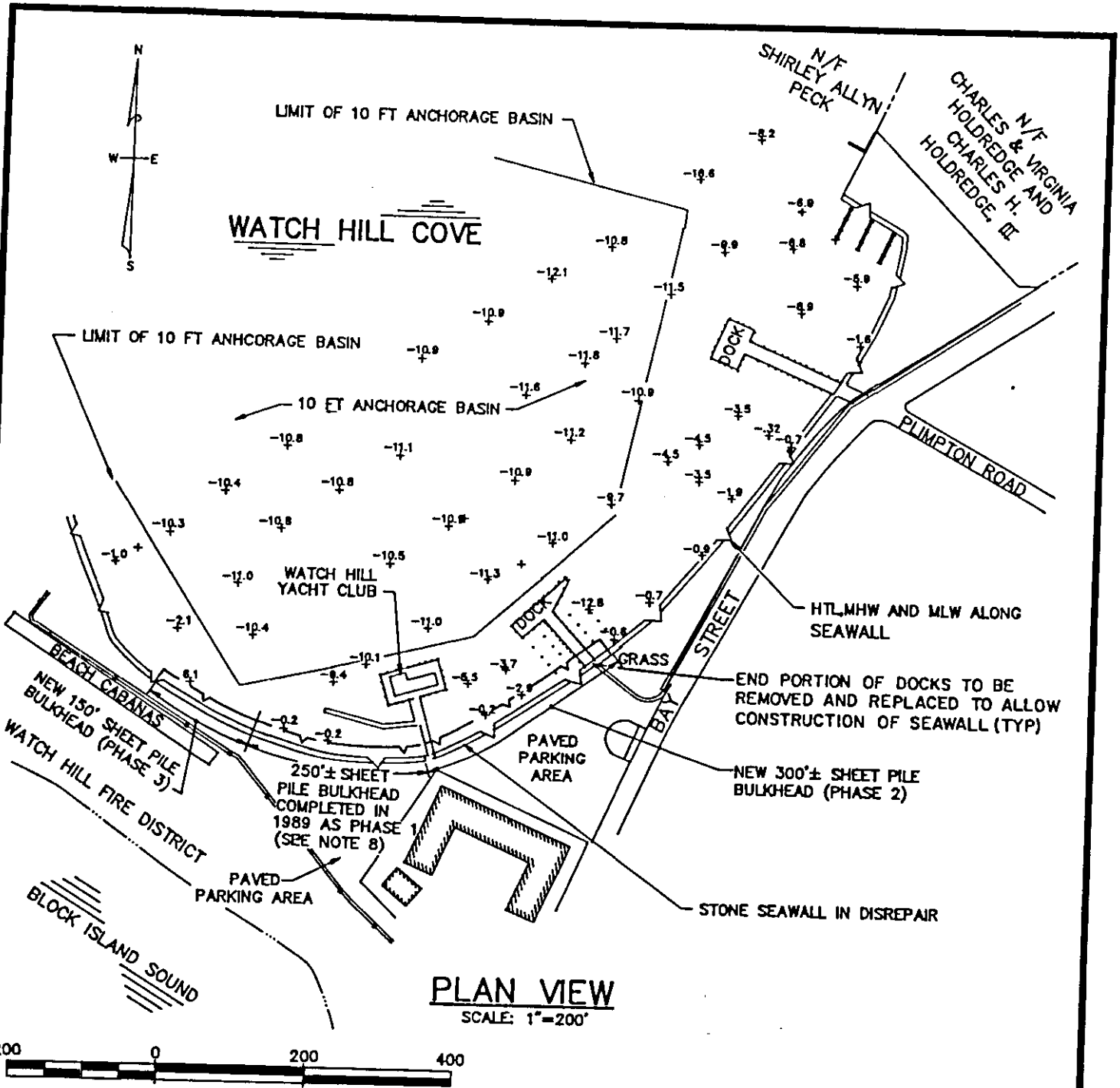
No. 2791



REGISTERED
PROFESSIONAL ENGINEER

NEW SHEET PILE BULKHEAD
IN: WATCH HILL COVE
AT: WATCH HILL, WASHINGTON COUNTY,
RHODE ISLAND
APPLICATION BY: WATCH HILL FIRE DISTRICT
PARKS COMMISSION
SCALE: AS SHOWN
AUGUST 10, 1987

DICESARE-BENTLEY ENGINEERS, INC.
GROTON, CONNECTICUT



REVISED: NEW PHASING, 8/15/90

LAWRENCE H. BENTLEY

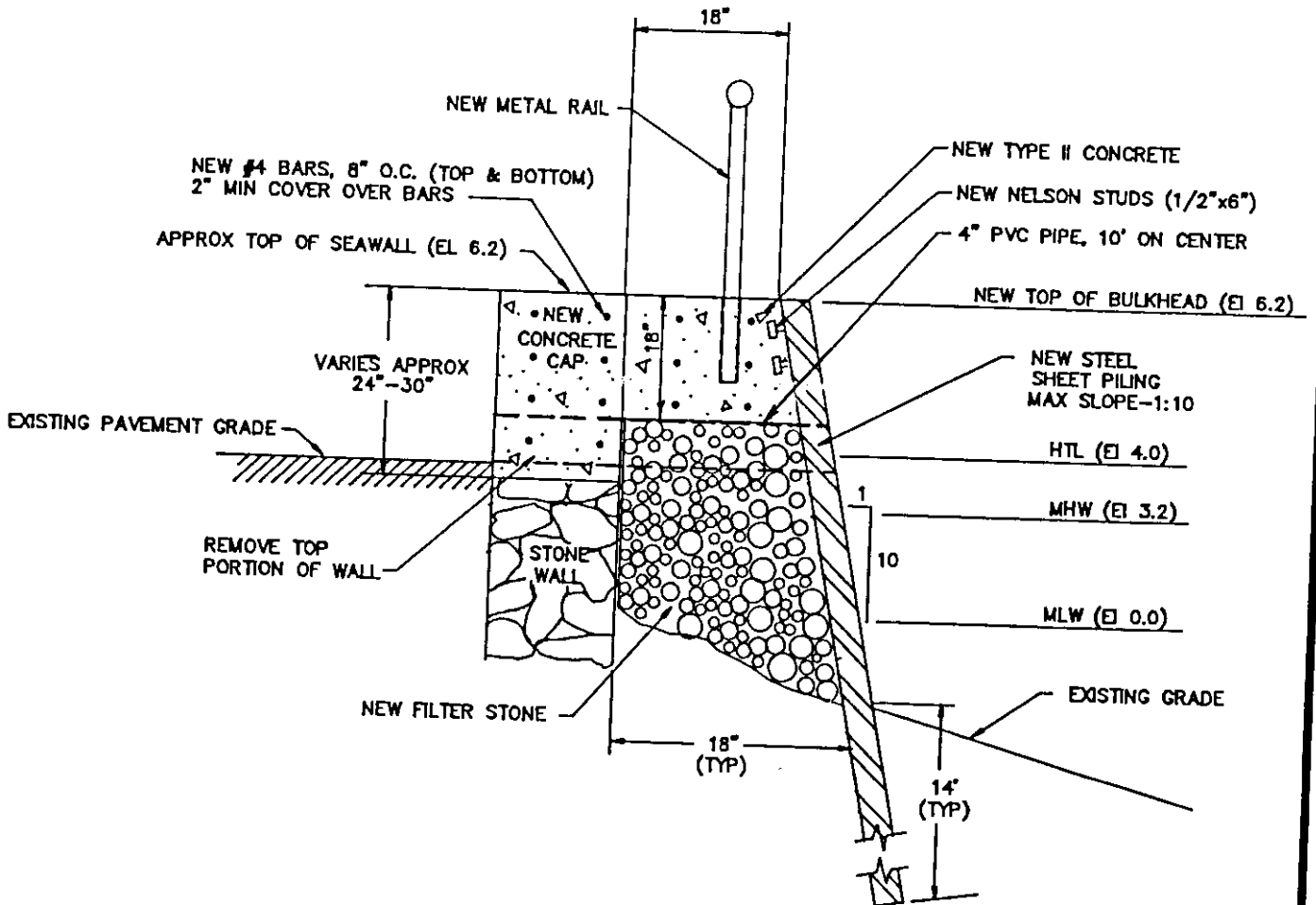
No. **2791**

REGISTERED PROFESSIONAL ENGINEER

NEW SHEET PILE BULKHEAD
 IN: WATCH HILL COVE
 AT: WATCH HILL, WASHINGTON COUNTY,
 RHODE ISLAND
 APPLICATION BY: WATCH HILL FIRE DISTRICT
 PARKS COMMISSION
 SCALE: AS SHOWN
 AUGUST 10, 1987

DICESARE-BENTLEY ENGINEERS, INC.
 GROTON, CONNECTICUT

SHEET 2 OF 3



SHEET PILE BULKHEAD DETAIL

NOT TO SCALE

REVISED: PER PHASE 1 CHANGES, 8/15/89

LAWRENCE H. BENTLEY

No. 2791



REGISTERED
PROFESSIONAL ENGINEER

NEW SHEET PILE BULKHEAD
 IN: WATCH HILL COVE
 AT: WATCH HILL, WASHINGTON COUNTY,
 RHODE-ISLAND
 APPLICATION BY: WATCH HILL FIRE DISTRICT
 PARKS COMMISSION
 SCALE: AS SHOWN
 AUGUST 10, 1987

DICESARE-BENTLEY ENGINEERS, INC.
 GROTON, CONNECTICUT

SHEET 3 OF 3



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
Tower Hill Road
Wake Field, R.I. 02879

CORRECTED

November 15, 1990

Watch Hill Fire District Parks Commission
c/o Jack R. Payne, Jr.
46 Granite Street
Westerly, RI 02891

RE: Assent Modification Request, CRMC File B87-10-66, Watch Hill Fire District Parks Commission. Location - Bay Street and Fort Road, Plat 185, Lot 34. Original Project - construct and maintain 700 L.F. of steel sheetpile bulkhead in front of existing stone seawall. Requested modification: relocate 100' segment of work area from southwest end to northeast end of project area.

Dear Mr. Payne:

The Coastal Resources Management Council has reviewed your request for Modification of Assent No. B87-10-66 and approve the modification with the following additional stipulations.

A. Except/unless as stipulated herein, all stipulations of the original assent for file number B87-10-66, dated 6/20/88, shall remain in full force and effect.

B. The approved plans cited in stipulation (A) of the original assent shall be amended* to be those titled "Seawall Rehabilitation - Phase 2... Watch Hill Fire District Park Commission..., Sheets 1 & 2 of 2, Dated 9/19/90, Stamped by L.H. Bentley, P.E., unless/except as stipulated, all details and specifications thereon shall be strictly adhered to. Changes require written approval from this office.

*Note that this change is for applicant's Phase 2 as shown on the plan referenced above. Phase 1 has been completed, and plan referenced on original assent applies. Phase 3 now consists of 150' length of bulkhead. Detailed plans and CRMC staff review will be needed prior to construction.

Modification of CRMC Assent B87-10-66
Watch Hill Fire District
November 15, 1990
Page 2.

C. Stipulation J shall be amended such that the project description on the public notice shall be considered as part of the approved and required specifications, except as amended in the 10/12/90 letter to CRMC by R.P. Wood, project engineer, and as amended on the "CRMC Assent Modification Form".

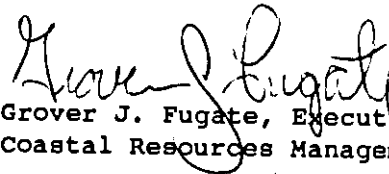
D. The owner shall obtain specific written approval for the proposed relocation of the U.S.A.C.O.E. survey benchmark, from the U.S. Army Corps of Engineers.

E. The total amount of bulkheading authorized shall not exceed the original 700' of length. This modification represents the relocation of a 100' length of proposed bulkhead work from the southwest end of the project area to the northeast end.

F. Regarding the piers to be disturbed temporarily by the construction, the replacement piles and timbers shall be of equal or better (larger) dimension and specification than the existing pilings must be driven to equal or greater depth than those removed.

Please note that the original expiration date remains the same.

Sincerely yours,



Grover J. Fugate, Executive Director
Coastal Resources Management Council

GJF/NAP:mlf

cc: D. Cesare-Bentley, Inc.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
Tower Hill Road
Wake Field, R.I. 02879

November 8, 1990

Watch Hill Fire District Parks Commission
c/o Jack R. Payne, Jr.
46 Granite Street
Westerly, RI 02891

RE: Assent Modification Request, CRMC File B87-10-66-66, Watch Hill Fire District Parks Commission. Location - Bay Street and Fort Road, Plat 185, Lot 34. Original Project - construct and maintain 700 L.F. of steel sheetpile bulkhead in front of existing stone seawall. Requested modification: relocate 100' segment of work area from southwest end to northeast end of project area.

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Modification of CRMC Assent B87-10-66
Watch Hill Fire District
November 8, 1990
Page 2.

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Please note that the original expiration date remains the same.

Sincerely yours,



Grover J. Fugate, Executive Director
Coastal Resources Management Council

GJF/NAP:mlf

cc: D. Cesare-Bentley, Inc.

NOTE TO SEC'Y - DO NOT SEND OUT
W/O APPROVED BLUEPRINT
see Nick

7 NOVEMBER 1990

WATCH HILL FIRE DISTRICT PARKS COMMISSION
c/o JACK R. PAYNE, JR
46 GRANITE ST.
WESTERLY RI 02891

RE: { ASSENT MODIFICATION REQUEST, CRMC FILE B87-10-66,
WATCH HILL FIRE DISTRICT PARKS COMMISSION
LOCATION - BAY ST. 9 FORT. ROAD, PLAT 1PS LOT 34
ORIGINAL PROJECT - CONSTRUCT & MAINTAIN 700 L.F. OF STEEL
SHEETPILE BULKHEAD IN FRONT OF EXISTING STONE SEAWALL
REQUESTED MODIFICATION = RELOCATE 100' SEGMENT OF WORK AREA
Dear MR. PAYNE: FROM SW END TO NE END OF PROJECT AREA

The Coastal Resources Management Council has reviewed your request for Modification of Assent No. B87-10-66 and approve the modification with the following additional stipulations.

see attached

Please note that the original expiration date remains the same.

Sincerely yours,

Grover J. Fugate, Executive Director
Coastal Resources Management Council

cc: D. CESARE-BENTLEY, INC.

/brc?!?

File No. B 87-70-66

ASSENT MODIFICATION REQUEST REVIEW

Recommended Changes, Additional Stipulations:

Except/unless as stipulated herein, all stipulations of the original assent for file number B 87-10-66 dated 6/20/88, shall remain in full force and effect.

- (2) THE APPROVED PLANS CITED IN STIPULATION (A) OF THE ORIGINAL ASSENT SHALL BE AMENDED* TO BE THOSE TITLED "SEAWALL REHABILITATION - PHASE 2 ... WATCH HILL FIRE DISTRICT PARK COMMISSION ...", SHEETS 1 & 2 OF 2, DATED 9/19/90, STAMPED BY L.H. BENTLEY, PE UNLESS/EXCEPT AS STIPULATED, ALL DETAILS AND SPECIFICATIONS THEREON SHALL BE STRICTLY ADHERED TO. CHANGES REQUIRE WRITTEN APPROVAL FROM THIS OFFICE.
- (*) : NOTE THAT THIS CHANGE IS FOR APPLICANT'S PHASE 2 AS SHOWN ON THE PLAN REFERENCED ABOVE. PHASE 1 HAS BEEN COMPLETED, AND PLAN REFERENCED ON ORIGINAL ASSENT APPLIES. PHASE 3 NOW CONSISTS OF 150' LENGTH OF BULKHEAD. DETAILED PLANS AND CRMC STAFF REVIEW WILL BE NEEDED PRIOR TO CONSTRUCTION.
- (3) STIPULATION (J) SHALL BE AMENDED SUCH THAT THE PROJECT DESCRIPTION ON THE PUBLIC NOTICE SHALL BE CONSIDERED AS PART OF THE APPROVED AND REQUIRED SPECIFICATIONS, EXCEPT AS

~~Comments with respect to engineering concerns of the RICMP:~~ _____

AMENDED IN THE 10/12/90 LETTER TO CRMC BY R. P. WOOD, PROJECT ENGINEER, AND AS AMENDED ON THE "CRMC ASSENT MODIFICATION FORM".

- (4) THE OWNER SHALL OBTAIN SPECIFIC WRITTEN APPROVAL FOR THE PROPOSED RELOCATION OF THE U.S.A.C.O.E. SURVEY BENCHMARK, FROM THE U.S. ARMY CORPS OF ENGINEERS.
- (5) THE TOTAL AMOUNT OF BULKHEADING AUTHORIZED SHALL NOT EXCEED THE ORIGINAL 700' OF LENGTH. THIS MODIFICATION REPRESENTS THE RELOCATION OF A 100' LENGTH OF PROPOSED BULKHEAD WORK FROM THE SOUTHWEST END OF THE PROJECT AREA TO THE NORTHEAST END.
- (6) REGARDING THE TIERS TO BE DISTURBED TEMPORARILY BY THE CONSTRUCTION, THE REPLACEMENT PILES AND TIMBERS SHALL BE OF EQUAL OR BETTER (LARGER) DIMENSION AND SPECIFICATION THAN THE EXISTING. PILING MUST BE DRIVEN TO EQUAL OR GREATER DEPTH THAN THOSE REMOVED.

SIGNATURE AND DATE: _____

~~Comments with respect to engineering concerns of the RICRMP:~~ _____

SEND COPY TO

- WATCH HILL FIRE DISTRICT PARKS COMMISSION
40 JACK R. PAYNE, JR
46 GRANITE STREET
WESTERLY, RI 02891

- ATTN: RONALD P. WOOD, PROJECT ENGINEER
D. CESARE-BENTLEY ENGINEERS, INC.
CENTURY PROFESSIONAL CENTER - SUITE 3
100 FORT HILL ROAD
GROTON, CT 06340

SIGNATURE AND DATE: _____

NOTE TO SEC'Y - DO NOT SEND OUT
W/O APPROVED BLUEPRINT PER NICK
NOTE-TO G. FUGATE - NOTE COMMENTS
ON CRMC MEETING

7 NOVEMBER 1990

WATCH HILL FIRE DISTRICT PARKS COMMISSION
c/o JACK R. PAYNE, JR
46 GRANITE ST.
WESTERLY, RI 02891

RE: { ASSENT MODIFICATION REQUEST, CRMC FILE B87-10-66,
WATCH HILL FIRE DISTRICT PARKS COMMISSION
LOCATION - BAY ST. & FORT. ROAD, PLAT 185 LOT 34
ORIGINAL PROJECT - CONSTRUCT & MAINTAIN 700 L.F. OF STEEL
SHEETPILE BULKHEAD IN FRONT OF EXISTING STONE SEAWALL
REQUESTED MODIFICATION = RELOCATE 100' SEGMENT OF WORK AREA
Dear MR. PAYNE: FROM SW END TO NE END OF PROJECT AREA

The Coastal Resources Management Council has reviewed your request for Modification of Assent No. B87-10-66 and approve the modification with the following additional stipulations.

see attached

Please note that the original expiration date remains the same.

Sincerely yours,

Grover J. Fugate, Executive Director
Coastal Resources Management Council

cc: D. CESARE-BENTLEY, INC.

File No. B 87-10-66

ASSENT MODIFICATION REQUEST REVIEW

Recommended Changes, Additional Stipulations:

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~~Comments with respect to engineering concerns of the RICRMP:~~ _____

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SIGNATURE AND DATE: _____

~~Comments with respect to engineering concerns of the RICRMP:~~ _____

SEND COPY TO

- WATCH HILL FIRE DISTRICT PARKS COMMISSION
 % JACK R. PAYNE, JR
 46 GRANITE STREET
 WESTERLY, RI 02891

- ATTN: RONALD P. WOOD, PROJECT ENGINEER
 D. CESARE-BENTLEY ENGINEERS, INC.
 CENTURY PROFESSIONAL CENTER - SUITE 3
 100 FORT HILL ROAD
 GROTON, CT 06340

SIGNATURE AND DATE: _____

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

INTER-OFFICE MEMO

TO: G. FUCATE, EXEC. DIR.

DATE: 11/7/90

DEPT: CRMC

FROM: NICK A. PISANI PE, SR. CIVIL ENGR.

DEPT: CRMC STAFF

SUBJECT: ASSENT MODIFICATION

FILE NO.: 87-10-66 Expiration Date: 6/20/91

ORIGINAL FILE NAME: WATCH HILL FIRE DISTRICT

LOCATION: BAY STREET AND FORT ROAD

PLAT: 185 LOT(s): 34

TOWN: WESTERLY

PRESENT OWNER: SAME

ADDRESS: WATCH HILL FIRE DISTRICT / W.H.F.D. PARK COMMISSION, 200 PARKS COMMISSION / % JACK R. PAYNE, JR. WATCH HILL, RI 02891 / 46 GRANITE ST. WESTERLY, RI 02891

Also send any modified approval to: D. CESARE BENTLEY ENGINEERS, INC; CENTURY PROFESSIONAL CENTER-Suite 3 100 FORT HILL ROAD, GROTON, CT 06340

Type of Assent received (circle): P/SE; (B); A; Maintenance

Proposed Modifications(s): CHANGE THE LIMITS OF THE 700' LENGTH OF PROPOSED BULKHEAD BY RELOCATING 100' OF THE SW END TO 100' EXTENSION TO THE NE END OF THE ORIGINALLY APPROVED PROJECT SCOPE.

ASSENT MODIFICATION REQUEST REVIEW

Review & Comments:

- THE 100' LENGTH OF NEW PROJECT AREA IS TO BE IN FRONT OF THE SAME TYPE OF CONSTRUCTION OF SEAWALL AS EXISTS IN THE ADJACENT AREA WHICH WAS ALREADY ASSENTED.
- DEPTH OF WATER AT FACE OF EXISTING WALL IN AREA TO BE DONE AS NEW AREA WAS OBSERVED AT 3' TO 3 1/2' DEPTH AT APPROX. 2³⁰ PM ON 11/5/90; THIS WOULD TRANSLATE TO APPROX. 1 1/2' TO 2' MLW ±.
- THE DESIGN IS THE SAME AS ORIGINALLY ASSENTED; ADDITIONAL DETAILS HAVE BEEN ADDED TO ACCOMODATE EXISTING PIERS, AND AN OUTFALL TO BE ENCOUNTERED BY THE RELOCATED CONSTRUCTION.
- THE BOTTOM CONDITIONS AT THE NEW AREA OF BULKHEAD IS SANDY. A FEW SMALL (1 C.F. ±) BOULDERS ARE PRESENT, BUT THESE ARE NOT EXPECTED TO BE A PROBLEM.
- A SEGMENT OF THE PROJECT IS IN PLACE, PER THE ORIGINAL ASSENT.
- THERE IS AN OUTFALL IN THE EXISTING SEAWALL WHICH DISCHARGES FLOW FROM 2 CATCH BASINS.

RECTION - NO ENGINEERING OBJECTIONS / CONCERNS BEYOND THOSE ADDRESSED IN MY ORIGINAL FILE REVIEW.

AS THE WORK IS ONTO A PREVIOUSLY UNADDRESSED SEGMENT OF SHORELINE, THE FULL CPMC MAY NEED TO BE INVOLVED IN THE APPROVAL.

SEE ATTACHED LETTER W/ STIPULATIONS.

File No. 87-10-66

ASSENT MODIFICATION REQUEST REVIEW

Based on the above:

The proposed changes to the project and/or assent will have minimal impact on coastal resources ^{*}beyond that granted in the original assent, and will represent a minimal change to the original assent and stipulations, provided that any and all recommended changes to assent are followed (attached). * EXCEPT THAT THE LOCATION WAS NOT SENT TO NOTICE, NOR BROUGHT TO CRMC MEETING.

The proposed change(s) represent more than an insignificant change, therefore, a new application should be required.

Due to the extent of the assent modification proposed, this matter should be addressed to the full CRMC for review.
AS THE LOCATION HAS BEEN CHANGED ON STRUCTURAL SHORE PROTECTION.

Other: _____

SEE ATTACHED STIPULATIONS/CHANGES

11/7/90

Signed Nicholas A. Lisanti PE
Dominic El

IT WOULD APPEAR THAT A COUNCIL MODIFIED ASSENT IS NECESSARY.

87-10-66 ~~40-10-40~~
file

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

CRMC ASSENT MODIFICATION REQUEST FORM

File Number of Assent/Permit: 87-10-66

Expiration date (including any extensions): June 20, 1991

Name which assent was issued to: Watch Hill Fire District

Location of project: Bay Street & Fort Road

Plat: 185 Lot (s): 34

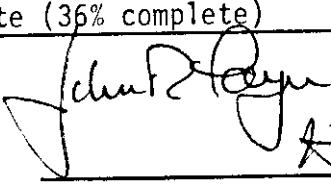
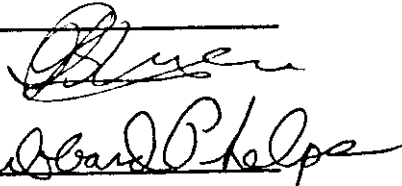
Town: Watch Hill, Westerly, RI

Present Owner: Watch Hill Fire District Park Commission

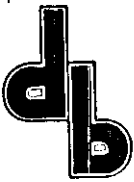
Address: c/o Jack R. Payne, Jr.
46 Granite Street, Westerly, RI 02891

Describe the proposed modification(s), including reasons for change: _____
To change the limits of Phase 2 and 3 shifting to the east approximately
100 feet. This will allow reconstruction of particularly deteriorated
wall. Details of seawall construction project have been revised to reflect
conditions encountered during Phase I construction.

What stage of construction is the project in? 250 lf of total 700 lf
seawall has been constructed to date (36% complete)



Owner's Signature

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking state assent.



DiCESARE-BENTLEY

ENGINEERS, INC.

CENTURY PROFESSIONAL CENTER - SUITE 3
100 FORT HILL ROAD, GROTON, CT 06340
Telephone (203) 448-0400
FAX No. 448-0899

LETTER OF TRANSMITTAL

DATE	OCT. 12 1993	JOB NO.	B7-052.4
ATTENTION:	MR. GROVE FUGATE		
RE:	SEAWALL REHABILITATION		
	CRMC FILE # B7-10-66		

TO: COASTAL RESOURCE MGMT. COUNCIL
OLIVER STEDMAN GOVT. BUILDING
TOWER HILL ROAD
WAKEFIELD, RI, 02879

GENTLEMEN: We are sending you Attached Under Separate Cover Via _____, the following items:

- SHOP DRAWINGS
- PRINTS
- PLANS
- SAMPLES
- SPECIFICATIONS
- COPY OF LETTER
- COMPUTER WORK
- DESIGNS
- Other _____

copies	date or no.	description
4		CRMC ASSENT MODIFICATION REQUEST FORMS
4		SETS OF SEAWALL REHABILITATION PLANS - PHASE 2
1		¥100.00 MODIFICATION FEE
1		COPY OF ORIGINAL CRMC ASSENT B7-10-66
1		COVER LETTER TO GROVE FUGATE

THESE ARE TRANSMITTED AS CHECKED BELOW:

- FOR YOUR APPROVAL
 - APPROVED AS SUBMITTED
 - RESUBMIT _____ COPIES FOR APPROVAL
 - FOR YOUR USE
 - APPROVED AS NOTED
 - SUBMIT _____ COPIES FOR DISTRIBUTION
 - AS YOU REQUESTED
 - RETURNED FOR CORRECTIONS
 - RETURN _____ CORRECTED PRINTS
 - FOR REVIEW AND COMMENT
 - _____
 - _____
- For Bids Due _____, 19____ Prints Returned After Loan To Us

REMARKS: _____

COPIES: _____

IF ENCLOSURES ARE NOT AS NOTED, KINDLY NOTIFY US AT ONCE.

SIGNED John P. Donohue
 JOHN P. DONOHUE EX2 RON WOOD



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

HISTORICAL PRESERVATION COMMISSION

Old State House
150 Benefit Street
Providence, R.I. 02903
(401) 277-2678

Dr. William Miner, Chairman
Coastal Resources Management Council
Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, RI 02879

Regarding: Applicant: Watch Hill Fire District
File Reference: 87-10-66
Project Location: Watch Hill Cove, Westerly
Response Date: December 2, 1987

Dear Dr. Miner:


This office has reviewed the above-referenced project in accordance with Section 220 of the Coastal Resources Management Plan.

The Watch Hill Cove seawall rehabilitation project is located within the Watch Hill National Register District. The seawall itself does not date from the historic district's period of significance.

However, this rubblestone masonry structure harmonizes with the district's historical character in a way that a steel sheetpile bulkhead does not. Therefore, the Rhode Island Historical Preservation Commission requests that the applicant consider repair of the existing stone wall rather than introducing a new intrusive structure. If after further study of this option and consultation with this office, repair does not appear to be feasible, the Historical Preservation Commission will not object to the proposed work.

The seawall project also incorporates a new metal rail. The Rhode Island Historical Preservation Commission will need to review the design of this rail prior to approval.

Very truly yours,


Edward F. Sanderson
Executive Director
Deputy State Historic
Preservation Officer

EFS:cc
cc: Watch Hill Fire District



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

HISTORICAL PRESERVATION COMMISSION

Old State House
150 Benefit Street
Providence, R.I. 02903
(401) 277-2678

Dr. William Miner, Chairman
Coastal Resources Management Council
Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, RI 02879

Regarding: Applicant: Watch Hill Fire District
 File Reference: 87-10-66
 Project Location: Watch Hill Cove, Westerly
 Response Date: December 30, 1987

Dear Dr. Miner:

This office has received the additional information on the above-referenced project from the consultant engineers which we requested in our letter of 12-2-86.

Based on this information, we have no objections to the seawall rehabilitation project as proposed.

Very truly yours,

Richard E. Sanderson (fa)

Edward F. Sanderson
Executive Director
Deputy State Historic
Preservation Officer

EFS:cc

cc: Watch Hill Fire District
Mark Eichstadt

AP

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
INTER-OFFICE MEMO

TO: Grover Fugate, Executive Director
DEPT: Coastal Resource Management Council
FROM: Edward Szymanski, Chief
DEPT: DEM/Water Resources

DATE: 4/12/88
File No: 87-10-66
Town: Westerly

SUBJECT: Application of the Watch Hill Fire District Parks Commission to construct a 700' sheetpile bulkhead along the face of an existing seawall on Watch Hill Cove, at property designated at Plat 185, Lot 34, Bay Street and Fort Road, Westerly, Rhode Island.

We have reviewed the subject application. The waters in the area classified SA.

It is our opinion said project will not violate applicable water quality criteria for the area, provided that:

1. Material used for fill and construction is clean, free of matter which could cause pollution of the waters of the State.
2. Proper procedures are followed to prevent excessive turbidity in Watch Hill Cove Hill during construction.
3. All excess construction materials shall be removed from the site and disposed of at a suitable upland site.

This is the State's water quality certification for this project.

ES/sw
(b)

cc: Mr. Dave Killoy, Section Chief
Regulatory Branch CENED-OZ-R
U.S. Army Corps of Engineers, New England Division
424 Trapelo Road, Waltham, Ma. 02254-9149

CHECK LIST

FOR APPLICATION FOR COASTAL RESOURCES

MANAGEMENT COUNCIL ASSENT

X Application Fee: Variable depends on project type.

X (1) Four Copies of completed application form.

_____ For location no., provide street address, utility pole number(s) of the property.

_____ Obtain the name of the waterway from a USGS Topography map (reductions of such maps are found in the RICRMP). If in doubt, leave this blank.

_____ For extensions of riparian boundary lines, this refers to the owner's riparian area which one may, pending state and federal permits, construct piers, docks, etc. If these lines have been established by the City/town, courts, legal agreement, etc., so indicate. If these lines have not been established, indicate "no". If unsure, leave blank.

_____ Be complete and concise in the description of the work proposed. The plans which you submit must be completely reflected in the written description of the proposal.

X (2) Proof of property ownership. The CRMC requires a letter from the local tax assessor stating ownership of the property. Note that the current owner must file the application, although a potential purchaser may file if a valid sales agreement is also submitted.

_____ (3) Sewage Disposal permit.

_____ (a) Affirmation that the proposed structures(s) will be serviced by municipal sewers. (For large projects, local community approval and construction details of the tie-in are required).

_____ (b) An approved Individual Sewage Disposal System (ISDS) permit from DEM/ISDS, 38 State Street, Providence, Rhode Island 02908, Phone (401) 277-2306.

_____ (c) An approved "Change of Use" permit from DEM/ISDS is required in unsewered areas when an increase in the number of bedrooms, an increase in "flow units", or a change from seasonal to year-round use is proposed.

~~_____~~ (d) For subdivisions, a subdivision review opinion from DEM/ISDS is required.

X (4) Local approval.

X (a) A copy of the local building permit or a letter from the local building official stating that a building permit will be issued upon receipt of a CRMC permit.

~~_____~~ (b) For subdivisions, the approval of the local planning board must be submitted.

X (5) Location map indicating adjacent street(s), nearest utility pole(s), north arrow, scale, and waterway. This map must be able to be used for directions to the site, as well as for locating site on an aerial photograph. (If possible, include this map in a corner of the 8 1/2" x 11" site plan (see below). Use of both a section of the local plat map and a section of USGS topography chart or street guide is suggested.

X (6) Site plans.

X (a) Four (4) copies of all site plans are required. If the project requires a type "B" or type "P" application, or involves work in the waterway, plans must be 8 1/2" x 11". Use of more than one sheet to delineate the project is acceptable. Plans may be larger than 8 1/2" x 11" if an administrative review is allowed.

X (b) All plans must include a title block with name, street, town, designer, date, and scale.

X (c) Plans must be to scale. Scale must be no smaller than 1" = 50'. Larger scales such as 1" = 20', 1" = 30', 1" = 40', are preferred. Note: When plans are larger than 8 1/2" x 11" a graphic scale must be provided. This is a bar graph which can be used to determine the scale if the plan is reduced.

X (d) Complete property boundary lines must be shown on at least one plan view.

X (e) Include a north arrow (indicate whether magnetic or true north is used).

X (f) Show abutting street(s), with nearest utility pole number(s). Also, show distance and direction to nearest intersection.

X (g) Show location of all coastal features and feature boundaries, such as:

_____ top of seawall

_____ top of bedrock ledge, cliff, bluff, or coastal bank

Page Three
Check List
Coastal Resources Management Council

- _____ top of dune, beach scarp
- _____ inland edge of beach
- _____ inland edge of coastal/contiguous wetlands.

_____ (h) Locations of pertinent existing underground features, such as:

- _____ ISDS's: cesspools, septic tanks, leach fields
- _____ sanitary sewer lines
- _____ drainage pipes/culverts
- _____ water lines/wells
- _____ underground utilities, tanks, etc.,

_____ (i) Locations of pertinent existing surface features, such as:

- _____ walls, seawalls, groins, jetties
- _____ piers, docks, boat ramps
- _____ buildings
- _____ fences
- _____ driveways, parking areas
- _____ streams, drainage swales
- _____ edges of vegetated areas.

 X (j) Mean High Water (MHW) line

 X (k) Mean Low Water (MLW) line

_____ (l) Existing and proposed elevation contours. The reference datum must be indicated.

Preferable datum planes:

_____ MSL - Mean Sea Level - Used for most upland projects.

_____ MHW - Mean High Water

_____ MLW - Mean Low Water - Used for dredging and pier/dock applications.

_____ Note - If no grade changes are proposed, specifically indicate this on the plan.

_____ Note - If an assumed datum is used, its conversion to MSL datum must be provided.

_____ (m) Indicate all areas which will be altered (temporarily or permanently), by the construction activity, as well as areas to be subsequently altered for landscaping, etc. Include areas altered by clearing, grading, stockpiling, cutting of vegetation, etc.

_____ (n) Indicate all temporary and permanent erosion/sediment controls (staked hay bales, log & hay dams, loam & seed areas, mulch, riprap, plantings).

_____ (o) Indicate all proposed work:

_____ buildings

_____ piers, docks, ramps, etc.,

_____ driveways and parking areas (show type of surface - i.e., asphalt, crushed stone, etc.).

_____ ISDS

_____ other _____

X (7) Cross section view of F WALLS

Cross sections for wall or fill projects must indicate both the existing and proposed cross section. The scale should not be exaggerated, unless absolutely necessary as a true graphical representation of slopes, etc., is desired.

X (8) Details and specifications. Refer to the RICRMP for the standards required for the type of project being proposed. It is advised that these be included, either in written form or by dimensioning, on the submitted plans. Other information which is necessary includes the amount of materials to be used, volume of excavation/dredging proposed, methods of construction, times of construction start and completion, etc.

X (9) Written requirements of RICRMP:

X (a) Address items in 300.1, p. 66, in writing.

X (b) Review appropriate sections of RICRMP: 300.7 E1 + E2

_____ (c) Request any and all variances and/or special exceptions required: _____

X
(10) Provide separately in writing, or in the written description, information regarding:

(a) the areas expected to be impacted during construction, access routes, etc.

(b) pertinent time of construction information, such as anticipated duration of construction, expected start of construction, etc.

(c) construction methods, expected type of equipment to be used etc.

(d) information on any and all utilities to be installed (electric lines, fuel oil storage tanks, etc.).

(e) Information regarding any and all intentions for provisions for pedestrian access to the shore.

_____ (11) Refer to checklist addenda for specific types of projects:

_____ (a) dwelling additions

_____ (b) New and substantially improved dwellings & ISDS's

_____ (c) Dwellings/buildings in velocity flood zones.

_____ (d) Residential piers and docks.

_____ (e) Drainage projects.

_____ (f) Dredging projects.

_____ (g) Other - see CRMC staff for assistance.

X
X
_____ (12) Please provide address and/or phone numbers of contact person(s) who will be able to answer any questions regarding this application.

_____ (13) Please provide address and/or phone numbers of contact person(s) who should be contacted by CRMC should questions regarding monitoring and permit compliance arise during construction.

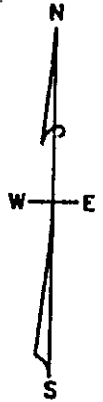
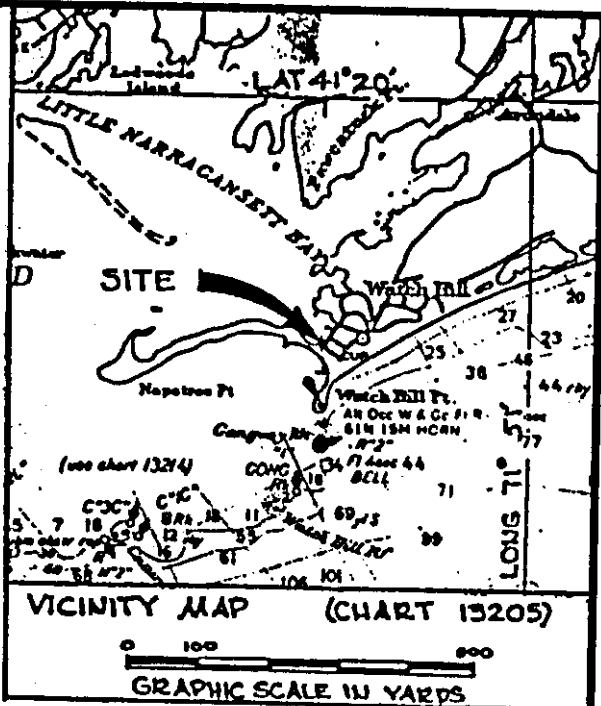
X
(14) Note: All proposals are forwarded to the Rhode Island Historical Preservation Commission for review and comment in accordance with Section 220 of the Council's Plan. In some cases, the applicant may be required to submit the results of an archaeological assessment survey in order to document the presence or absence of significant archaeological sites. If the proposed development would damage a significant historical or archaeological resource, the Council may require modification of, or prohibit the proposed action. For additional information, you may contact Rhode Island Historical

NOTES

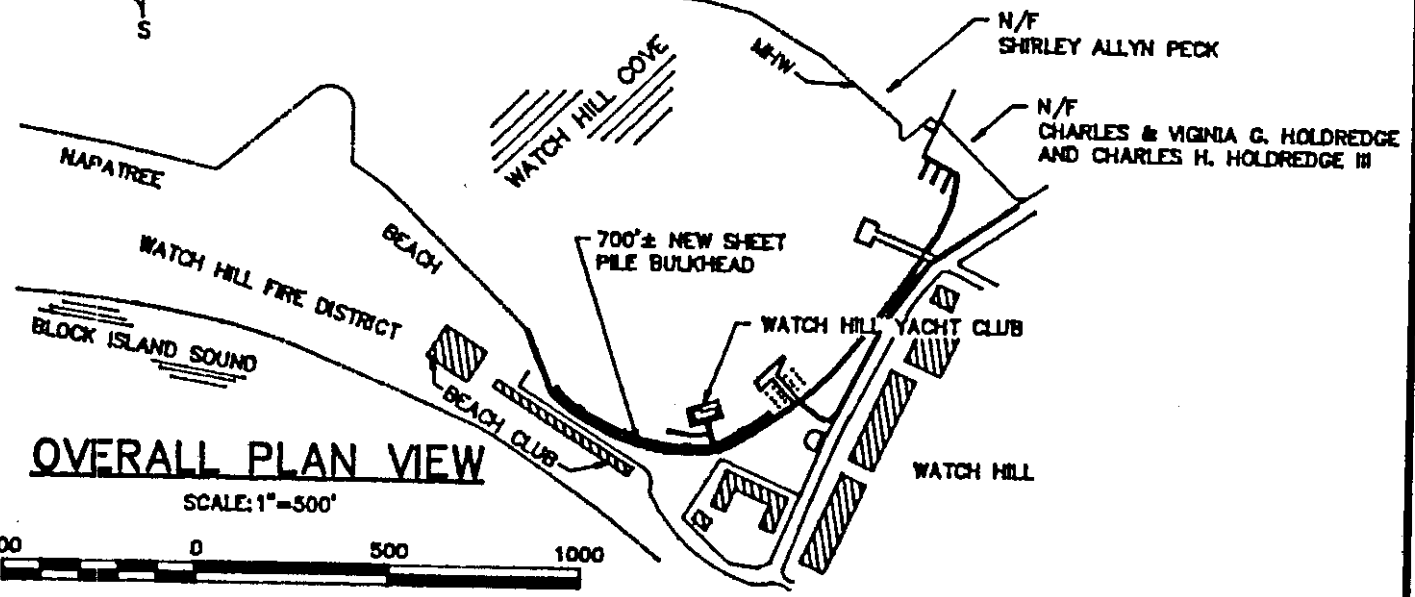
1. ELEVATIONS BASED ON MEAN LOW WATER (MLW) DATUM.
2. TIDES ARE TAKEN FROM 1987 N.O.A.A. TIDE TABLES.
3. PURPOSE: PUBLIC USE.
4. ADJOINERS: NORTH - PECK
EAST - HOLDREDGE
WEST - WATCH HILL FIRE DISTRICT
5. PROPOSED ACTIVITIES:
CONSTRUCTION OF 700(+/-) LINEAR FEET OF SHEET PILE BULKHEAD, CONSISTING OF 800(+/-) CUBIC YARDS OF FILL OVER AN AREA OF 1000(+/-) SQUARE FEET, WATERWARD OF THE HIGH TIDE LINE.
6. THIS IS A CLASS "B" SURVEY.
7. THIS PLAN IS PREPARED FOR PERMIT PURPOSES ONLY. IT IS NOT A CONTRACT DOCUMENT.

LEGEND AND ABBREVIATIONS


MHW	MEAN HIGH WATER
HTL	HIGH TIDE LINE
MLW	MEAN LOW WATER
M/W	MOV OR FORMERLY
AVG	AVERAGE
EL	ELEVATION
TYP	TYPICAL
MIN	MINIMUM
MAX	MAXIMUM



LITTLE NARRAGANSETT BAY



LAWRENCE H. BENTLEY

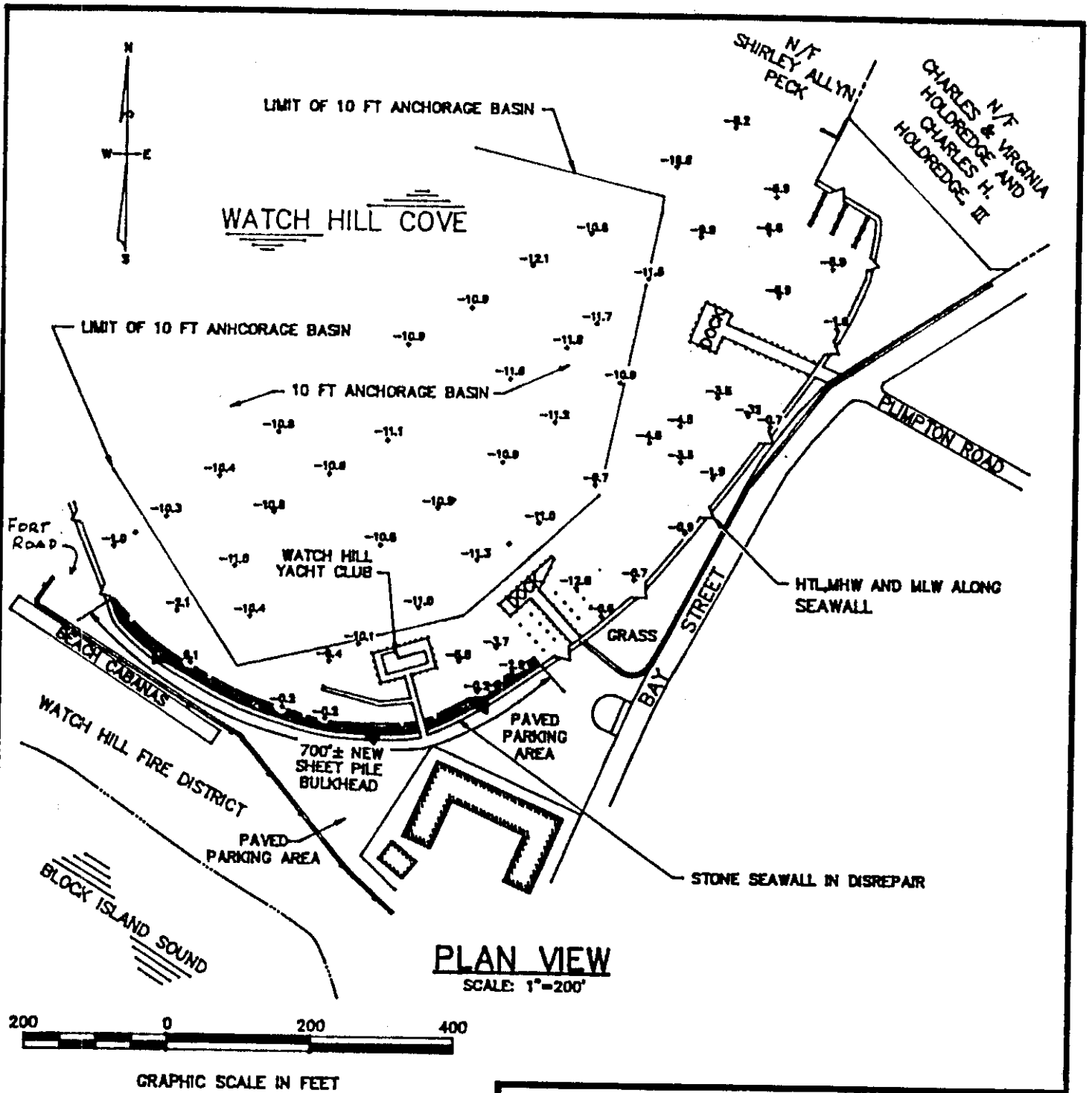
No.  2791


REGISTERED PROFESSIONAL ENGINEER

NEW SHEET PILE BULKHEAD
 IN: WATCH HILL COVE
 AT: WATCH HILL, WASHINGTON COUNTY,
 RHODE ISLAND
 APPLICATION BY: WATCH HILL FIRE DISTRICT
 PARKS COMMISSION
 SCALE: AS SHOWN AUGUST 10, 1987

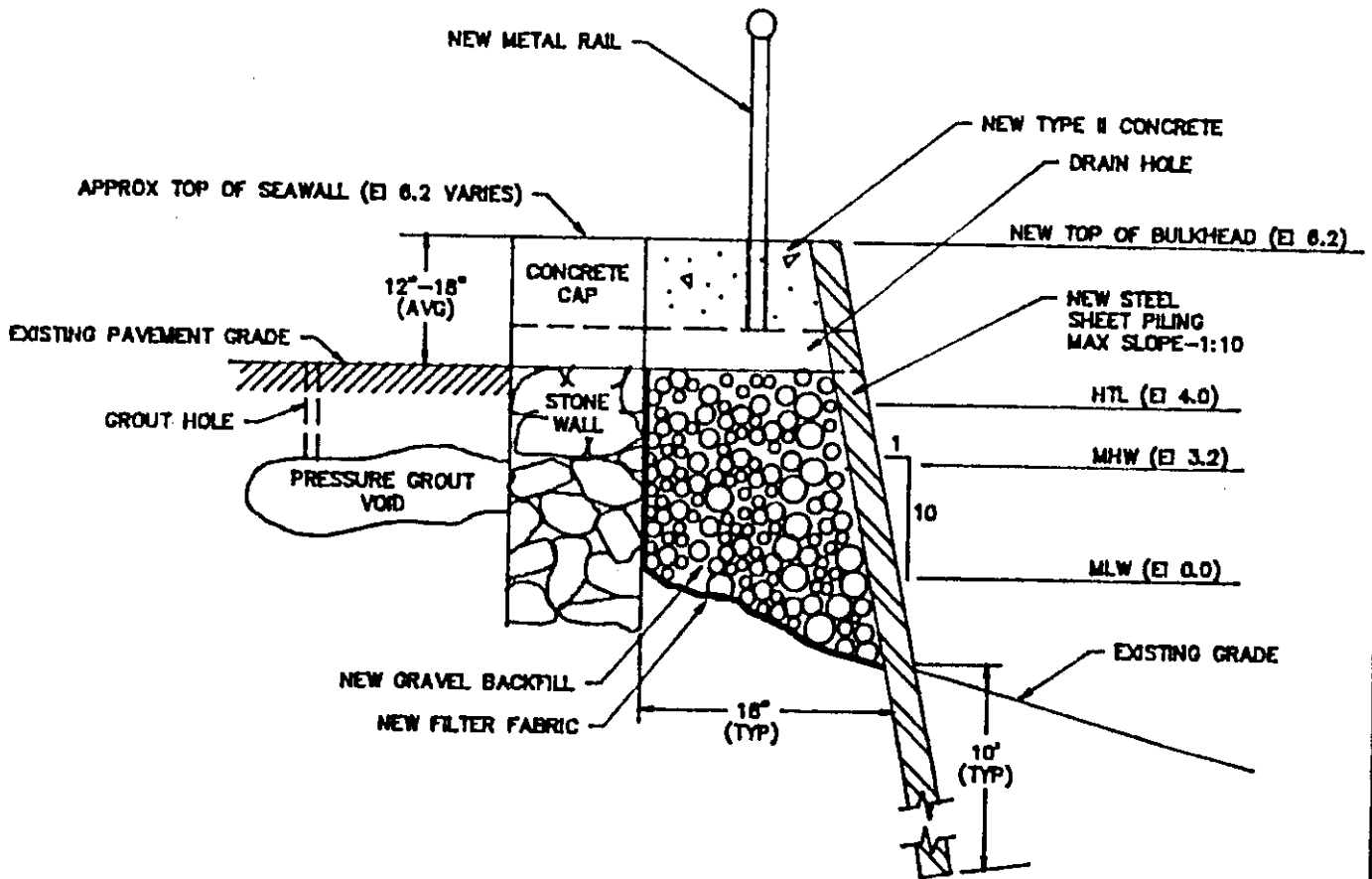
DICESARE-BENTLEY ENGINEERS, INC.
 GROTON, CONNECTICUT

SHEET 1 OF 3



LAWRENCE H. BENTLEY

 No. 2791
 REGISTERED
 PROFESSIONAL ENGINEER

NEW SHEET PILE BULKHEAD
 IN: WATCH HILL COVE
 AT: WATCH HILL, WASHINGTON COUNTY,
 RHODE ISLAND
 APPLICATION BY: WATCH HILL FIRE DISTRICT
 PARKS COMMISSION
 SCALE: AS SHOWN
 AUGUST 10, 1987
 DICESARE-BENTLEY ENGINEERS, INC.
 GROTON, CONNECTICUT
 SHEET 2 OF 3



SHEET PILE BULKHEAD DETAIL

NOT TO SCALE

LAWRENCE H. BENTLEY

No. 2791



REGISTERED
PROFESSIONAL ENGINEER

NEW SHEET PILE BULKHEAD

IN: WATCH HILL COVE

AT: WATCH HILL, WASHINGTON COUNTY,
RHODE ISLAND

APPLICATION BY: WATCH HILL FIRE DISTRICT
PARKS COMMISSION

SCALE: AS SHOWN

AUGUST 10, 1987

DICESARE-BENTLEY ENGINEERS, INC.
GROTON, CONNECTICUT

SHEET 3 OF 3

STATE OF DISCLOSURE AND APPLICANT
AGREEMENT AS TO FEES

The fees which must be submitted to the Coastal Resources Management Council are based upon representations made to the Coastal Resources Management Council by the applicant. If after submission of this fee the Coastal Resources Management Council determines that an error has been made either in the applicant's submission or in determining the fee to be paid, the applicant understands that additional fees may be assessed by the Coastal Resources Management Council. These fees must be paid prior to the issuance of any assent by the Coastal Resources Management Council.

The applicant understands the above conditions and agrees to comply with them.

X John B. Duka
Signature

X 10/12/87
Date

X JOHN B. DUKAS
CHAIRMAN PARK COMMISSION
WATCH HILL R.I. 02891

Print Name and Address

8 OCEANVIEW HWY.



ENGINEERS/SURVEYORS/PLANNERS

December 14, 1987

Historical Preservation Commission
Old State House
150 Benefit Street
Providence, R.I. 02903

Attn: Mr. Edward J. Sanderson
Executive Director

Re: Watch Hill Fire District
CRMC File No. 87-10-66

Dear Mr. Sanderson:

We have received your letter of concern over the proposed sheet-pile seawall at the Watch Hill Fire District in the Town of Westerly, Rhode Island. Regrettably, we feel that a stone seawall will not satisfy the structural requirement for the stability of this seawall.

Sheet-piling has been recommended as the most cost effective method of providing vertical support of the existing structure and pavement, while curtailing subsurface movement of the existing sandy subbase material.

The perimeter railing will be a standard weight galvanized steel rail embedded in the concrete cap. It will be painted to suit the preferences of the community. The pipe rail is felt to be a necessity for the protection of pedestrian traffic.

If you have any questions concerning this application, please do not hesitate to contact us.

Very truly yours,

DICESARE-BENTLEY ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'Mark A. Eichstadt', is written over the typed name and title.

Mark A. Eichstadt
Project Engineer

MAE/sp

Enclosures: Project Description
Handrail Detail

Copies to: Keith Neilson
John Daukas
Nicholas Pisani, CRMC

WATCH HILL FIRE DISTRICT
SEAWALL REHABILITATION

PROJECT DESCRIPTION

This proposed construction is intended to stabilize existing seawall and its foundation through use of a sheet pile bulkhead placed approximately eighteen inches in front of the existing stone seawall. The sheet piling will be designed to be embedded between ten and fifteen feet in depth below Mean Low Water and will be strong enough to support earth loads generated by the parking lot, the existing seawall and the backfill material (including concrete and gravel) without the use of tie backs. It is anticipated that the sheet piling will be PZ-22 or PZ-27 sections.

The existing site, Watch Hill Cove, is designated a Type 5 area, waters and adjoining land area utilized for berthing, mooring and servicing of recreational craft, commercial fishing vessels and ferrys, water-dependent and water-enhanced commerce and activities to maintain and enhance water quality and historic features. These improvements are covered under Section 300.7 of the Regulations, Construction of Shoreline Protection Facilities, and in this case, the project is proposed to control and prevent the further erosion of coastal features, particularly the base and sub-base structure of the parking lot adjacent to Watch Hill.

Although a non-structural alternative could be preferable, it is not deemed feasible in view of the destructive nature of wave and ice action against the unmoartered joints of the existing seawall. The proposed improvements include pressure grouting the voids which have been created behind the seawall and beneath the pavement section itself. The probability of controlling the erosion problem utilizing sheet piling is excellent because, not only will subsurface sand movement be controlled by the extensive penetration of the piles, but wave action and the erosive forces of that wave action will be completely eliminated from the stone seawall. The project is also not likely to increase erosion in adjacent areas because it will not be altering the characteristics of wave reflection or refraction in the cove, merely protecting the existing stone seawall.

In view of the long-term erosion characteristics of this area, it is felt that the sheet piling bulkhead is the best available option. Other options explored include a stone revetment, sloped at 1:1, filter fabric, and granular backfill material for base stabilization. It is felt that this type of proposal would create a hazard to foot traffic, especially children; it may not withstand ice damage and would protrude significantly farther into the water. The proposal for sheet piling bulkhead would in all likelihood be virtually maintenance free for the first five years of its exposure and thereafter would require occasional painting to minimize corrosion of the sheet pilings.

The base of the bulkhead has been located as close as practicable to the existing stone seawall and in such a way that construction can proceed without interfering or jeopardizing the structural integrity of the existing stone seawall. The ends of the bulkhead will be turned back, tied, and grouted to the existing seawall to minimize any structural weaknesses as the end conditions. It is not anticipated that any structural protection will be required at the base of the bulkhead.

Drainage will be enhanced by the extension of drainage holes (scuppers) through the bulkhead. Soils in the area are fine and the predominate materials which collect on the pavement behind the seawall are wind-blown sands from the southern portion of the dune, which creates Napatree Point. Filter fabric will be placed between the new bulkhead and the existing stone seawall prior to any pressure grouting. Since the bulkhead itself will not allow water contact with the stone seawall, the use of pressure grout is apparently not precluded for void filling and pavement stabilization behind the stone seawall. It is anticipated at this time that the bulkhead might have a slight slope to it which will not exceed one foot horizontally for ten foot vertically. The sole advantage to sloping the wall like this would be for wave energy dissipation in high wave conditions and to minimize the amount of protrusion into the usable waters of Watch Hill Cove by the bulkhead. The bulkhead will not be supported with tie-back bars or earthened-based anchors; however, the inherent characteristics of the sheet piling, the slope characteristic of the face and the curving alignment of the wall enhance the structural integrity of the sheet piling. Concrete used for back-fill behind the bulkhead will be Type 2 air entraining Portland Cement concrete, or the equivalent.

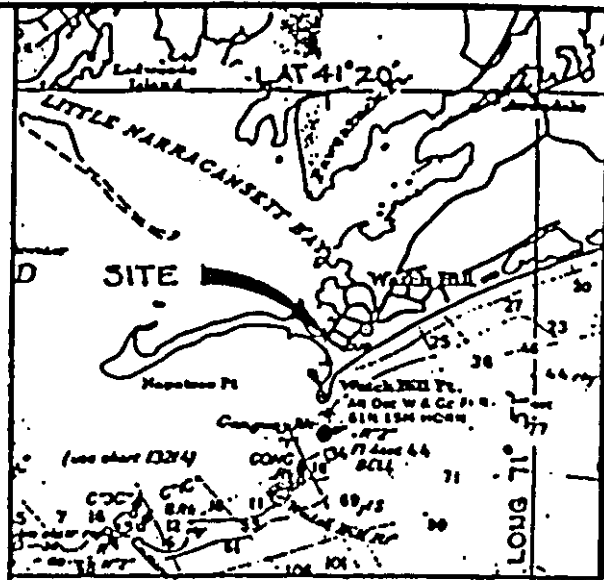
An Army Corps of Engineers Permit Applications is being submitted simultaneously with this application, and includes this application information to the Rhode Island CRMC.

NOTES

1. ELEVATIONS BASED ON MEAN LOW WATER (MLW) DATUM.
2. TIDES ARE TAKEN FROM 1947 U.S.A.A. TIDE TABLES.
3. PURPOSE: PUBLIC USE.
4. ADJOINERS: NORTH - PECK
EAST - HOLDREDGE
WEST - WATCH HILL FIRE DISTRICT
5. PROPOSED ACTIVITIES:
CONSTRUCTION OF 700(+/-) LINEAR FEET OF SHEET PILE BULKHEAD, CONSTITUTING 300(+/-) CUBIC YARDS OF FILL OVER AN AREA OF 1000(+/-) SQUARE FEET, WATERWAYS OF THE HIGH TIDE LINE.
6. THIS IS A CLASS "B" SURVEY.
7. THIS PLAN IS PREPARED FOR PERMIT PURPOSES ONLY. IT IS NOT A CONTRACT DOCUMENT.

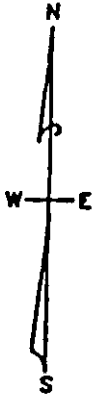
LEGEND AND ABBREVIATIONS

MLW	MEAN LOW WATER
HTL	HIGH TIDE LINE
MLM	MEAN LOW WATER
M/W	MEAN OR FORECAST
AVG	AVERAGE
EL	ELEVATION
TYP	TYPICAL
MIN	MINIMUM
MAX	MAXIMUM

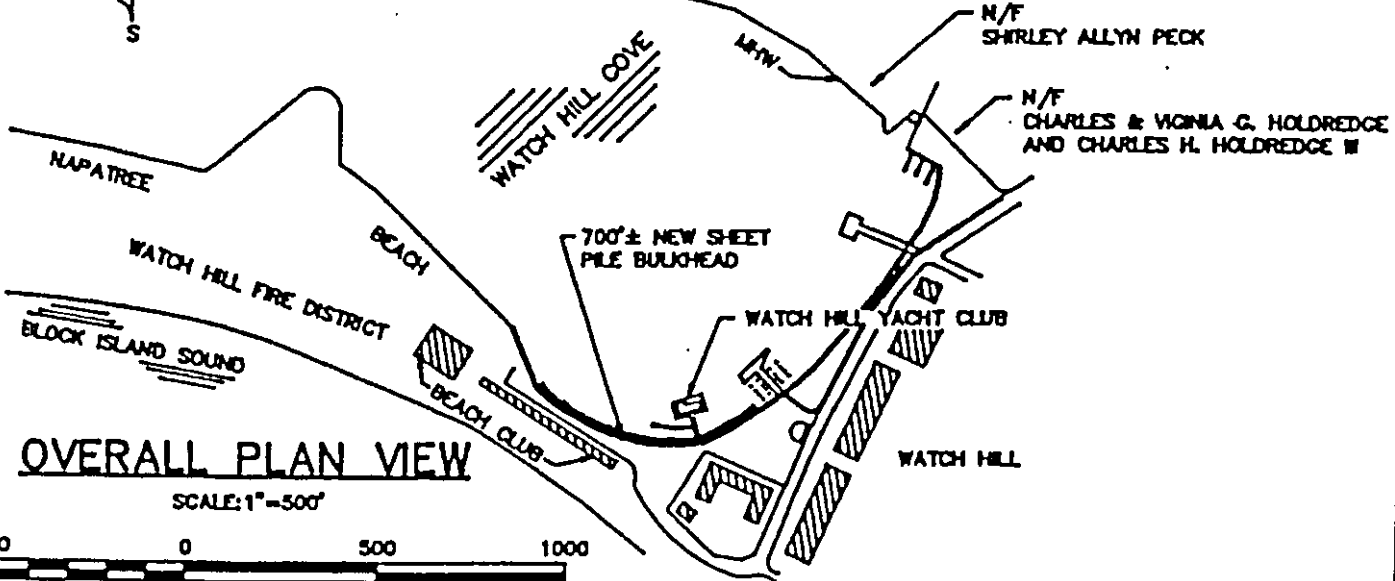


VICINITY MAP (CHART 13205)

GRAPHIC SCALE IN YARDS



LITTLE NARRAGANSETT BAY



OVERALL PLAN VIEW

SCALE: 1"=500'

600 0 500 1000

GRAPHIC SCALE IN FEET

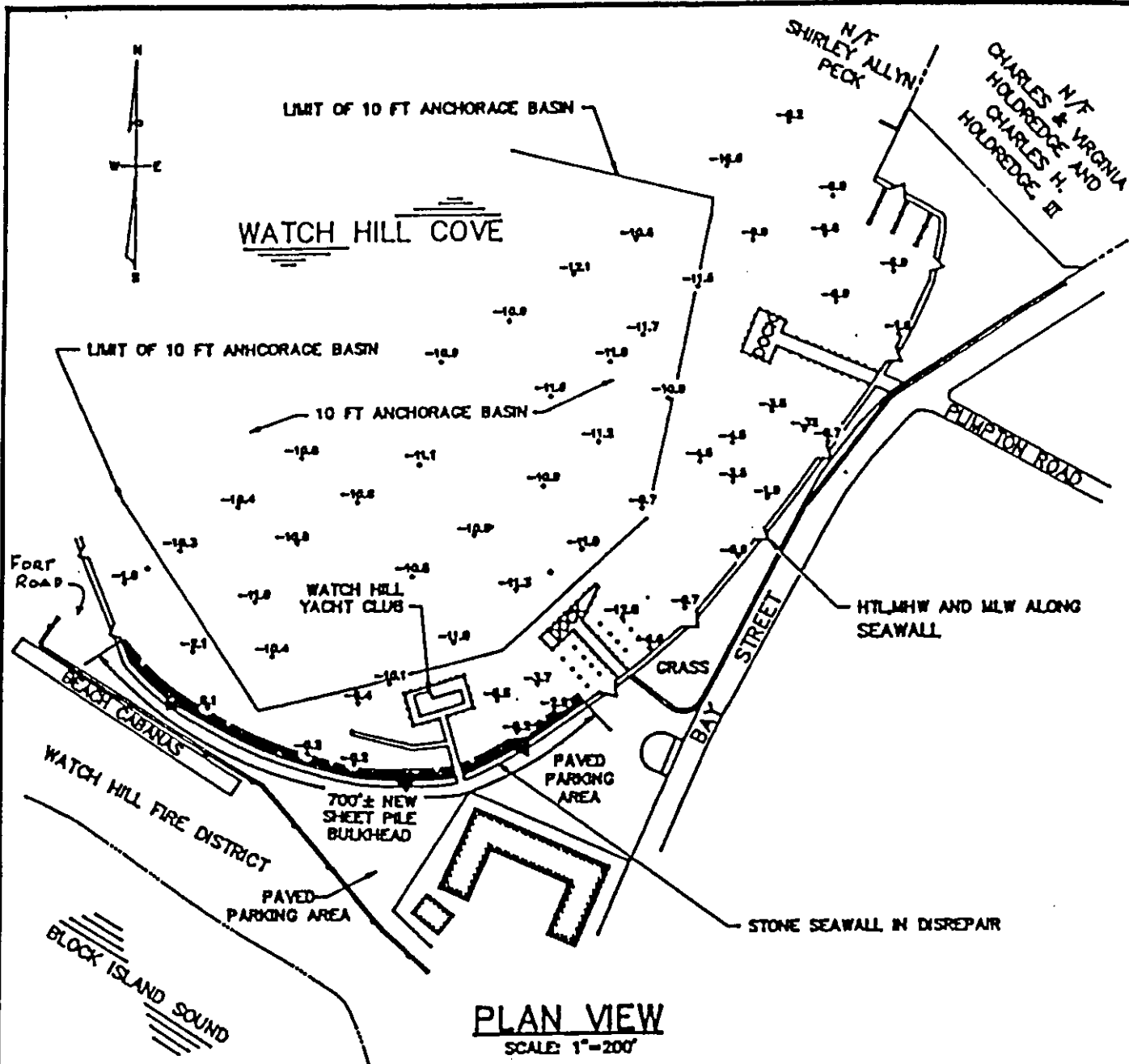
LAWRENCE H. BENTLEY



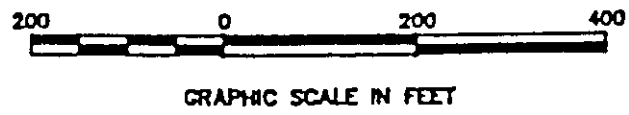
REGISTERED PROFESSIONAL ENGINEER

NEW SHEET PILE BULKHEAD
IN: WATCH HILL COVE
AT: WATCH HILL, WASHINGTON COUNTY,
RHODE ISLAND
APPLICATION BY: WATCH HILL FIRE DISTRICT
PARKS COMMISSION
SCALE: AS SHOWN AUGUST 10, 1987

DICESARE-BENTLEY ENGINEERS, INC.
GROTON, CONNECTICUT



PLAN VIEW
SCALE: 1"=200'



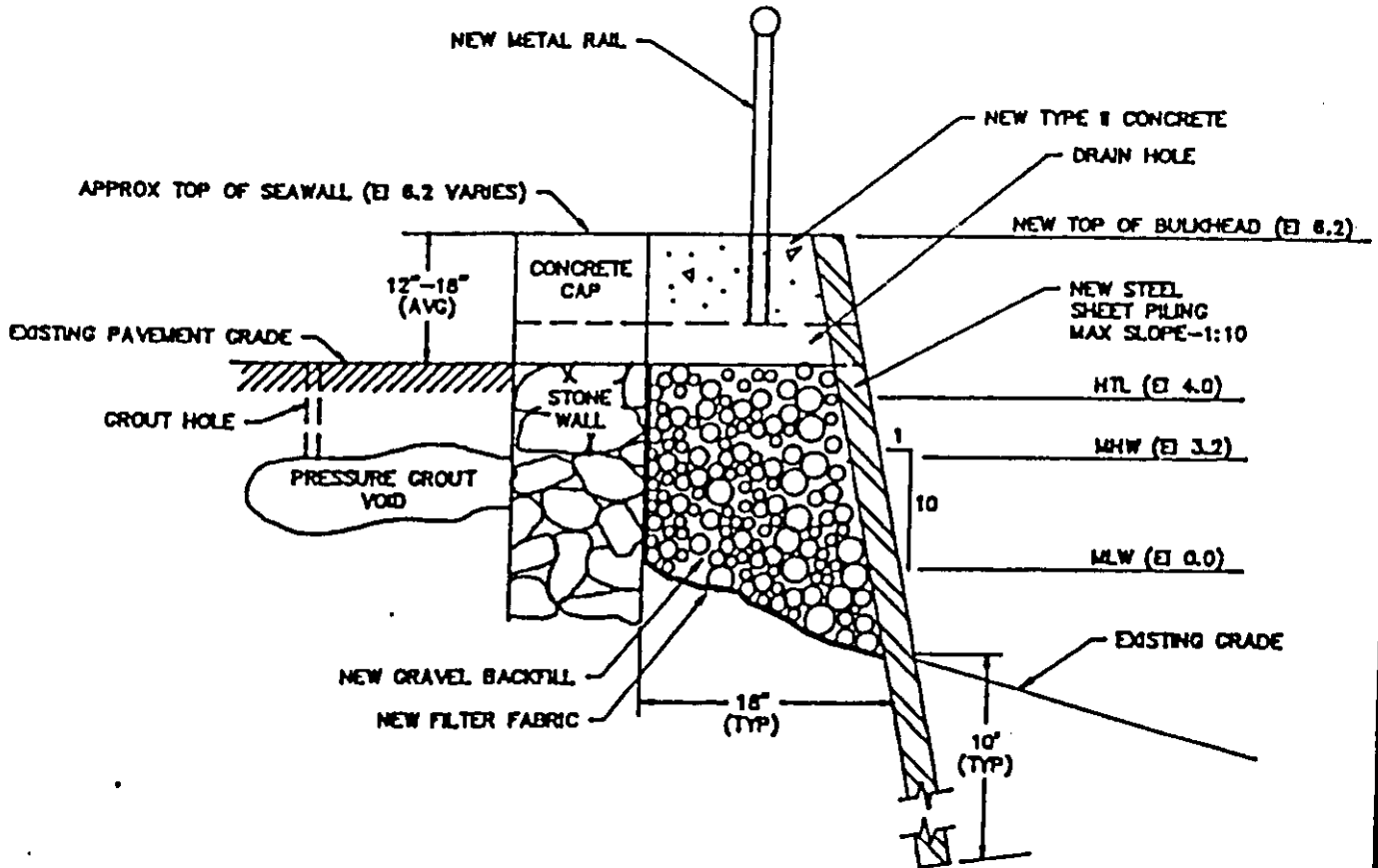
LAWRENCE H. BENTLEY



No. 2791

REGISTERED
PROFESSIONAL ENGINEER

NEW SHEET PILE BULKHEAD
IN: WATCH HILL COVE
AT: WATCH HILL, WASHINGTON COUNTY,
RHODE ISLAND
APPLICATION BY: WATCH HILL FIRE DISTRICT
PARKS COMMISSION
SCALE: AS SHOWN AUGUST 10, 1987
DICESARE-BENTLEY ENGINEERS, INC.
GROTON, CONNECTICUT
SHEET 2 OF 3



SHEET PILE BULKHEAD DETAIL

NOT TO SCALE

LAWRENCE H. BENTLEY

No.  2791

REGISTERED
PROFESSIONAL ENGINEER

NEW SHEET PILE BULKHEAD

IN: WATCH HILL COVE

AT: WATCH HILL, WASHINGTON COUNTY,
RHODE ISLAND

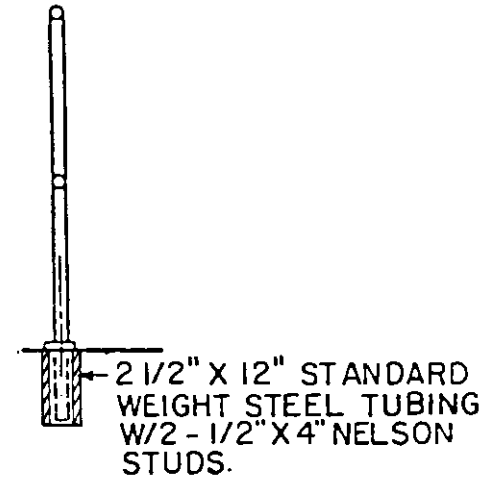
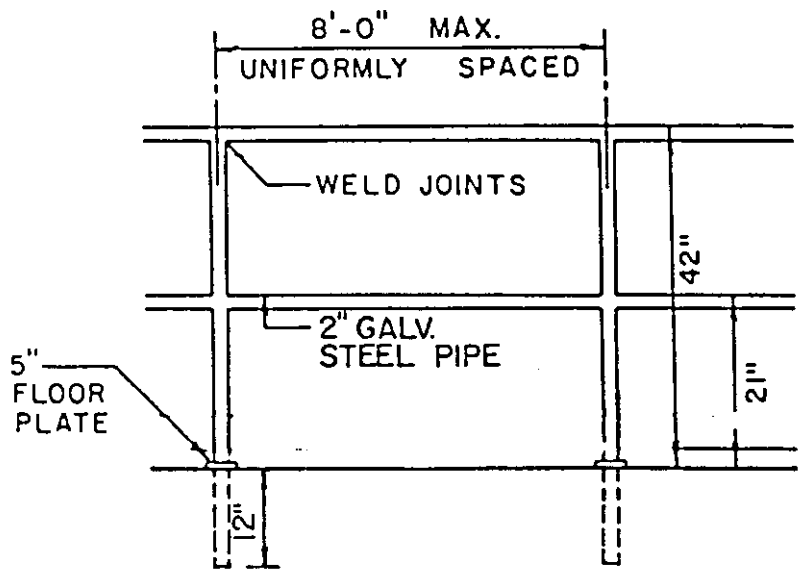
APPLICATION BY: WATCH HILL FIRE DISTRICT
PARKS COMMISSION

SCALE: AS SHOWN

AUGUST 10, 1987

DICESARE-BENTLEY ENGINEERS, INC.
GROTON, CONNECTICUT

SHEET 3 OF 3



SECTION

HANDRAIL
NOT TO SCALE

87-10-66



January 6, 1988

Department of the Army
New England Division, Corps. of Engineers
424 Trapelo Road
Waltham, Mass. 02254

Attn: Mr. Peter Kube
Regulatory Branch

RE: Watch Hill Fire District
Seawall Rehabilitation

Dear Mr. Kube:

Per your recent request, we are submitting a letter from the Rhode Island Historical Preservation Commission dated December 30, 1987, indicating their approval of the above referenced project.

If you have any questions concerning this project, please do not hesitate to call on us.

Very truly yours,

DICESARE-BENTLEY ENGINEERS, INC.

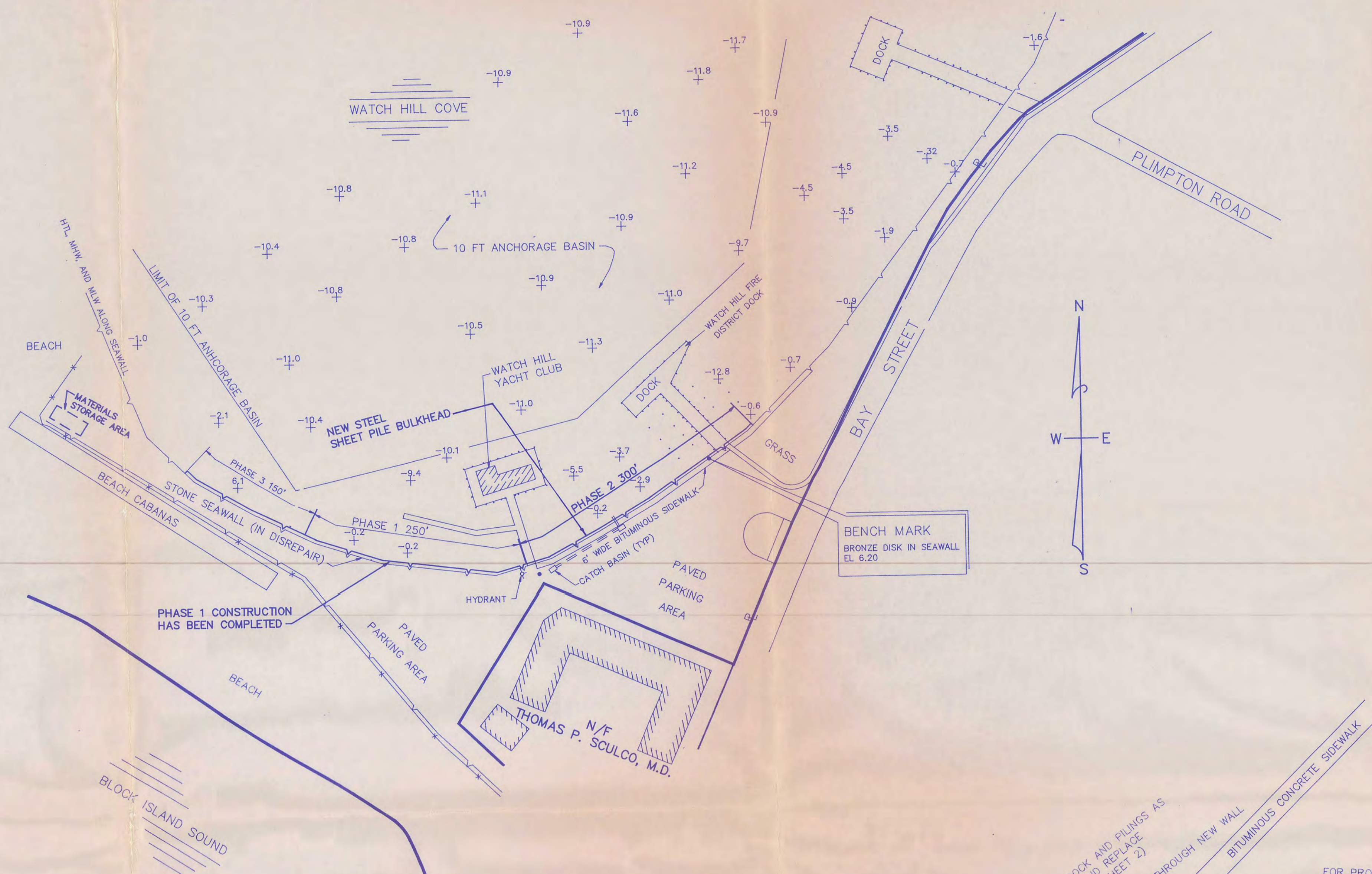
Mark A. Eichstadt, P.E.

MAE/sp
Enclosure

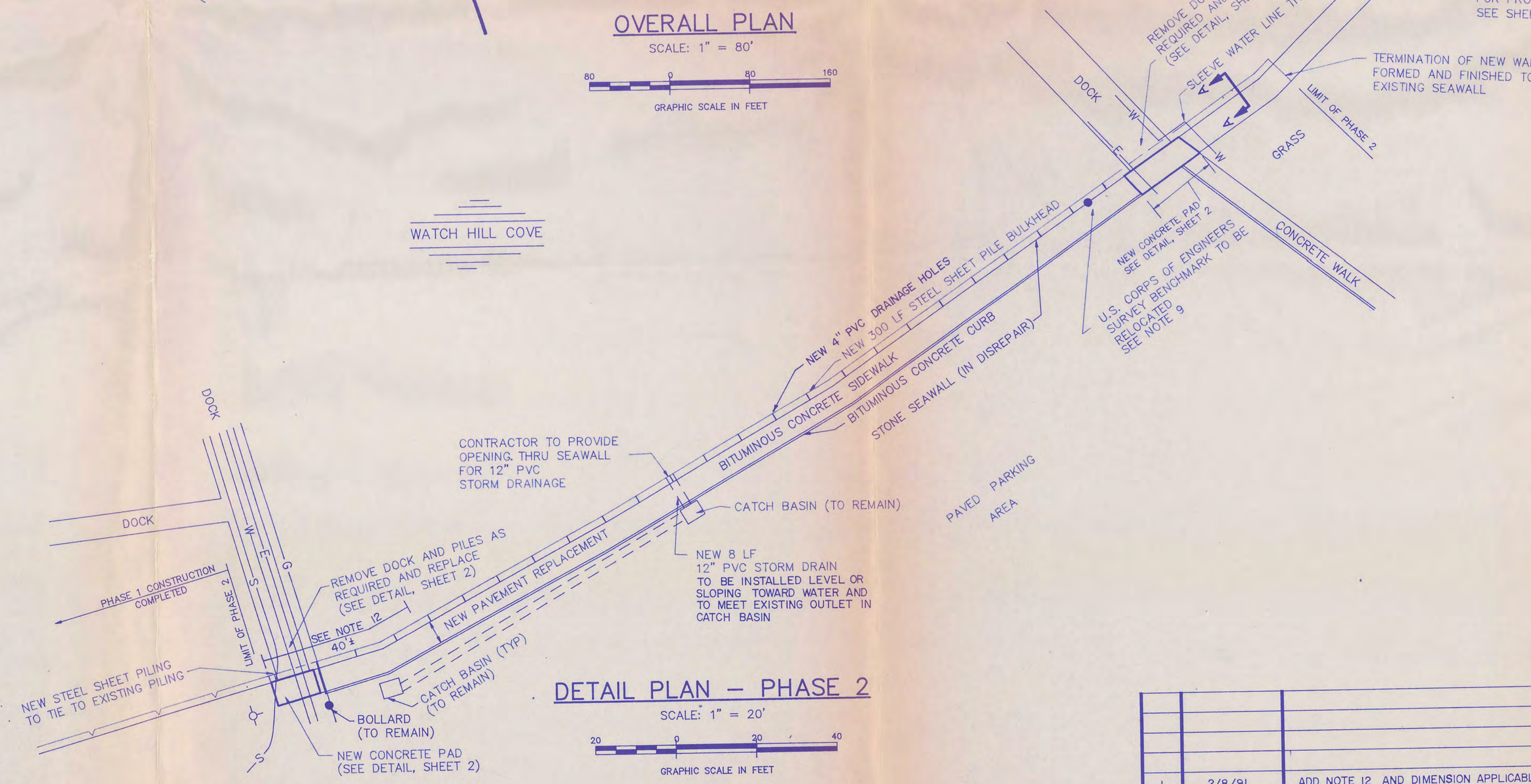
CC: CRMC
Watch Hill Fire District



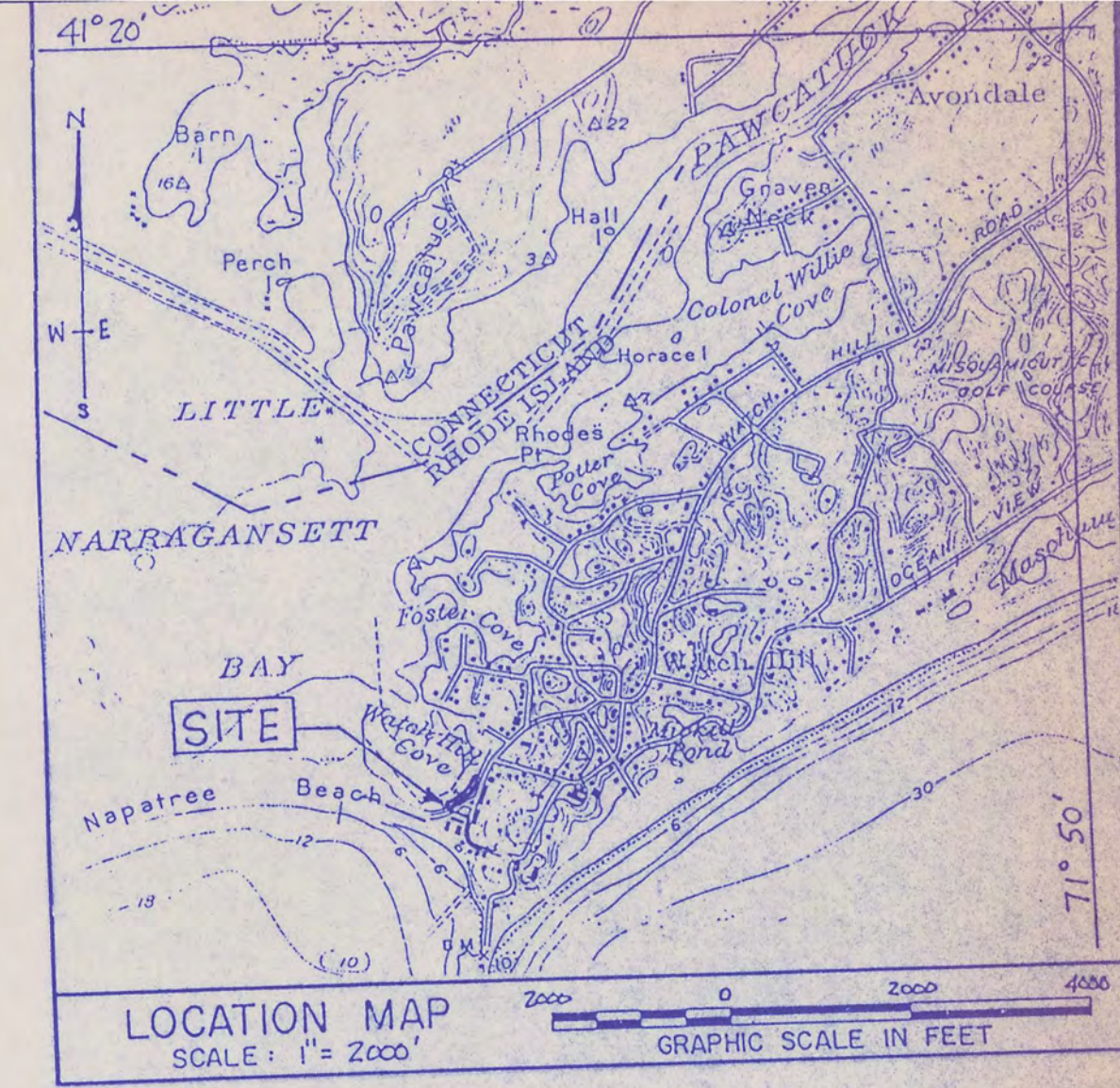




OVERALL PLAN
SCALE: 1" = 80'
GRAPHIC SCALE IN FEET



DETAIL PLAN - PHASE 2
SCALE: 1" = 20'
GRAPHIC SCALE IN FEET



- NOTES:**
- THESE PLANS HAVE BEEN PREPARED TO INDICATE THE CONSTRUCTION ACTIVITIES INCLUDED IN THE "SEAWALL REHABILITATION - PHASE 2" PROJECT. REFERENCE IS MADE TO THE PROJECT SPECIFICATIONS ENTITLED: "PROPOSAL, CONTRACT, GENERAL CONDITIONS, SUPPLEMENTARY CONDITIONS AND TECHNICAL SPECIFICATIONS FOR SEAWALL REHABILITATION, WATCH HILL COVE, WATCH HILL, R.I." REVISED SEPTEMBER 7, 1990, BY DICESARE-BENTLEY ENGINEERS, INC.
 - ELEVATIONS ARE BASED ON MEAN LOW WATER (MLW) DATUM.
 - TIDES ARE TAKEN FROM THE 1987 N.O.A.A. TIDE WATER TABLES.
 - REFERENCE IS MADE TO THE FOLLOWING PERMITS PREVIOUSLY ISSUED FOR PHASE 1 SEAWALL REHABILITATION:
 - RHODE ISLAND COASTAL RESOURCE MANAGEMENT COUNCIL (CRMC) ASSENT, FILE NO. 87-10-66, DATED JUNE 20, 1988.
 - RHODE ISLAND CRMC ASSENT MODIFICATION, FILE NO. 87-10-66, DATED JANUARY 5, 1989.
 - UNITED STATES DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS (ACOE) APPROVAL LETTER, FILE NO. CENED-OD-R-26-87-1805, DATED JANUARY 22, 1988.
 - PHASE 1 CONSTRUCTION HAS BEEN COMPLETED PREVIOUSLY. PHASE 3 CONSTRUCTION IS NOT A PART OF THIS CONTRACT.
 - LOCATIONS OF UTILITIES ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF ALL UTILITY LINES IN THE PROJECT AREA PRIOR TO CONSTRUCTION.
 - THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES DURING CONSTRUCTION, AND SHALL REPAIR DAMAGE TO ANY UTILITIES DURING CONSTRUCTION. TEMPORARY DISCONNECTION OR DISRUPTION OF UTILITY SERVICES SHALL BE COORDINATED WITH THE UTILITY USER AND UTILITY COMPANY.
 - THIS PLAN HAS BEEN PREPARED BASED ON AERIAL PHOTOGRAPHS, EXISTING PLOT PLANS, AND SITE VISITS, AND THE LAYOUT SHOWN IS APPROXIMATE. LOCATIONS AND DIMENSIONS OF THE PROJECT SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
 - REMOVAL OF THE U.S. CORPS OF ENGINEERS BRONZE DISK SURVEY BENCHMARK ON THE SEAWALL SHALL BE DONE:
 - BY U.S. ACOE SURVEYORS PRIOR TO CONSTRUCTION - NOTICE HAS BEEN GIVEN TO THE ACOE REGARDING PENDING CONSTRUCTION, OR,
 - BY THE CONTRACTOR, DURING REMOVAL OF THE TOP PORTION OF THE EXISTING SEAWALL. THE CONTRACTOR SHALL SET A BENCHMARK AWAY FROM CONSTRUCTION ACTIVITIES PRIOR TO REMOVING BRONZE DISK.
 - NO CONSTRUCTION DEBRIS OR FILL (OTHER THAN THAT REQUIRED BEHIND THE SEAWALL) SHALL BE PLACED IN TIDAL WATERS.
 - THE OWNER AND APPLICANT IS:

THE WATCH HILL FIRE DISTRICT PARK COMMISSION
C/O JACK R. PAYNE, JR.
46 GRANITE STREET
WESTERLY, RHODE ISLAND 02891
 - APPROXIMATELY 40 LINEAR FEET OF BULKHEAD INSTALLED A DISTANCE GREATER THAN 18 INCHES FROM THE EXISTING SEAWALL UP TO 48 INCHES OFFSET. CONTRACTOR INDICATES THAT THIS PORTION OF WALL CONSTRUCTED AT A GREATER DISTANCE TO ALLOW CONNECTION TO THE PREVIOUSLY CONSTRUCTED BULKHEAD AND TO MISS PORTIONS OF THE WATCH HILL YACHT CLUB FIXED DOCK THAT CANNOT BE REMOVED.

- LEGEND**
- CLII CLASS II
 - DIAM DIAMETER
 - E- ELECTRIC
 - EL ELEVATION
 - G- GAS
 - GALV GALVANIZED
 - HTL HIGH TIDE LINE
 - LF LINEAR FEET
 - MAX MAXIMUM
 - MHW MEAN HIGH WATER
 - MLW MEAN LOW WATER
 - MIN MINIMUM
 - N/F NOW OR FORMERLY
 - OC ON CENTER
 - P- PROPERTY LINE
 - PVC POLYVINYL CHLORIDE
 - S- SANITARY SEWER
 - TYP TYPICAL
 - U- UTILITY
 - W- WATER

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NO	DATE	DESCRIPTION
1	2/8/91	ADD NOTE 12 AND DIMENSION APPLICABLE AREA

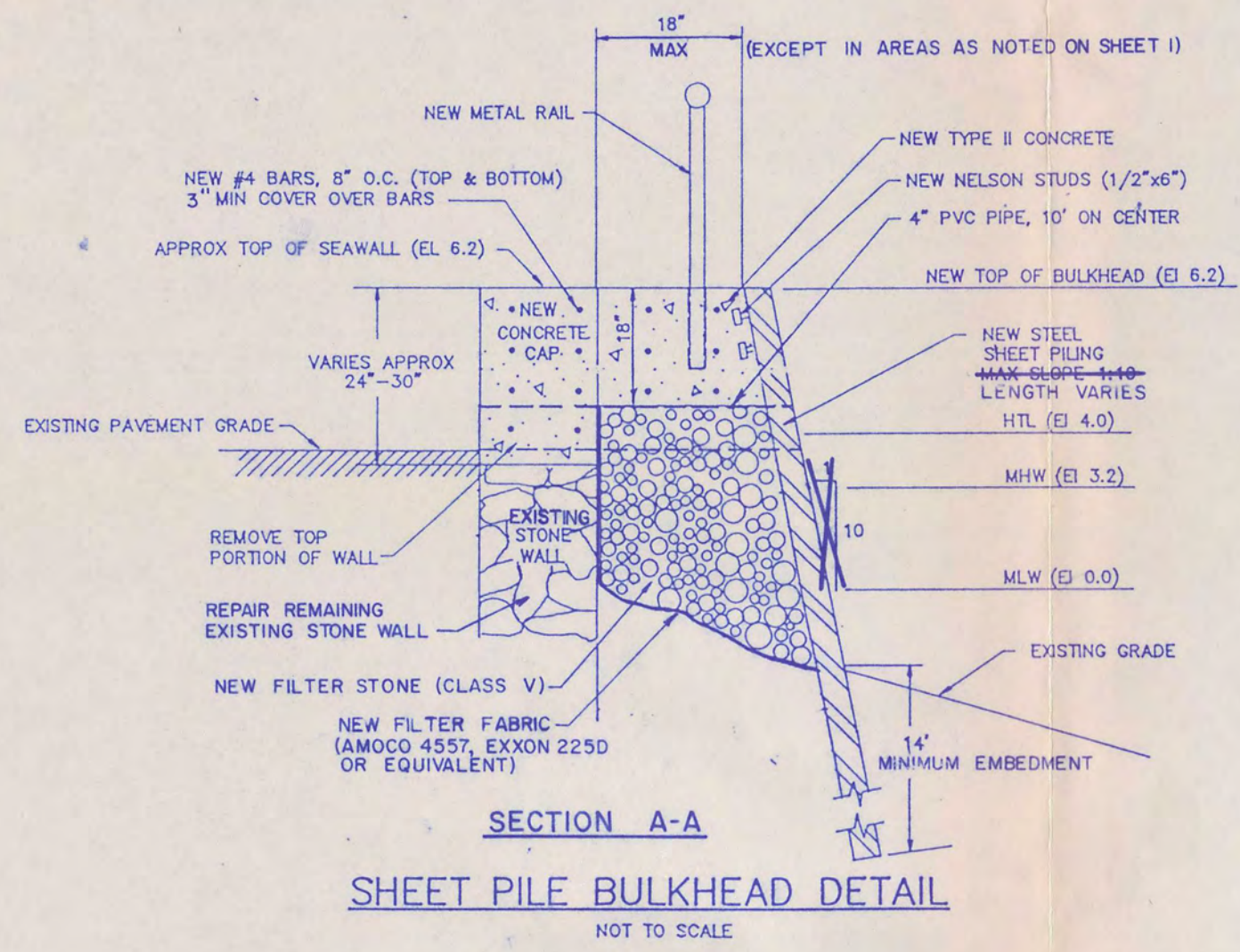


DICESARE-BENTLEY ENGINEERS, INC.
100 FORT HILL ROAD
GROTON, CONNECTICUT

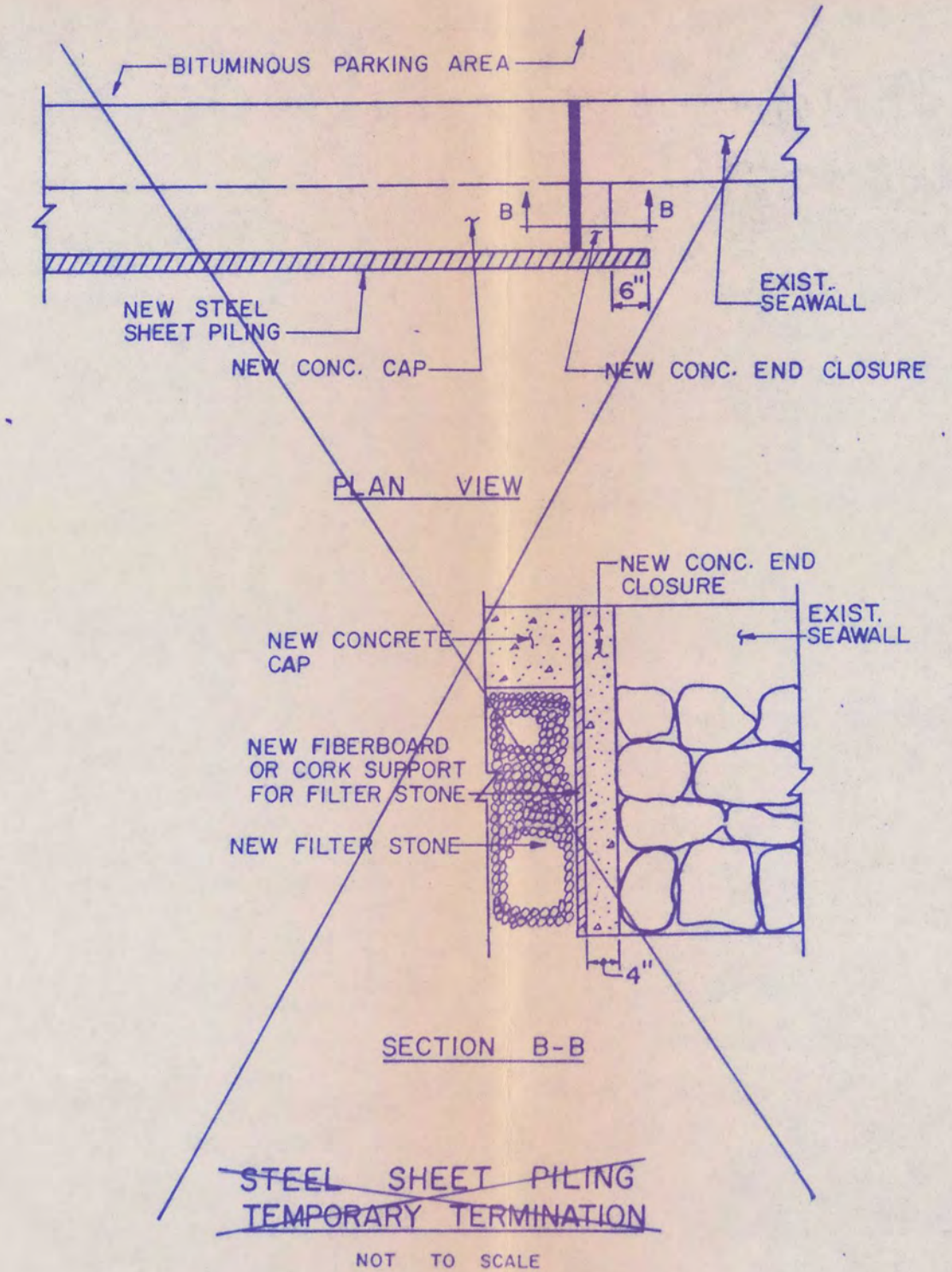
SCALE: AS SHOWN DATE: SEPTEMBER 19, 1990

DWG. NO:89-052.01 SHEET 1 OF 2

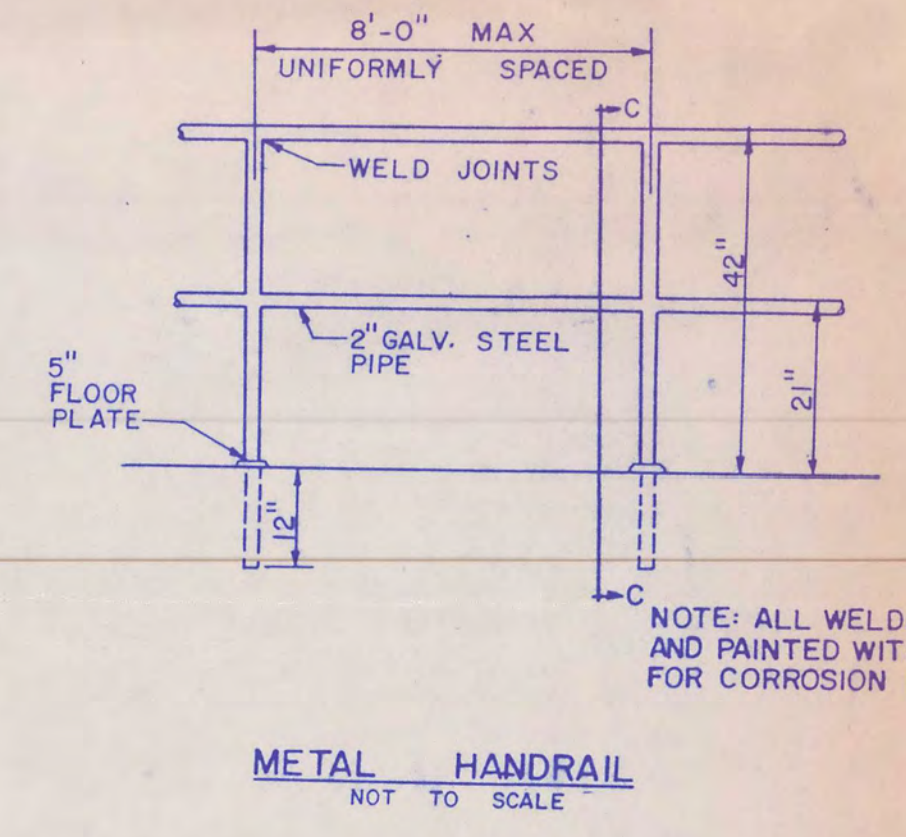
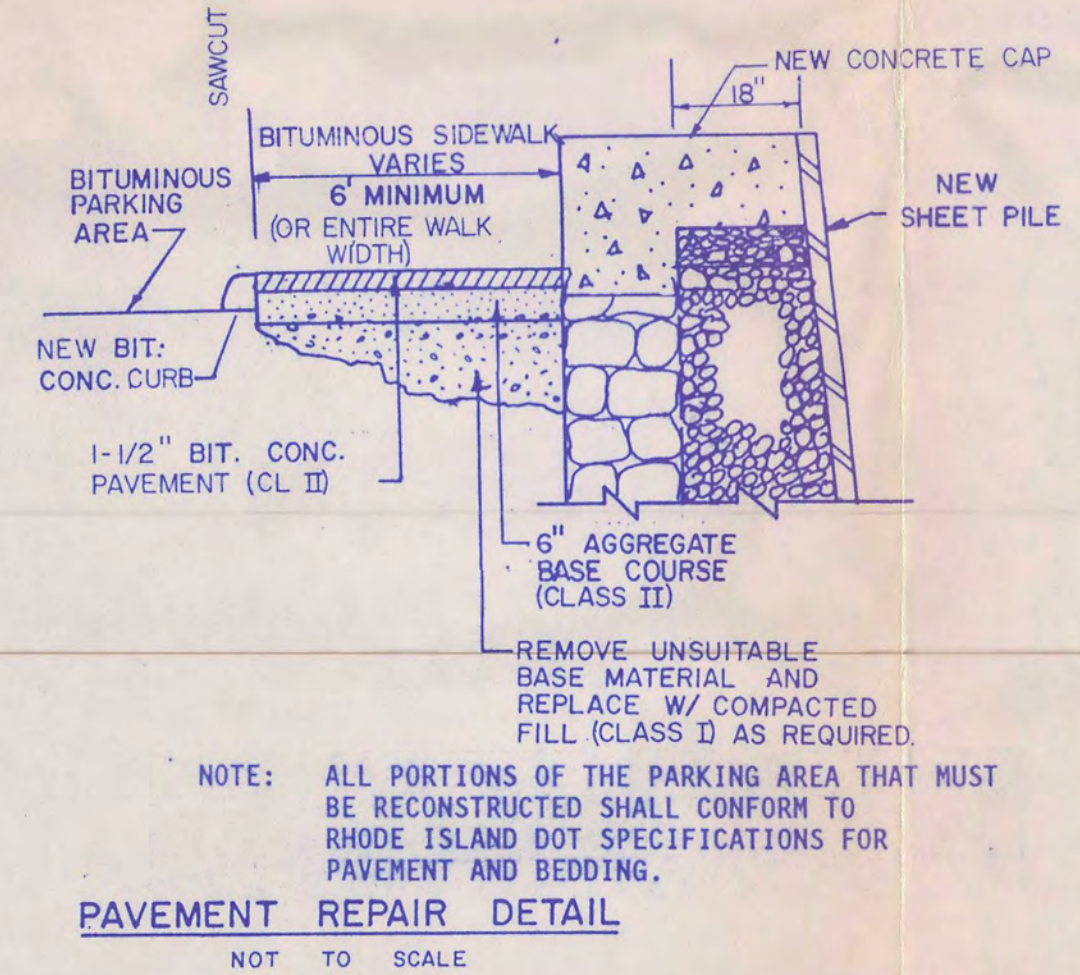
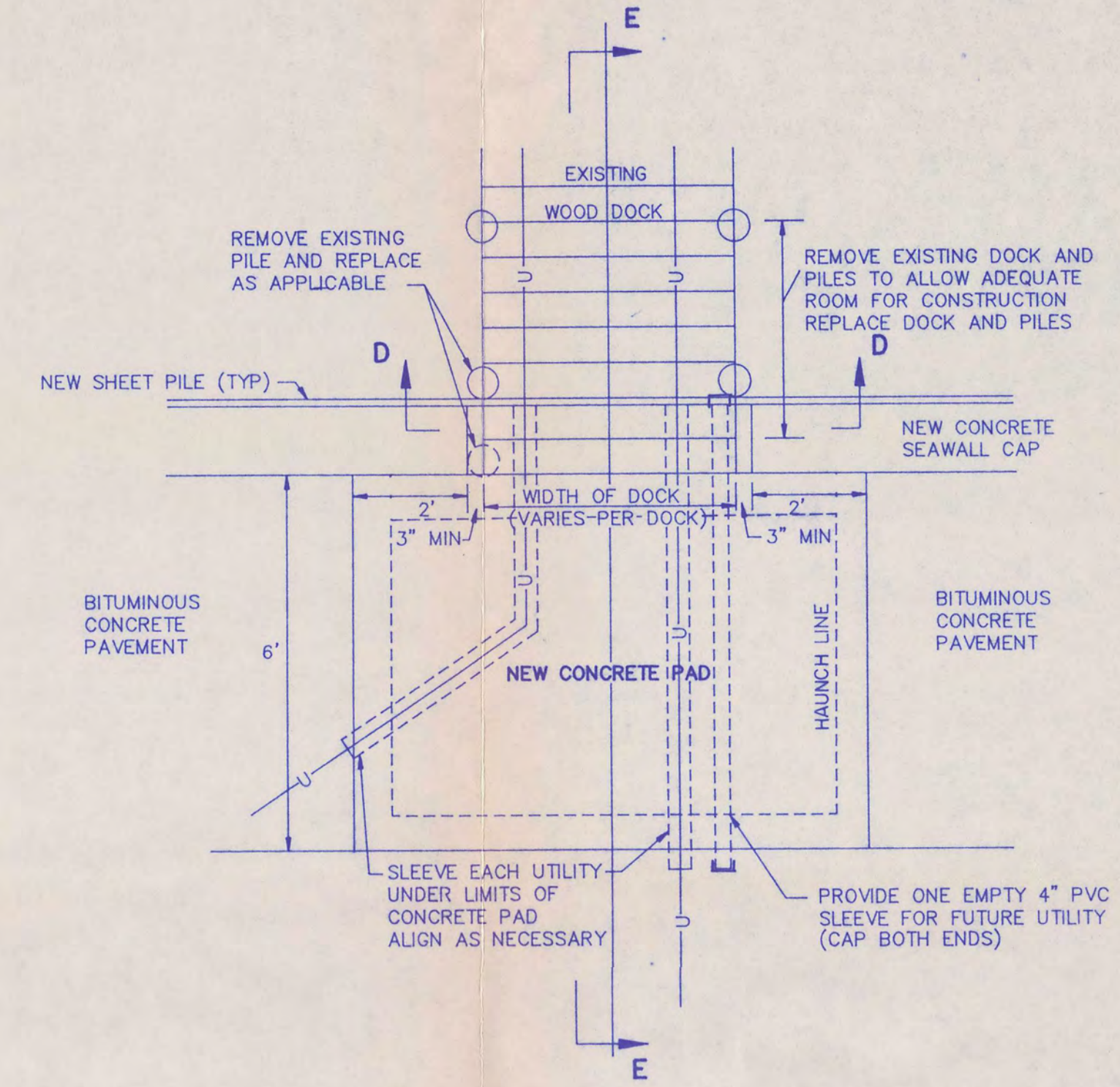
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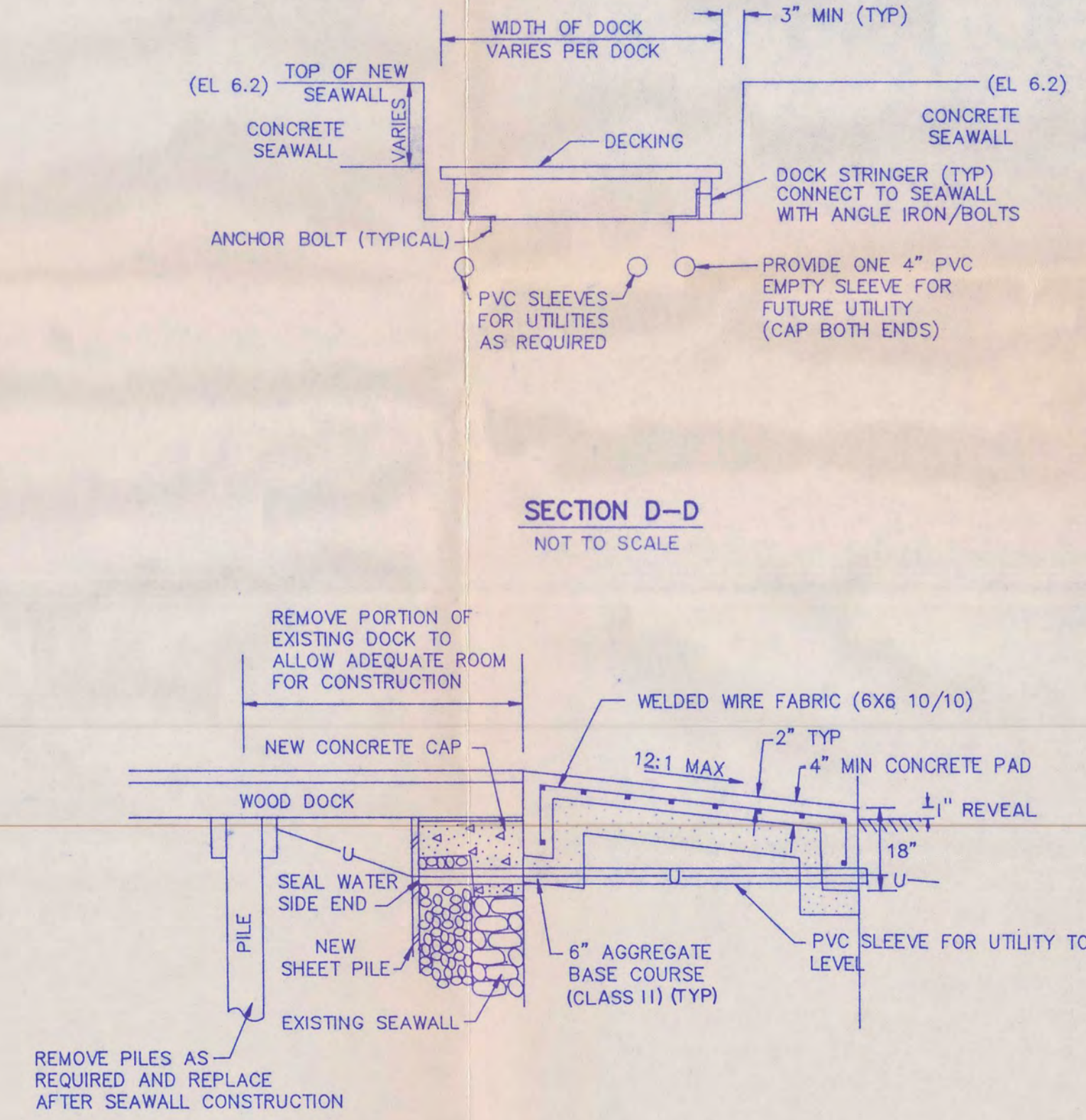
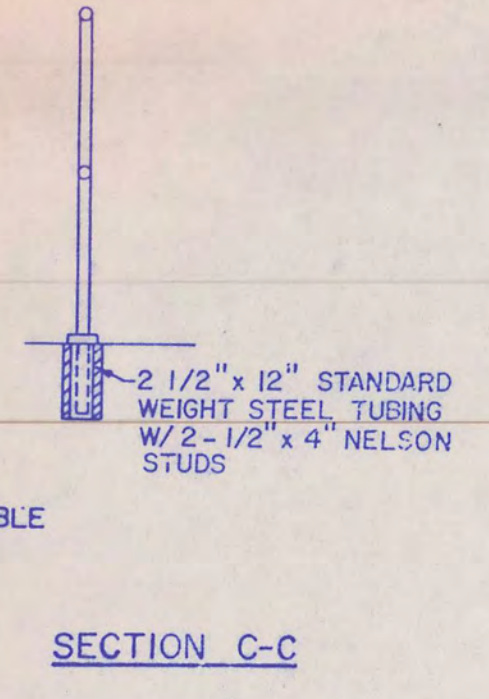
NOTE: SHEET PILE BULKHEAD INSTALLED VERTICALLY IN LIEU OF ON A SLOPE.



NOT USED FOR PHASE 2



NOTE: ALL WELDS TO BE CLEANED AND PAINTED WITH A PRIMER SUITABLE FOR CORROSION PROTECTION.



NOTE: CONTRACTOR TO SUBMIT PLAN OF NEW CONCRETE ELEVATION AND CONSTRUCTION DETAIL FOR EACH OPENING

COASTAL RESOURCES MANAGEMENT COUNCIL
 APPROVED PLANS
 DATE 5/18/91
 STAFF MEMBER M.A. [Signature]
 SUBJECT TO STIPULATIONS CONTAINED IN ASSENT NUMBER #7-10-66
 Revision 5/10/91

NO	DATE	DESCRIPTION
1	2/8/91	REVISE SHEET PILE BULKHEAD DETAIL
REVISIONS		



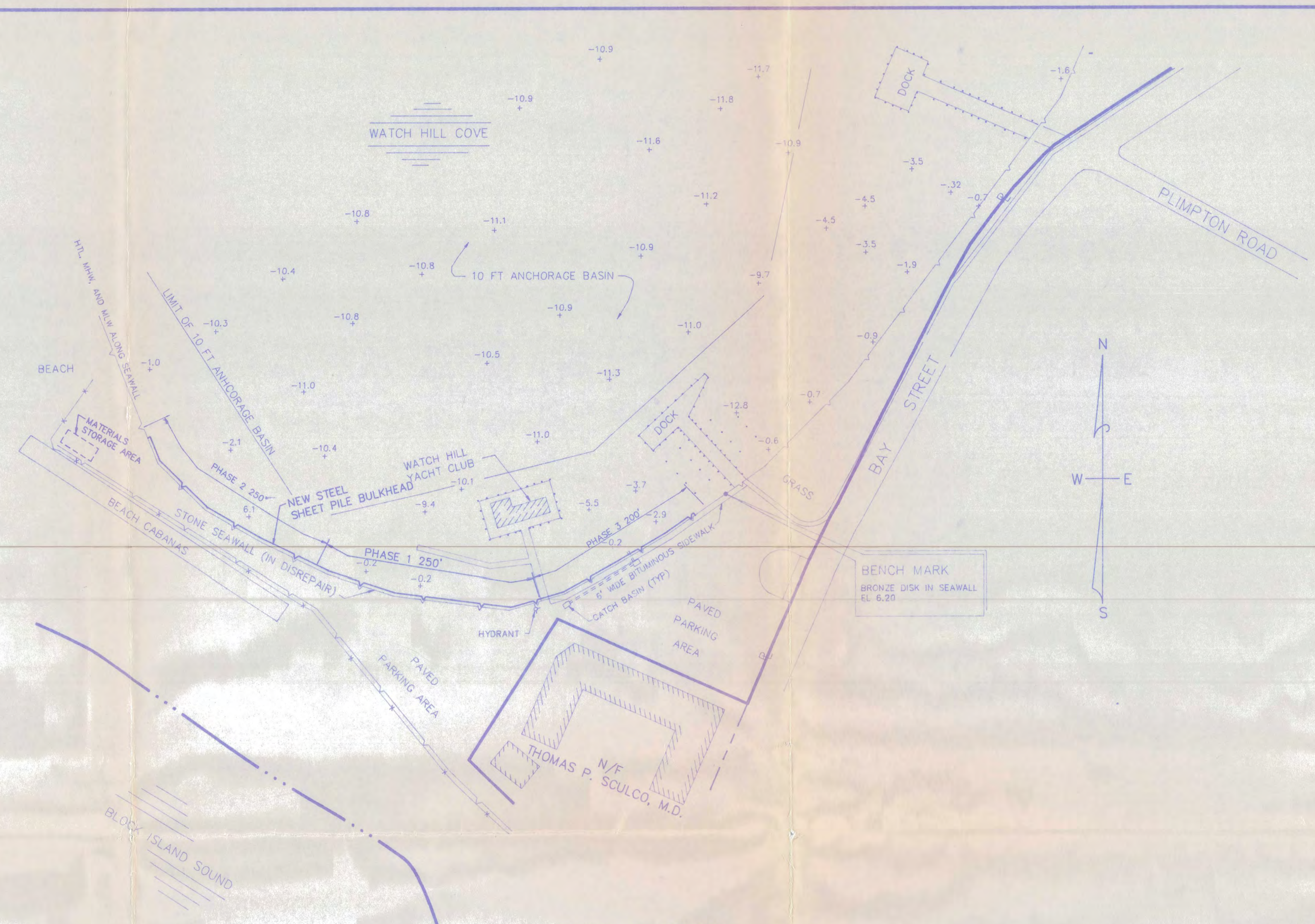
DETAIL SHEET-SEAWALL REHABILITATION-PHASE 2
 WATCH HILL COVE
 PROPERTY OF:
 WATCH HILL FIRE DISTRICT PARK COMMISSION
 WATCH HILL, RHODE ISLAND

SCALE: AS SHOWN DATE: SEPTEMBER 19, 1990

DICESARE-BENTLEY ENGINEERS, INC.
 100 FORT HILL ROAD
 GROTON, CONNECTICUT

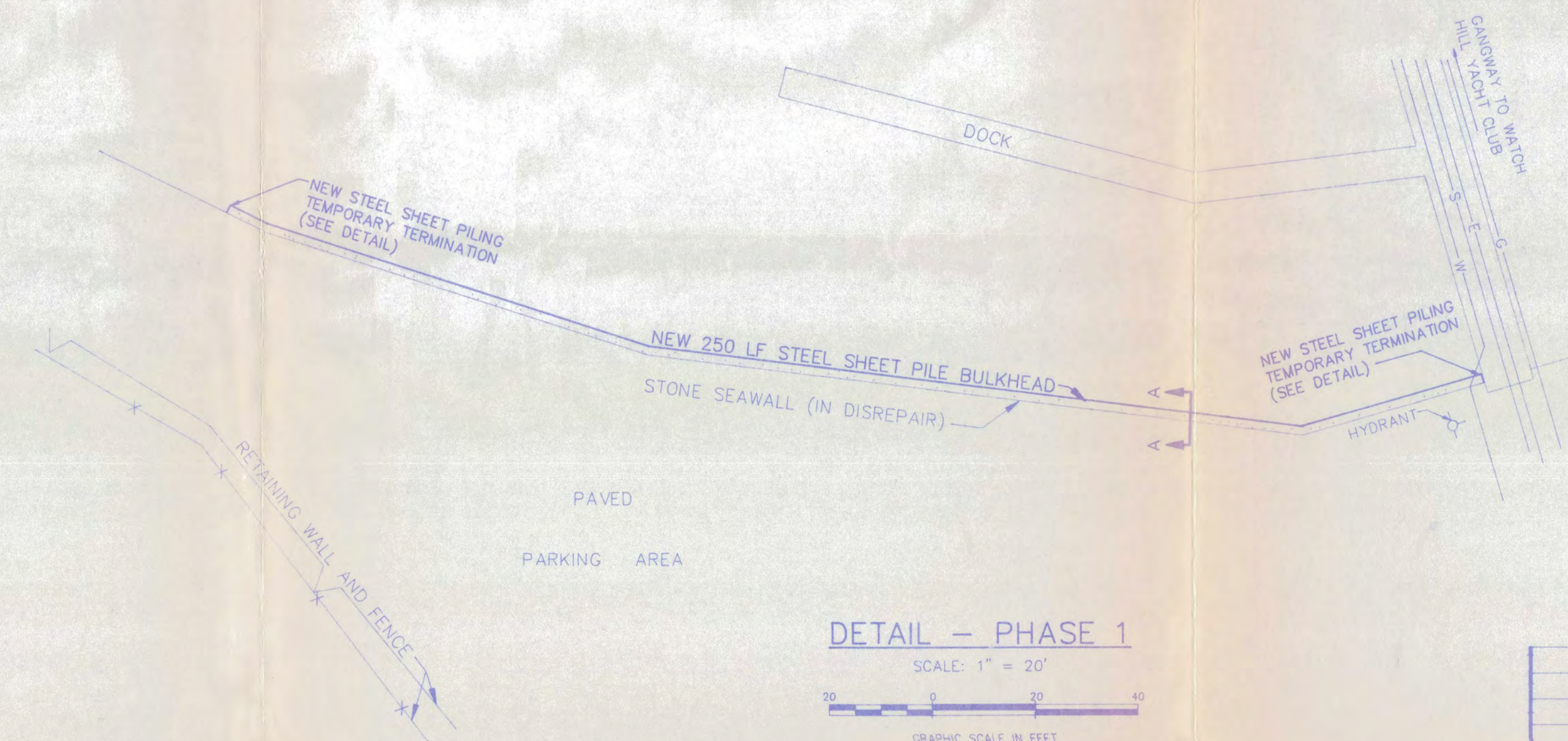
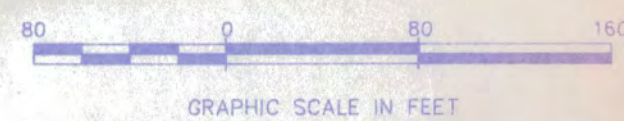
DWG. NO. 89-052.02 SHEET 2 OF 2

COPY



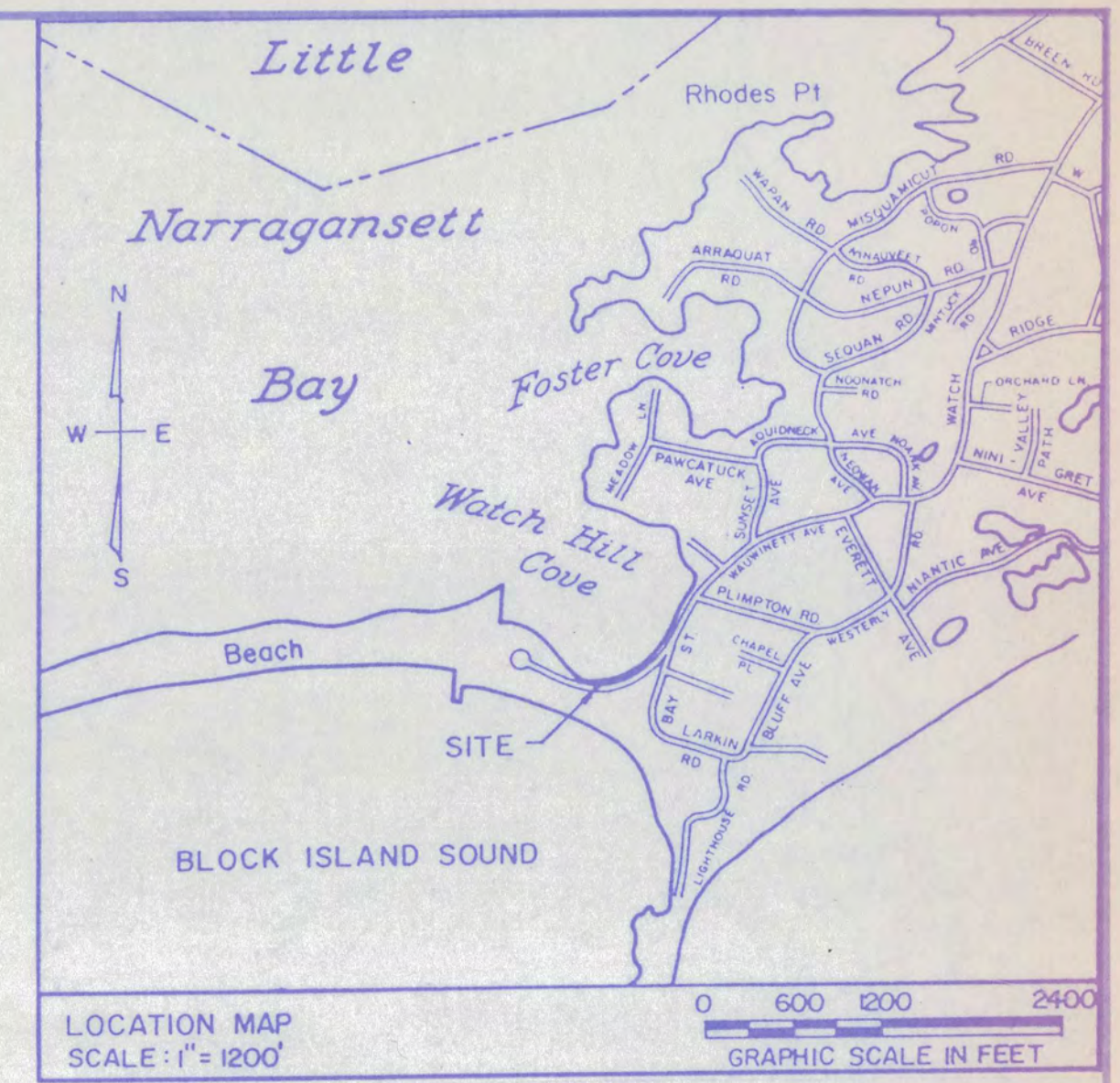
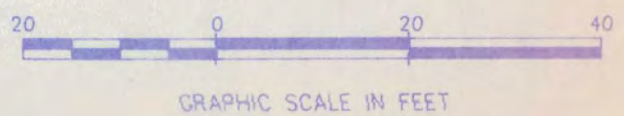
OVERALL PLAN

SCALE: 1" = 80'



DETAIL - PHASE 1

SCALE: 1" = 20'



LOCATION MAP
SCALE: 1" = 1200'
GRAPHIC SCALE IN FEET

- NOTES:
- ELEVATIONS BASED ON MEAN LOW WATER (MLW) DATUM.
 - TIDES ARE TAKEN FROM 1987 N.O.A.A. TIDE WATER TABLES.
 - SEAWALL REHABILITATION IS TO BE COMPLETED IN THREE PHASES. PHASE 1 WILL BE CONSTRUCTED UNDER THIS CONTRACT. PHASES 2 AND 3 WILL BE COMPLETED UNDER FUTURE CONTRACTS. A TEMPORARY TERMINATION OF THE STEEL SHEET PILE BULKHEAD SHALL BE PROVIDED BETWEEN EACH PHASE (SEE DETAIL).
 - ALL UTILITIES IN THE PROJECT AREA, WHETHER INDICATED ON THE PLANS OR NOT, SHALL BE PROTECTED FROM DAMAGE AT ALL TIMES. THOSE UTILITIES WHICH MUST BE RELOCATED OR ADJUSTED SHALL BE DONE IN A TIMELY MANNER AND ALL COSTS FOR THIS WORK SHALL BE INCLUDED IN THE COSTS OF THE CONTRACT.
 - THIS PLAN WAS PREPARED BASED ON AERIAL PHOTOGRAPHS, EXISTING PLOT PLAN, AND SITE VISITS. THE ACCURACY OF THIS PLAN HAS NOT BEEN VERIFIED. THE LOCATIONS AND/OR DIMENSIONS SHALL BE CHECKED AND VERIFIED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.

LEGEND AND ABBREVIATIONS

AVG	AVERAGE
EL	ELEVATION
HTL	HIGH TIDE LINE
MAX	MAXIMUM
MHW	MEAN HIGH WATER
MLW	MEAN LOW WATER
MIN	MINIMUM
N/F	NOW OR FORMERLY
TYP	TYPICAL

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NO	DATE	DESCRIPTION
1	12/9/88	ELIMINATED FILTER FABRIC & PRESSURE GROUTING
REVISIONS		



SEAWALL REHABILITATION - PHASE 1
WATCH HILL COVE
PROPERTY OF:
WATCH HILL FIRE DISTRICT PARKS COMMISSION
WATCH HILL, RHODE ISLAND

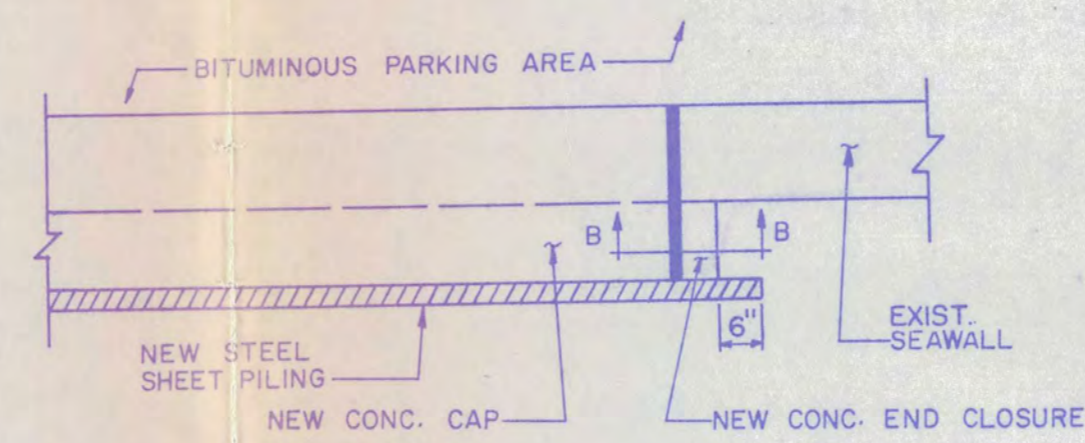
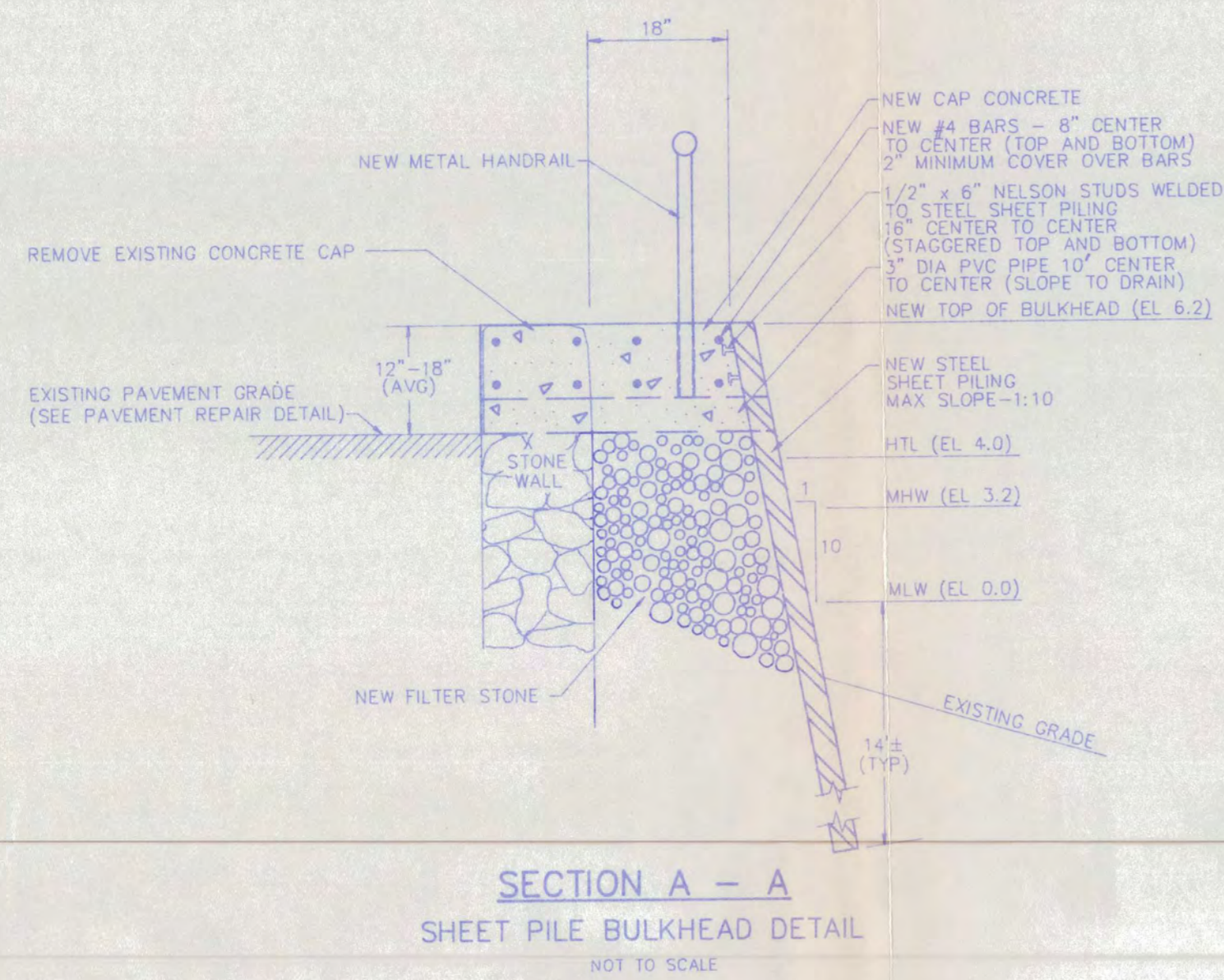
SCALE: AS SHOWN DATE: AUGUST 26, 1988

DICESARE-BENTLEY ENGINEERS, INC.
240 POST ROAD
WESTERLY, RI

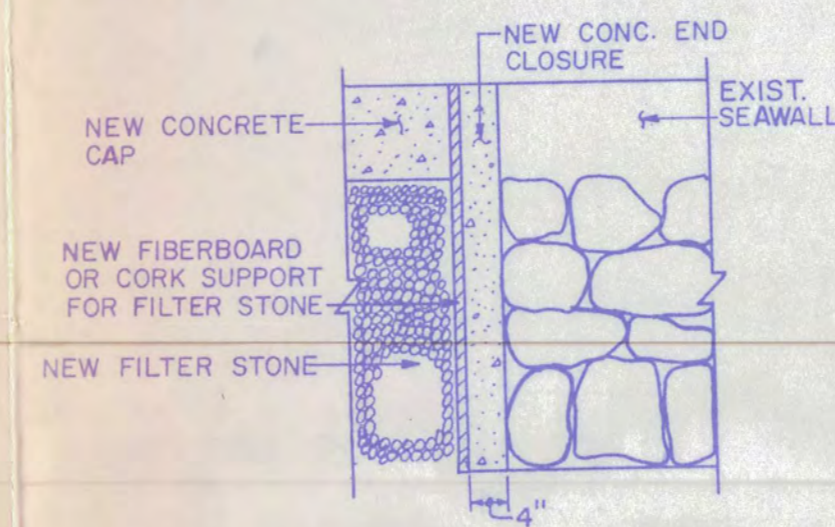
MARK A. EICHSTADT
REGISTERED PROFESSIONAL ENGINEER
5233

RECEIVED
AUG 27 1988
ENGINEERING DEPARTMENT
WATCH HILL FIRE DISTRICT

DWG. NO. 86-6-373.01 SHEET 1 OF 2



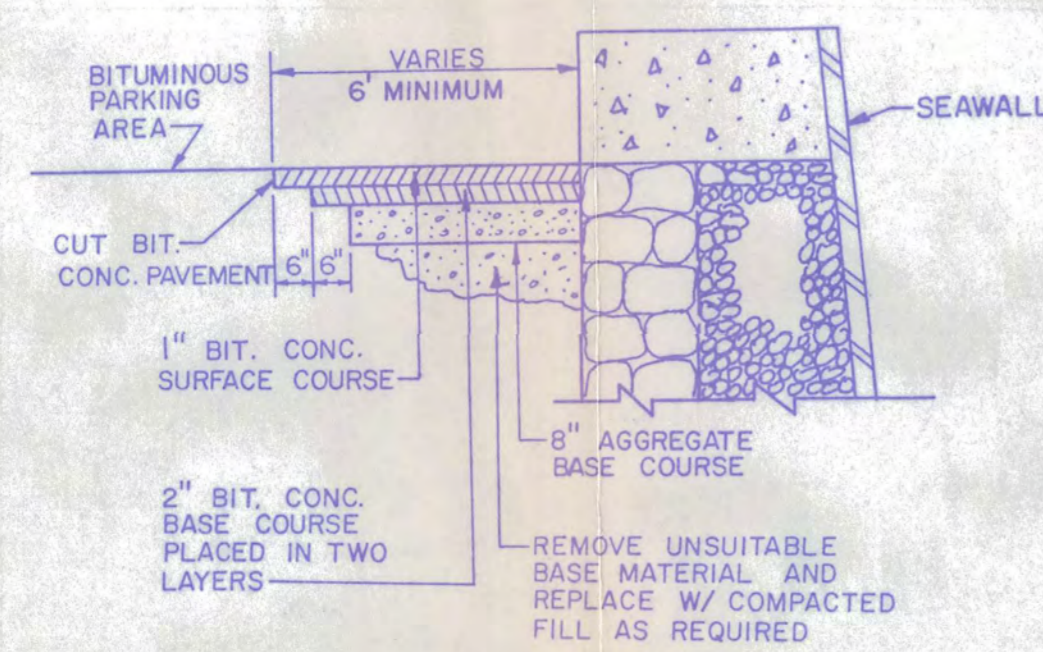
PLAN VIEW



SECTION B-B

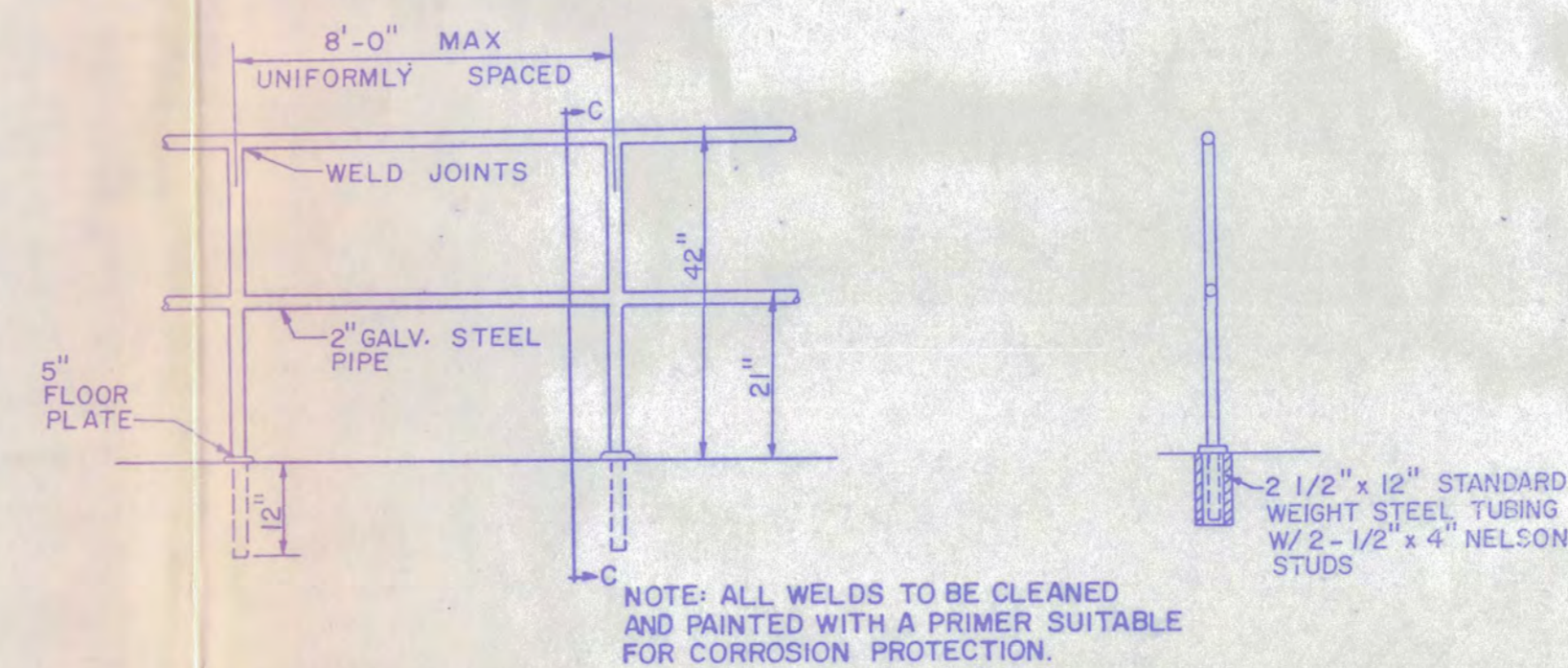
STEEL SHEET PILING
TEMPORARY TERMINATION

NOT TO SCALE



PAVEMENT REPAIR DETAIL

NOT TO SCALE



METAL HANDRAIL

NOT TO SCALE

SECTION C-C

NOTE: ALL WELDS TO BE CLEANED AND PAINTED WITH A PRIMER SUITABLE FOR CORROSION PROTECTION.

RECEIVED
DEC 1 1988
CONSULTING ENGINEER

RECEIVED
DEC 1 1988
CONSULTING ENGINEER

DETAIL SHEET
WATCH HILL COVE
PROPERTY OF:
WATCH HILL FIRE DISTRICT PARKS COMMISSION
WATCH HILL, RHODE ISLAND

SCALE: AS SHOWN DATE: AUGUST 26, 1988

DICESARE-BENTLEY
ENGINEERS, INC.
240 POST ROAD
WESTERLY, RI

MARK A. ECHSTADT
REGISTERED PROFESSIONAL ENGINEER
5253

DWG. NO. 86-6-373.02 SHEET 2 OF 2

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NO.	DATE	DESCRIPTION
1	12/9/88	ELIMINATED FILTER FABRIC & PRESSURE GROUTING
REVISIONS		



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL

PROCEEDINGS IN RE:

SEMI-MONTHLY MEETING

DATE: May 24, 1988
PLACE: State House
Providence, Rhode Island
TIME: 8:00 p.m.

Board Members:

George DiMuro, Chairman
Grover Fugate
George Sisson
John Lyons
Kathryn Owen
Paul Hicks
Samuel Snow
Pearce Klazer
Senator Correia
Representative George Caruolo
James Beattie
Roger Medbury
Charles Ted Wright
Joseph Turco

1 MR. LYONS: Is this a public beach?

2 MR. RABIDEAU: Yes, it is.

3 MR. LYONS: Do you charge ---

4 MR. RABIDEAU: No, not in this area we're
5 talking about.

6 MR. LYONS: Thank you, glad to hear that.

7 MR. WRIGHT: Move approval, Mr. Chairman.

8 MR. SISSON: I'd like to commend the City
9 of Warwick on its continued effort to improve its beach
10 areas and right-of-way and parks, constantly coming in
11 with great proposals to open up the waterways to the
12 public.

13 MR. RABIDEAU: Thank you.

14 MR. DI MURO: Mr. Wright has made a
15 motion. Do we have a second?

16 MR. SISSON: Second.

17 MR. DI MURO: Any discussion on the
18 motion? All those in favor? Opposed?

19 (Voice Vote Taken)

20 MR. DI MURO: It's unanimous.

21 Application of the Watch Hill Fire District Parks
22 Commission. Would you identify yourself?

23 MR. THORNTON: My name is James Thornton.
24 I'm attorney representing the Watch Hill Fire District.

1 MR. BEATTIE: Just one thing that I have a
2 question of under a special exception, it has to be for
3 the public good. You state you're quasi public agency
4 created by the General Assembly. What type of access is
5 granted to the general public within the particular area
6 which you're speaking of where you're placing this
7 particular wall? I'm thinking about access out to
8 Napatree Point.

9 MR. THORNTON: There's no change in
10 this -- this wall goes right along the area which is --
11 used to go out to Napatree Point which the public has
12 been using for years. It is the access that all foot
13 pedestrians use, it goes immediately along this wall and
14 this is the wall that -- behind the wall, the problem is
15 that's been completely over the years, there's been
16 undermined and keeps going out and this is to prevent
17 this undermining, but this goes right by and right along
18 the road, not the -- well, the road and the walkway
19 going out to Napatree which has always been open to the
20 public.

21 MR. BEATTIE: What you're saying is the
22 building won't preclude that ---

23 MR. THORNTON: This is sometimes referred
24 to as the Napatree Conservation area which I think the

1 MR. LYONS: What is -- what has the Town
2 got to say about this?

3 MR. THORNTON: The Town -- there is no
4 objection from the Town, that I'm aware of.

5 MR. LYONS: My reason for it bringing that
6 out is the fact that this is a special exception and
7 you're very much aware of Section 130?

8 MR. THORNTON: Yes.

9 MR. LYONS: Can you tell me how -- would
10 you tell me what section of 130 this application is
11 addressing?

12 MR. THORNTON: Well, the -- this refers
13 under structural shoreline protection facilities, I
14 believe that's ---

15 MR. SISSON: He means the public agency
16 part.

17 MR. THORNTON: The obligation part, you're
18 talking about on page 29 of your --

19 MR. LYONS: Starts out, the proposal
20 serves a compelling public purpose which provides
21 benefits the public as a whole as opposed to individuals
22 of private interest, that's what I'm upset about.

23 MR. THORNTON: It has -- the public, in
24 general, uses that right along this property and has for

1 years to go out to Napatree Point. On a weekday all
2 during the year, it doesn't have to be in the
3 summertime, there's a constant public traffic going by
4 there all during the year, not just in the summertime.

5 MR. LYONS: Is this a right-of-way?

6 MR. THORNTON: It's a roadway.

7 MR. LYONS: Is it a right-of-way?

8 MR. THORNTON: It's a right-of-way.

9 MR. LYONS: Has it been designated as a
10 right-of-way?

11 MR. THORNTON: It's a private road. It is
12 a private road, it's not publicly owned, but it's a
13 private road, but it's been opened to the public for
14 foot pat and foot travel for years.

15 MR. LYONS: Do you own it; does the Fire
16 District own that road?

17 MR. THORNTON: Yes.

18 MR. SISSON: Would you have any objection
19 to this body designating that as a right-of-way.

20 MR. THORNTON: Well, I don't think they
21 have a right -- I can't say because I don't think that I
22 have a right or I don't think these gentlemen here have
23 a right to designate it as a public right-of-way without
24 a vote of the -- of the Fire District because it

1 wintertime. Also, the Fire District has been
2 maintaining the public use of it and is in constant use,
3 every day of the year there is somebody walking out
4 there.

5 MR. LYONS: But you never stopped them
6 from walking out?

7 MR. THORNTON: No, the paths, as a matter
8 of fact, they open up the paths or designated paths as
9 to where the travel is. They protect the pathways by
10 snow fences and they police the area. The District
11 polices the area, provides trash cans and facilities,
12 that type of facilities.

13 MR. LYONS: As an attorney, would you
14 think this might be a right-of-way by adverse position?

15 MR. THORNTON: No, no, no.

16 MR. LYONS: No?

17 MR. THORNTON: No, because I don't
18 think --

19 MR. HICKS: Move the question.

20 MR. DI MURO: We have a motion on the
21 floor, a request to move the question.

22 MR. BEATTIE: I was just going to make a
23 suggestion that possibly you might want to stipulate
24 this particular assent since you're giving it a special

1 exception, that public access will not be restricted in
2 any manner whatsoever up to Napatree Point.

3 MR. DI MURO: We have a --

4 MR. LYONS: I have no problem with that.

5 MR. DI MURO: --- We have a -- we have a
6 request to move the question. Your request is again,
7 just so I can be ---

8 MR. BEATTIE: The motion we have before us
9 right now, this is to grant the special exception, we
10 haven't had a vote on that yet, so I think I have a
11 right to speak.

12 MR. DI MURO: Your suggestion is to do
13 what, Mr. Beattie?

14 MR. BEATTIE: Add an additional
15 stipulation to this particular assent, when and if the
16 special exception is granted and the assent is granted
17 in that whatever you may wish to call it that no --
18 public access to Napatree Point will be -- will not be
19 restricted in any manner by Watch Hill Fire District.

20 MR. HICKS: I think you want to clarify
21 that, when you say any manner, vehicles are traffic,
22 too.

23 MR. BEATTIE: Pedestrian access.

24 MR. THORNTON: There is only pedestrian

1 traffic. There is no facility and no way except for
2 extreme emergency vehicles that can get out there.

3 MR. DI MURO: Do you have a -- do you have
4 any problem with that?

5 MR. THORNTON: We have no problem with
6 the -- to continue the policy that's been carried out in
7 the past.

8 MR. DI MURO: We'll amend the original
9 motion, then.

10 MR. WRIGHT: I'll second his amendment.

11 MR. DI MURO: Withdraw the original motion
12 for the procedure. Mr. Beattie, you have made a new
13 motion with the amendment. Mr. Wright, you want to
14 second that motion?

15 MR. WRIGHT: I will second the motion.

16 MR. DI MURO: Any further discussion? All
17 those in favor? Opposed?

18 (Voice Vote Taken)

19 MR. GOLDMAN: We have a special exception,
20 now we have to have a pole on the reading of the record,
21 then we pole on the special exception.

22 MR. BEATTIE: I will a make a motion to
23 close the public hearing.

24 MR. DI MURO: There really is not a public



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, R.I. 02879

ASSENT

File Number: 87-10-66

Assent Number: B87-10-66

Meeting Date: May 24, 1988

Whereas, Watch Hill Fire District
Parks Commission
of Watch Hill, RI 02891

has applied to the Coastal Resources Management Council for assent to: Construct and Maintain 700 +/- linear feet of steel sheet pile bulkhead constituting 200 +/- cubic yards of gravel and concrete fill over an area of 1050 +/- square feet of tidal waters, along the face of the existing stone seawall, and hereby represents that THEY are the owner(s) of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: Construct and Maintain 700 +/- linear feet of steel sheet pile bulkhead constituting 200 +/- cubic yards of gravel and concrete fill over an area of 1050 +/- square feet of tidal waters, along the face of the existing stone seawall, located at Bay Street and Fort Road, Westerly, Plat 185, Lot 34, in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before June 20, 1991, after which date this assent is null and void, (unless written notice requesting an extension is received by CRMC sixty (60) days prior to expiration date).

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to applicants property to make on-site inspections to insure compliance with the assent.

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date thereof, after which time this permission shall terminate necessitating either complete removal or a new application.

A copy of this Assent shall be kept on site during construction.

Plans for future alteration of the shoreline or construction or alteration within the CRMC jurisdiction should be submitted to the CRMC for review prior to commencing such activity.

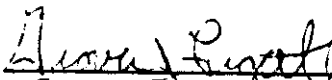
All local, state or federal ordinances and regulations must be complied with.

This assent is granted subject to the following stipulations:

(Stipulations set forth below):

(A) (B) (C) (D)

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this twentieth day of June in the year nineteen hundred eighty eight.



Grover J. Fugate, Executive Director
Coastal Resources Management Council

ASSENT SUBJECT TO STIPULATIONS CIRCLED:

- (A.) Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these pier facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said pier or from land adjacent thereto.
- (B.) In accordance with a decision of the Coastal Resources Management Council on October 9, 1973, this Assent is granted with the proviso that it is subject to the imposition of a usage fee to be established by the Coastal Resources Management Council.
- (C.) No work shall be done under this Assent until the required Federal Permit has been obtained.
- (D.) Additional Stipulations, Standards, Prohibitions, and Policies. (See attached sheets).

ATTENTION: ALL STRUCTURES IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters. Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification upon expiration.

THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID.

ADDITIONAL STIPULATIONS:

- A. The approved plan shall be that entitled "New Sheet Pile Bulkhead...By: Watch Hill Fire District Parks Commission", Sheets 1 through 3 of 3, dated 8/10/87, stamped by L.H. Bentley, P.E. Except/unless as stipulated, all details and specifications thereon shall be strictly adhered to.
- B. Both ends of the proposed sheeting shall return (preferably on a taper) to the existing adjacent vertical wall.
- C. As indicated, the sheeting shall be driven 10' to 15' into sediment.
- D. Backfill shall be clean gravel.
- E. As indicated, the maximum seaward extension shall be 18" (1 1/2') beyond the existing wall face.
- F. Proposed concrete cap shall utilize type II Portland Cement Concrete.
- G. As indicated, drainage scuppers shall be provided.
- H. As indicated, sheeting shall be PZ 22 or PZ 27 (indicated in project description).
- I. The sheeting shall be galvanized, coated, or otherwise suitably protected against corrosion.
- J. The 'Project Description' included on the public notice shall be considered as part of the approved and required specifications.
- K. For the purpose of this permit, the coastal feature shall be the seawall, and the inland edge of the coastal feature shall be the top of the existing seawall.

L. All site grades shall be returned to the original grade unless indicated on approved plan and approved.

M. All excess excavated materials, excess soils, excess construction materials, and debris (including any destructed materials) shall be removed from the site and disposed of at an inland landfill or a suitable and legal upland location. No materials shall be deposited on the coastal feature, within 10 feet of the inland edge of the coastal feature, or in coastal waters.

N. All fill materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.

O. Excavation and grading shall be limited to the area of the approved activity only. Excess earthwork beyond that approved by the approved plans and stipulations of this assent is not permitted.

P. There shall be no stockpiling or disposal of soils, construction materials, within 10 feet of the inland edge of the coastal feature, or in coastal waters.

Q. Pedestrian traffic to Napatree Point shall not be restricted.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

PROCEEDINGS IN RE:

SEMI-MONTHLY MEETING

DATE: May 24, 1988
PLACE: State House
Providence, Rhode Island
TIME: 8:00 p.m.

Board Members:

George DiMuro, Chairman
Grover Fugate
George Sisson
John Lyons
Kathryn Owen
Paul Hicks
Samuel Snow
Pearce Klazer
Senator Correia
Representative George Caruolo
James Beattie
Roger Medbury
Charles Ted Wright
Joseph Turco

1 DR. MINER: I'd like to call the meeting
2 of the Coastal Resources Management Council to order.

3 The first item that I'd like to do is just
4 introduce some of the staff people that are present here
5 tonight. To my immediate left is Grover Fugate, our
6 director and also Tim Dillingham, Nick Pisani and,
7 Dennis Erkin, Tom Medeiros, Dave Reiss and Ken Anderson.
8 I think I got everyone, right.

9 Do I have a motion to dispense with the reading of
10 the minutes?

11 MR. WRIGHT: So moved, Mr. Chairman.

12 MS. OWEN: Second.

13 MR. DI MURO: All those in favor.

14 Opposed.

15 (Voice Vote Taken)

16 MR. DI MURO: Do we have any staff
17 reports?

18 MR. FUGATE: No, Mr. Chairman, there are
19 no staff reports.

20 MR. DI MURO: Do we have any subcommittee
21 reports? Mr. Turco?

22 MR. TURCO: Yes, Mr. Chairman, I have two
23 items this evening. One is the -- I'd like to present
24 to the Council for their purusal the annual right-of-way

1 subcommittee report and I will present that to you, Mr.
2 Chairman.

3 MR. DI MURO: Thank you, Mr. Turco. Mr.
4 Goldman, I'm going to ask that this be referred to the
5 legislature for their purusal.

6 MR. GOLDMAN: Fine, Mr. Chairman.

7 MR. TURCO: Mr. Chairman, I have another
8 subcommittee report. File number 85-3-23, petition of
9 Charles P. Crandall, Jr. the applicant and Charles P.
10 Crandall, Jr. filed with CRMC an application to
11 construct and maintain a three-bedroom single family
12 dwelling, ISDS and driveway on plat 167, lot 57,
13 Atlantic Avenue, Westerly, Rhode Island. After
14 deliberation upon all of the evidence and legal
15 memoranda submitted by interested parties and the
16 applicant, the subcommittee hereby recommends to the
17 entire Council that this application be granted and I
18 submit this to be received, Mr. Chairman.

19 MR. DI MURO: Do we have a motion to
20 receive the report of the subcommittee?

21 MS. OWEN: So moved.

22 MR. DI MURO: All those in favor.
23 Opposed?

24 (Voice Vote Taken)

1 MR. DI MURO: Thank you. What I'm going
2 to do is read down the list of applications that we have
3 pending for tonight's hearing and I would ask that
4 individual, if he's present here tonight to please stand
5 and be represented, if you're represented by an
6 attorney, that attorney stand and then I would just ask
7 if there is anyone here who is interested in that
8 particular application, if you could kindly just raise
9 your hand just to give me an idea of the status of a
10 particular application. I'm reading these applications,
11 but this is not, I stress, this is not the order in
12 which they will be heard. Application of Henry M. Swan.

13 MR. SWAN: Here, Mr. Chairman.

14 MR. DI MURO: Is there anyone else with --
15 who wishes to be heard on that application?

16 Application of Mr. and Mrs. John Gray.

17 MR. PACKER: Attorney Donald Packer
18 representing the applicant.

19 MR. DI MURO: Is there anyone else who
20 wishes to be heard on that application?

21 MRS. GRAY: Mrs. Gray.

22 MR. DI MURO: Application of Leonard and
23 Joan Russell.

24 MR. PACKER: Attorney Donald Packer

representing the applicant.

MR. DI MURO: Is there anyone else who wishes to be heard?

Application of Douglas Williams.

FROM THE AUDIENCE: Yes, I represent the applicant.

MR. DI MURO: Is there anyone else who wishes to be heard?

Application of Robert and Donna Metafora.

MR. MAGGIACOMO: Edward Maggiacomo representing Mr. and Mrs. Metafora.

MR. DI MURO: Is there anyone else who wishes to be heard?

Application of the Town of Little Compton and HCM Properties.

MR. BOREN: Attorney Richard Boren representing the Town of Little Compton, HCM Properties. There may be a number of witnesses testifying on behalf of the Town of Little Compton and HCM Properties.

MR. DI MURO: Is there anyone else other than the witnesses for the applicant that wishes to be heard?

FROM THE AUDIENCE: Yes, I'm representing Save the Bay.

1 MR. DI MURO: Yes?

2 FROM THE AUDIENCE: Matthew Medeiros, I'm
3 legal counsel for Harbor Watch.

4 MR. BOREN: I also understand there may be
5 an fishermen's association that may wish to be heard.

6 MR. DI MURO: Mr. Boren, are you telling
7 us that there is someone or is there someone?

8 MR. BOREN: There is from the fishermen's
9 association, but they didn't say anything, but I
10 understand that they might want to be heard on this.

11 MR. DI MURO: Application, request <TKPOR>
12 extension of or modification from Louis Walton, III.

13 MR. WALTON: Thank you.

14 MR. DI MURO: Mr. Walton?

15 MR. WALTON: Yes.

16 MR. DI MURO: Is there anyone else who
17 wishes to be heard on that application?

18 Application of Chester Zlotniccki. Is there anyone
19 here on the Zlotniccki application?

20 Application of Harold Schein?

21 MR. SCHEIN: Harold Schein, I'm present.

22 MR. DI MURO: Is there anyone else who
23 wishes to be heard on that application?

24 FROM THE AUDIENCE: Yes, Save the Bay.

1 MR. ASHTON: Robert Ashton, engineer for
2 Harold Schein.

3 MR. DI MURO: Application of CHC Realty
4 Company, Category A application.

5 MR. BOREN: Richard Boren representing
6 CHC. There will be a biologist, John Meyer.

7 MR. DI MURO: Application for the City of
8 Warwick -- excuse me, was there anyone who else who
9 wished to be heard on CHC?

10 MS. RODE: Katherine Rode, Citizens of
11 North Kingstown.

12 MR. DI MURO: Is there anyone else?
13 Application of City of Warwick, for renovation of
14 Crockett Street Beach.

15 MR. PERONNI: Here, Leo Peronni, Director
16 of Parks and Recreation.

17 MR. DI MURO: Is there anyone else who
18 wishes to be heard on that application?

19 Application of the Watch Hill Fire District Parks
20 Commission.

21 MR. THORNTON: James D. Thornton,
22 attorney for Watch Hill Fire District.

23 MR. DI MURO: Is there anyone else who
24 wishes to be heard on that application?

1 Application of Steven Panagakos.

2 FROM THE AUDIENCE: Yes, attorney for the
3 applicant.

4 MR. DI MURO: We have a request for
5 reconsideration of the Council's decision in Providence
6 and Worcester Railroad Company.

7 MR. SHERMAN: Richard A. Sherman, counsel
8 for Providence Worcester Railroad.

9 REVERAND GORDON: Reverand Gordon, Chapter
10 of Court Watchers of Rhode Island.

11 MR. DI MURO: Why don't we, if I may,
12 rather than get involved in names, can we just have an
13 idea of raising of hands, people here on the Providence
14 Worcester Railroad.

15 (Pause)

16 MR. DI MURO: Thank you. First
17 application ---

18 MR. BROWN: Mr. Chairman?

19 MR. DI MURO: Yes.

20 MR. BROWN: Can I be recognized for a
21 moment? I asked you in private, I would like to request
22 that I be able to make a parting statement as an
23 ex-member of this board.

24 MR. DI MURO: Mr. Brown, we have had a

1 discussion previously and I have basically given you my
2 feelings that I really did not wish to get involved in
3 the process of the replacement of the -- and
4 re-appointment of Council members. While I can
5 sympathize with you on your feelings, I really ---

6 MR. BROWN: It has nothing to do with my
7 feelings as far as that re-appointment is concerned,
8 sir. Are you ruling against me?

9 MR. DI MURO: Well, the request is to
10 speak. Are you speaking on a matter on the agenda?

11 MR. BROWN: No.

12 MR. DI MURO: Then I'm going to ask you if
13 you wish, you may request the Council that it be placed
14 on our next agenda.

15 MR. BROWN: I would ask for a ruling from
16 the appeal of the decision to the chair to the body.

17 MR. DI MURO: Mr. Brown, I feel as though
18 it's the Chairman's discretion and I'm going to rule
19 against you.

20 MR. BROWN: I think parliamentary law
21 allows an appeal of that.

22 MR. DI MURO: If the Council so wishes.
23 However, it's my feeling that it's a -- it's the
24 Chairman's prerogative on a request for speaking on an

1 item that is not on the agenda and I have discussed this
2 matter with you and I can understand your feelings.

3 However, we have a long docket. We have a lot of other
4 items to go through and quite frankly, I'm not going to
5 live in the past, I'm going to move forward.

6 MR. BROWN: I don't want to live in the
7 past either. I came here expecting to be on the docket
8 tonight and found out a half hour ago that I wasn't
9 going to be and I had a statement prepared.

10 MR. DI MURO: Mr. Brown, you have my
11 decision.

12 MR. BROWN: And I don't get an appeal of
13 the Chair?

14 MR. DI MURO: No, Mr. Brown.

15 We have the first item on the docket which is the
16 docket of Steven Panagakos, ---

17 MR. LYONS: I would be a little remiss, we
18 have a had -- we have a gentleman here that has -- that
19 has served for many, many years on the Council and he
20 found out tonight that his replacement was here to take
21 his place and he came up here with a -- and had spent
22 most of the weekend probably going through the agenda
23 like the rest of us did on it and I must comment first
24 of all, I find -- I'm a little sorry that I have to kind

1 of go against your wishes at this particular time and I
 2 would like to bring out the fact that I have no
 3 animosity or anything in regard to the replacement
 4 system, that that's the prerogative of the Governor and
 5 he's done that particular point, but what's happened in
 6 the replacement of many dedicated people through the
 7 years, replacing them on this particular committee, not
 8 by the Governor himself or by the staff of the Governor,
 9 has been held in a very shabby manner and there's an old
 10 story when you're in the seeing view, you should take an
 11 hour to say no. Well, it seems to me when you're in the
 12 process of replacing, which is your prerogative, a
 13 gentleman who has devoted many, many hours and in this
 14 case, years to developing the CRMC program to the
 15 position it's in right now, he should get a little -- he
 16 should get a little more than a letter and dismissal and
 17 a very, very shabby way. I mean, some people have class
 18 and other people haven't got any class and I feel as
 19 though the way the -- particularly the Governor's staff
 20 has been operating and the replacement being made and
 21 notifying of the present incumbents, that they're being
 22 replaced shows that the staff has no class at all and it
 23 should go to some kind of school and take some kind of
 24 course in human relations and again, at this time, I

1 would like to welcome the new members of the board and,
2 Mr. Chairman, I'm sorry.

3 MR. DI MURO: Application of Steven
4 Panagakos.

5 MR. LIGOURI: Thomas Ligouri, yes, Mr.
6 Chairman. Mr. Chairman, I believe that there is a
7 subcommittee recommendation and there has been a full
8 hearing. The only matter that I would like to add to
9 the record, if possible, is that at the subcommittee, I
10 attempted to hand in an affidavit from a biologist. She
11 was not present that evening. She is here present this
12 evening and I would like to submit that affidavit and,
13 of course, then if you wish, you can ask any additional
14 questions.

15 MR. GOLDMAN: We have before us this
16 evening a recommendation of a subcommittee, Mr. Ligouri.

17 MR. LIGOURI: We're in favor of the
18 recommendation, if you --

19 MR. GOLDMAN: At this particular point,
20 that aspect of it is closed. If it's new evidence, it's
21 one thing, but if it's --

22 MR. LIGOURI: The recommendation has been
23 made?

24 MR. GOLDMAN: The recommendation has been

1 made .

2 MR. DI MURO: We do have a recommendation.

3 MS. OWEN: May I move that the
4 subcommittee's recommendation approval of the
5 application be accepted.

6 MR. TURCO: Second the motion, Mr.
7 Chairman.

8 MR. DI MURO: All those in favor of
9 accepting the subjectcommittee's recommendation -- is
10 there -- is there any new evidence on this application?

11 MR. LIGOURI: No, Mr. Chairman.

12 MR. DI MURO: We have to have a motion
13 polling the members --

14 MS. OWEN: With the stipulations of the
15 staff recommended -- the staff recommendations be
16 approved.

17 MR. DI MURO: Mrs. Owen, rather than, if I
18 may, I'm going to exercise a prerogative of the Chair
19 and I have asked Mr. Goldman to take a look at the
20 application in view of its, quite frankly, it's slightly
21 out of the ordinary situation and put together some
22 recommendations and to come back to the -- come back to
23 the full Council with it at our next meeting. Quite
24 frankly, what I would like to do is to eliminate as

1 much -- to be a situation where we have given a prior
2 assent and if for some reason or other someone does not
3 follow the assent and then comes in at a later time for
4 a new assent and while I can appreciate the
5 subcommittee's recommendation, I would still like to
6 refer this to Mr. Goldman to put together the
7 suggestions of the staff and so forth and I would ask
8 then that it be placed on our docket for the next
9 meeting. If you have any -- do you have any questions
10 on that?

11 MS. OWEN: That's fine.

12 MR. DI MURO: Then you had -- you had made
13 a motion, I believe it was a motion.

14 MS. OWEN: I will withdraw my motion.

15 MR. DI MURO: I would ask that it be
16 placed on our next docket.

17 MR. TURCO: Thank you.

18 FROM THE AUDIENCE: Mr. Chairman, if
19 you're going to do that, we're in opposition, then I say
20 that this meeting be transferred to the next one and let
21 us get a chance to see what the staff and what the
22 subcommittee put together in fairness. We have --

23 MR. DI MURO: Are you speaking on the
24 Panagakos application?

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FROM THE AUDIENCE: No.

MR. DI MURO: That's the application I'm speaking of.

FROM THE AUDIENCE: May I be recognized?

MR. DI MURO: Sure.

FROM THE AUDIENCE: I understand that there are new committee members on board tonight. For the public's benefit, could they be introduced?

MR. DI MURO: Sure.

MR. LIGOURI: Is this matter done?

MR. DI MURO: Yes, this matter is done,

MR. LIGOURI: Thank you.

MR. DI MURO: We only have one of the new members present tonight, Mr. Roger Medbury and myself as a second new member.

FROM THE AUDIENCE: Have both new appointees been finalized?

MR. DI MURO: Yes, I understand they have. Mr. Goldstein is the second appointment.

FROM THE AUDIENCE: So Mr. Medbury is replacing Mr. Brown?

MR. DI MURO: That's correct.

FROM THE AUDIENCE: And Mr. Goldstein is replacing Mister ---

1 MR. DI MURO: Mr. Abedon.

2 FROM THE AUDIENCE: Thank you.

3 MR. DI MURO: Application of Henry M.
4 Swan. Do any of the members have a -- before we take a
5 motion, do any of the members have a question after
6 reviewing the application and the documents submitted,
7 have a question of Mr. Swan?

8 Do I have a motion on the application?

9 MR. HICKS: Move approval, Mr. Chairman.

10 MR. WRIGHT: Second.

11 MR. DI MURO: Is there any further
12 discussion? All those in favor? Opposed?

13 (Voice Vote Taken)

14 MR. DI MURO: Let the record indicate it's
15 unanimous.

16 MR. SWAN: Thank you, Mr. Chairman.

17 MR. DI MURO: Application of Mr. and Mrs.
18 John Gray, 87-9-64. Do any of the -- after reviewing
19 the information submitted and recommendations of staff,
20 do any of the -- do any of the members have a question
21 of the applicant or his attorney, Mr. Packer.

22 MR. SISSON: If this was approved, it
23 would be -- the building is now 50 feet from the coastal
24 feature, modified application, is that right?

1 MR. PACKER: The closest disturbance is
2 now 50 feet, Mr. Sisson. The building is even further.

3 MR. SISSON: the ISDS is 45?

4 MR. PACKER: No, the ISDS would be a total
5 of about 80.

6 MR. SISSON: Thank you.

7 MR. SNOW: Has the C and D beenm cleared
8 away?

9 MR. DI MURO: Mr. Fugate informs me it has
10 not.

11 MR. PACKER: I believe that the violation
12 has been taken care of with the plan because it had to
13 do with clearing the lot, so the revegetation plan
14 involves that issue -- resolves that issue.

15 MR. DI MURO: Mr. Fugate?

16 MR. FUGATE: Yes, it is. The assent, in
17 effect, rescinds the C and D when it's approved.

18 MR. DI MURO: Is there any further
19 questions of the witness?

20 MR. WRIGHT: Move approval, Mr. Chairman.

21 MR. DI MURO: Mr. Wright, ---

22 MR. WRIGHT: With the stipulations.

23 MR. DI MURO: --- you have moved approval?

24 MR. WRIGHT: Move approval with

1 stipulations.

2 MR. DI MURO: Do I have a second?

3 MR. HICKS: Second.

4 MR. DI MURO: Is there any further
5 discussion? All those in farther? Opposed?

6 (Voice Vote Taken)

7 MR. DI MURO: Let the record indicate it
8 was unanimous.

9 MR. PACKER: Thank you.

10 MR. DI MURO: Application of Leonard and
11 Joan Russell.

12 MR. PACKER: I have that one as well.

13 MR. DI MURO: Do the members have any
14 questions of Mr. Packer? Mr. Packer, is your client
15 here also?

16 MR. PACKER: Yes, my clients, my biologist
17 and I believe the engineer as well, if there are any
18 questions.

19 MR. DI MURO: Is are there any questions
20 of Mr. Packer? Do I have a motion.

21 MR. HICKS: Move approval, Mr. Chairman.

22 MR. SNOW: Second.

23 MR. DI MURO: Motion for approval, Mr.
24 Hicks?

1 MR. HICKS: I'd like to make a note for
2 the record, the variance as originally requested is not
3 necessary because the applicant has sought and received
4 a variance from the local community. There's no --

5 STAFF: It still requires a CRMC variance,
6 but they moved it back further.

7 MR. BEATTIE: This is for the ISDS?

8 STAFF: They moved it as close to the
9 street as they could.

10 MR. HICKS: What's the dimension now?

11 MR. PACKER: It's 35 feet, I believe is
12 the closest, that's the ISDS and that will be
13 revegetated as well.

14 MR. HICKS: My motion should be, then, Mr.
15 Chairman, that I move approval with the variance,
16 closest point being 35 feet, that being the ISDS.

17 MR. DI MURO: Do I have a second to that
18 motion?

19 MR. WRIGHT: Second.

20 MR. DI MURO: Any further discussion. All
21 those in favor? Opposed?

22 (Voice Vote Taken)

23 MR. DI MURO: Let the record indicate it's
24 unanimous.

1 MR. PACKER: Thank you.

2 MR. DI MURO: Application 87-11-57,
3 Douglas Williams.

4 MR. FRACASSI: Kelly Fracassi.

5 MR. DI MURO: Any member of the Council
6 have questions of the witnesses?

7 MR. BEATTIE: Yes, I would only say that
8 since this butts up to a state park and recreation area
9 that the -- as long as the applicant complies with the
10 revegetation plan for -- it's alongside Burlingame State
11 Park, we shouldn't have any problem there. I think also
12 that people who buy these particular lots should
13 remember that Burlingame State park was there first and
14 I think they should impress that on anybody who happens
15 to buy it. That's all, Mr. Chairman.

16 MR. WRIGHT: Did you move it, Jim?

17 MR. BEATTIE: I move approval.

18 MR. WRIGHT: I'll second, Mr. Chairman.

19 MR. DI MURO: Any further discussion? All
20 those in favor? Opposed?

21 (Voice Vote Taken)

22 MR. DI MURO: Let the record indicate it's
23 unanimous.

24 Application of Robert and Donna Metafora.

1 MR. MAGGIACOMO: Edward Maggiacomo.

2 MR. LYONS: Mr. Chairman, Mr. Maggiacomo,
3 what size boat is going to be moored or wharfed at this
4 particular area?

5 MR. MAGGIACOMO: Mr. Lyons, you may
6 recollect that there was a similar petition that was
7 voted on that was submitted to the CRMC for approval
8 approximately a year ago. That was to service a
9 recreational pleasure boat. That application was not
10 granted on a seven to seven tie vote, if you recollect,
11 and it sought a variance to accommodate the pleasure
12 boat. This application -- rather than seek
13 reconsideration of that application and not seek the
14 variance, a new application has been filed for the sole
15 purpose of accommodating a dinghy boat for the Metaforas
16 have a son who and there's a letter on file with the --
17 I don't know if you have seen the file, and that's to
18 accommodate the young Metafora boy who his sole physical
19 exercise is a rowing regimen that has been prescribed
20 for him by his doctor. The dock that we're seeking is
21 simply one to accommodate his boat and if you have
22 questions about --

23 MR. LYONS: No, I have just a few
24 questions about the dock.

1 MR. MAGGIACOMO: If I can answer them.

2 MR. LYONS: I understand this dock is now
3 to be used for a dinghy?

4 MR. MAGGIACOMO: That's correct.

5 MR. LYONS: Nothing else?

6 MR. MAGGIACOMO: That's correct.

7 MR. LYONS: How big is the dinghy?

8 MR. MAGGIACOMO: Sixteen and a half feet.

9 MR. LYONS: That's a dighy?

10 MR. MAGGIACOMO: It's a row boat. It's
11 especially designed for this young boy. He rows by
12 standing up.

13 MR. LYONS: How much water does it draw?

14 MR. SMITH: Larry Smith, about a foot and
15 a half, about a foot and a half.

16 MR. LYONS: And you're the engineer, are
17 you not?

18 MR. SMITH: Yes, Larry Smith.

19 MR. LYONS: What's the depth at the end of
20 this wharf now as proposed?

21 MR. SMITH: Four feet.

22 MR. LYONS: Why 4 feet?

23 MR. SMITH: We are going out -- the
24 original application requested a variance beyond mean

1 high, 50 feet beyond mean low water. We came back to
2 within 50 feet of mean low water and cut it off there.

3 MR. LYONS: What were you saying, Mr.
4 Metafora.

5 MR. MAGGIACOMO: Mr. Metafora would
6 accept less. All he wants is enough water to float the
7 boat for his son.

8 MR. LYONS: I find myself when you're
9 talking about this particular area here, it's become
10 very repetitious and unfortunately, it's one or two
11 maybe three different people that constantly are coming
12 in with applications for it. They're apparently people
13 that have moved into the area within recent years and
14 they apparently are not too familiar with the area.
15 We've had several applications and each time it's been
16 turned down. Now, the application that I have before me
17 here brings out the fact that we have some young man
18 severely handicapped and also if you read the particular
19 letter, it's in the file here, it makes me appear to be
20 extremely hard-hearted and not sympathetic by not
21 granting such a request as this here, but getting back
22 to the reason that the request was denied in the past
23 and the reason we've taken up so much time in regard to
24 wharfs in these particular areas is the fact that the

1 fetch that's there, the type of water that's in the
2 area, there is no docks there. You bring out the fact
3 there's a dock that's 600 feet further to the south, but
4 you also bring out the fact that there's a stone
5 abutment type dock and that dock goes way back to the
6 mill which was down there somewhere in about 1815 or
7 1820 and it still exists. It was in poor repair and has
8 been brought back to the condition that it's in now.
9 Now, to come in and put in a recreational dock in that
10 particular area there, it's not going to last. It is
11 not going to last. It can't last there. The -- it's
12 very -- extremely exposed and the like. I'm just
13 wondering, I don't know, but is it possible that this
14 young man can be accommodated in some other way? I'm
15 the first one to admit and say that the fetch and the
16 wave action that takes place there doesn't take place
17 for 24 hours a day, but usually in the summertime, the
18 wind generally comes up between 12:30 and quarter past
19 one and from that point on, you get anywhere up to 15 or
20 20 knott wind even in the summertime. In the
21 wintertime, you have a tremendous fetch that's coming
22 from the northeast and that's what raises heck with the
23 docks down there, tears them right out there. Just the
24 fact that there's no docks in that particular area right

1 now proves the point that it can't be tolerated. There
2 were -- there were docks there many years ago. I'm
3 going back before the hurricane. Now, here I find
4 myself up here talking, trying to bring out the fact
5 that a dock shouldn't be allowed to be built in this
6 particular area here because of the fact of the existing
7 conditions, also the fact that if a precedent is
8 established in this particular area here, it's going to
9 probably have many more docks in the particular area
10 here that will be more susceptible to the storm damage
11 and be more of a hazard to the people living along the
12 shore and I assure you that this is what usually happens
13 in that particular area and as far as I'm concerned, I
14 know there's extenuating circumstances here with regard
15 to the young man, I don't know what can be done about it
16 to accommodate him in some other manner, but I don't
17 feel as though that constructing a \$20,000 dock to
18 accommodate a row boat that draws approximately a foot
19 and a half of water in this particular area justifies it
20 and so as a result, why, there's -- is the motion in
21 order?

22 MR. DI MURO: I have a couple of
23 additional questions, Mr. Lyons.

24 MR. BEATTIE: I think we have a motion on

1 the floor.

2 MR. DI MURO: No. Mr. Wright, you have a
3 question.

4 MR. WRIGHT: Could I ask the engineer, how
5 long a dock would you have to have for -- to draw a foot
6 and a half of water?

7 MR. SMITH: It could be shortened up. We
8 had requested, I believe, 48 feet beyond mean low water.
9 We were worried given the fact that the young man has a
10 regimen of exercising that he can't necessarily fit that
11 to the tides and we were worried about low tide at that
12 point, you know, it could be pulled back which means on
13 certain days it may not be viable. Now, the Metaforas
14 are looking for a dock to service the boy. They're
15 willing to take an accommodation along that line, but we
16 had 4 feet I think at 48 feet out which didn't request a
17 variance and given the fluctuating tide condition and
18 the fact that he would be going down pretty much at the
19 same time each day, not necessarily at a certain tide,
20 that we requested that we be allowed to go out before
21 the 48 feet.

22 MR. MAGGIACOMO: The problem, Mr. Wright,
23 is that if we shorten it, it will accommodate the boat,
24 but on certain days, it will and the boy won't be -- and

1 this is the exclusive physical exercise that this boy
2 gets. Now, to -- I don't want to get into a dialogue
3 with Mr. Lyons because we did that the last time we were
4 here, you know, if his concerns are justified, that
5 should be addressed through the Water Management
6 Program. I mean, the rules and regulations allow for
7 the dock. I mean, if -- and it's -- I just think it's
8 discriminatory when your rules and regulation allow and
9 a person comes in and requests a dock, does not seek a
10 variance, is complying with all the rules and
11 regulations that it not be granted, particularly under
12 these circumstances.

13 MR. DI MURO: I have a question, Mr.
14 Maggiacomo. The -- you basically -- you would be
15 willing to accept something less than what was proposed?
16 It was sought sort of your initiation that's --

17 MR. MAGGIACOMO: Well, Mr. Metafora ---

18 MR. DI MURO: I think that is where Mr.
19 Wright is following up.

20 MR. MAGGIACOMO: I'm being perfectly
21 candid and if we have to, if we have to abide by the
22 Council's decision, if the -- if the dock is shortened
23 less than 50 feet, it will be acceptable to the
24 Metaforas because they have no choice, but I want you to

1 know that that means that on particular days when
2 there's a particular neap tide or something close to it,
3 a neap tide, that the boy will not be able to
4 participate in his physical exercise, that's all. I
5 don't deny that.

6 MR. SMITH: There isn't a question of
7 coming out here with the length. I've heard Mr. Lyons
8 before and I think he's questioning the concept of the
9 dock. I don't see where bringing it back 20 feet will
10 change that concept and, you know, it isn't far from
11 being anywhere near that.

12 MR. LYONS: Mr. Chairman, in answer to Mr.
13 Maggiacomo, he's bringing out the fact that the -- he
14 doesn't feel as though the Council is permitting the
15 dock and there are docks in this particular area. The
16 reason we have a program, in my opinion, is the fact
17 that it gives us guidelines and specifications of water
18 uses and the like to follow, but it's up to the
19 discretion of the Council to find out whether, even
20 though all these criteria have been met, that there
21 isn't some extenuating or unusual circumstances in this
22 particular area that docks shouldn't be there on it,
23 otherwise, all -- there's no need for a council. All we
24 have to do is have someone make an application and

1 the -- if it's in a specific area, staff okays it and we
2 go ahead and a permit would be granted. This is not set
3 up that way. This is the reason we have this particular
4 type and also another point I'd like to bring out is
5 that you find that the members of the Council come from
6 different areas of the state, and one of the advantages
7 of such an enrollment is the fact that the different
8 people from their specific areas of the state are
9 extremely familiar with the type of activities and type
10 of weather conditions and water conditions, et cetera
11 that exist there and I'm talking about something that's
12 in the neighborhood of approximately 62 to 63 years of
13 experience in this particular area. In fact, I lived a
14 short distance further north of where this particular
15 area is and became a refuge in the 1938 hurricane and
16 went back to see how the fellow made out that bought our
17 property and found out he was a refuge in the 1954
18 hurricane and this is a new house in Lawrence Farms. I
19 don't think this man has been around in that particular
20 area too long, I'm talking about years; maybe months,
21 but not years and I'm telling you that this particular
22 area gets extremely rough and I'm very much concerned
23 about the dock breaking up in front of his house and
24 coming in the front window of John Jones' property

1 that's down the bay, that's what I'm upset about and
2 this is why I keep bringing it up. There's only certain
3 areas of the state at the present time where you find
4 similar conditions and we constantly, especially lately
5 we're constantly getting these people in challenging us
6 on this particular area. And again, I find that here we
7 are back less than a year's time and I am -- perhaps, we
8 turn it down tonight and they will be back in a year's
9 time, I don't know, but it seems to me --

10 MR. MAGGIACOMO: The reason ---

11 MR. LYONS: -- the circumstances haven't
12 changed at all. The only difference is that we have
13 apparently a very severely handicapped young man that
14 needs some kind of a stable basis in order to get into
15 his boat to get out in the water for. I'm telling you
16 right now that I don't care whether he's rowing standing
17 up or sitting down, backwards or forwards, there's going
18 to be many days when this gentleman will not be able to
19 go out on that water in this particular area and there
20 are going to be some very, very nice days he won't be
21 able to go out because the water in this that area there
22 is too rough in order to accommodate such a condition.
23 So, again, if --- is a motion in order?

24 MR. HICKS: Move approval, Mr. Chairman.

1 MR. DI MURO: I believe Mr. Hicks has
2 already indicated that he wants to make a motion to
3 approve.

4 MR. HICKS: With the stipulations.

5 MR. BEATTIE: Second.

6 MR. DI MURO: Is there any further
7 discussion on the motion?

8 MR. SISSON: Mr. Chairman, the staff calls
9 attention to the fact that on previous drawings, a depth
10 of 1.8 feet is shown. The current plans shows a depth
11 of 4.2 out at the end of the dock, can your engineer
12 explain that to us.

13 MR. DI MURO: You're talking about the
14 applicant's engineer, Waterman Engineering?

15 MR. SISSON: Yes.

16 MR. SMITH: Those are the soundings we
17 took and I believe the staff has been out and has done
18 some checking and has amended something to the file that
19 did not disagree with our readings.

20 MR. BEATTIE: What Is it, Nick, 4.1 1.5?

21 STAFF: We went out and we measured and
22 there's an addendum to the report -- engineer's report
23 and I came up when I did the calculations of a depth at
24 the proposed float location of 2.6 feet at mean low

1 water and at mean low water I came out with 1.6 foot of
2 depth, so that, you know, the skiff that they're talking
3 about should float in both those tidal depths.

4 MR. DI MURO: Is there any further
5 discussion on this motion? It was seconded by Mr.
6 Wright, I believe.

7 MR. DI MURO: Further discussion.

8 MR. BEATTIE: I made the second.

9 MR. DI MURO: Mr. Beattie, I'm sorry.

10 All those in favor? Opposed?

11 (Voice Vote Taken)

12 MR. LYON: Opposed.

13 MR. DI MURO: We'll have to have a role
14 call vote, please.

15 MR. GOLDMAN: Mr. Maybury?

16 MR. MAYBURY: I'm going to abstaining.

17 MR. GOLDMAN: Mr. Wright?

18 MR. WRIGHT: Yes.

19 MR. GOLDMAN: Mr. Correia?

20 SENATOR CORREIA: Yes.

21 MR. GOLDMAN: Mr. Caruolo?

22 REPRESENTATIVE CARUOLO: Yes.

23 MR. GOLDMAN: Mr. Beattie?

24 MR. BEATTIE: Yes.

1 MR. GOLDMAN: Mr. Sisson.

2 MR. SISSON: No.

3 MR. GOLDMAN: Mr. Lyons?

4 MR. LYONS: No.

5 MR. GOLDMAN: Miss Owen?

6 MS. OWEN: Yes.

7 MR. GOLDMAN: Mr. Snow?

8 MR. SNOW: No.

9 MR. GOLDMAN: Mr. Klazer?

10 MR. KLAZER: Yes.

11 MR. GOLDMAN: Mr. Hicks?

12 MR. HICKS: Yes.

13 MR. GOLDMAN: Chairman?

14 MR. DI MURO: Yes.

15 MR. GOLDMAN: Eight in the affirmative,
16 three negatives and one abstention.

17 MR. MAGGIACOMO: Thank you, Mr. Chairman.

18 MR. DI MURO: Motion carries.

19 Application of the Town of Little Compton, HCM
20 Properties.

21 MR. GOLDMAN: Mr. Chairman, before we
22 proceed, we have two communications that may or may not
23 be in your records from the Department of Environmental
24 Management. I'd like to read them both in the record to

1 clarify. One is dated May 17th, 1988 to Executive
2 Director Fugate signed by Victor A. Bell, chief of the
3 office of environmental coordination. Subject is CRMC
4 file 88-1-32. The Department of Environmental
5 Management has reviewed the above-referenced
6 application. Please be aware that while the Department
7 supports the concept of the construction of a public
8 dock, our Division of Fish and Wildlife objects to the
9 proposed location of the town dock. It appears that
10 dredging, construction and operation and continuous prop
11 wash from the Town dock in the location proposed would
12 have the potential of adverse impacts on the
13 Halffeniffer Wildlife Refuge Marsh based on its
14 proximity to the culvert connecting the salt marsh to
15 the harbor. The Department prefers the location denoted
16 in Option 3A in the Sakonnet Harbor Master Plan prepared
17 by the Henderson Planning Group, August, 1987.
18 Location next to the Trap Company docks is preferred as
19 an undisturbed area between the docks and culvert would
20 been maintained. The Division of Fish and Wildlife also
21 supports the dry stack storage of small boats as
22 presented in 3A, signed by Victor A. Belltore.

23 I have a communication dated May 24, 1988, subject
24 88-1-32 from Victor Bell, saying I'm writing to correct

1 and withdraw the correspondence sent to you on May 17,
2 1988 concerning CRMC file 88-1-32. At the time of
3 writing that letter I was not aware that DEM had both
4 issued a water quality certification for the town dock
5 at the proposed location and had endorsed the Town's
6 plan for the dock. While location adjacent to the Trap
7 Company piers may have marginally less environmental
8 impact, the DEM believes that both sides are acceptable.
9 Most importantly, the Department strongly endorses
10 construction of the pier to provide a home for the
11 fishermen of Sakonnet Point. I'm sorry for any
12 confusion my original letter may have caused, Vector A.
13 Bell.

14 SENATOR CORREIA: It says 88-1-32, but we
15 have 88-1-31.

16 MR. GOLDMAN: He has referenced the wrong
17 file. Not only did he not have the right story from the
18 department, he had the wrong file number.

19 MR. DI MURO: Is there anyone here from
20 the Town of Little Compton? Mr. Boren.

21 MR. BOREN: Boren, yes, Mr. Boren.

22 MR. BOREN: I believe the Town Council
23 president has a letter that she wanted to present.
24 Perhaps she may want to read it, then place it on the

1 record.

2 MS. CABOT: Jane P. Cabot, President of
3 the Town Council of Little Compton On January -- I
4 have a certified copy of a vote taken on January 7th,
5 1988, all members being present and a vote passing
6 unanimately, voted that the Town of Little Compton join
7 HCM Properties Corporation and HCM Restaurants, Inc. as
8 co-applicant in the application as prepared by Allison,
9 Inc. to Rhode Island Coastal Resources Management
10 Council and the United States Corps of Engineers for the
11 construction of a town dock and a public parking area
12 and marina also on the easterly situation -- on the
13 easterly side of Bluff Head Avenue, Little Compton,
14 Rhode Island. End of vote.

15 At this time, if it's proper, Mr. Chairman, I would
16 just like to say that the town supports this application
17 and hopes for a favorable consideration.

18 MR. BOREN: We would like to present that
19 to you. There's also someone here, Bob Dyer, chairman
20 of the Harbor Advisory Board who I've asked to bring a
21 photograph, a large photograph which may be helpful in
22 showing the present configuration and Bob may have
23 something that he would like to say.

24 MR. DYER: This is a recent photograph ---

1 MR. DI MURO: Identify yourself for the
2 record.

3 MR. DYER: Robert Dyer, chairman of the
4 Harbor Advisory Board, Town of Little Compton. This is
5 a recent photograph. This was in the Providence Journal
6 of the existing conditions that Sakonnet Harbor, that
7 we're trying to improve. The Town of Little Compton has
8 no viable access to the harbor for the interest of 40
9 independent fishermen which that interest is being
10 satisfied by HCM Properties by providing property that a
11 town dock could be located on. These fishermen bring in
12 over two million dollars in value of catch to the State
13 of Rhode Island yearly.

14 MR. BOREN: I have also brought both Mr.
15 Cerilli from HCM and Mr. Allenson. If there are any
16 questions of the board, they probably could be asked of
17 either Mr. Cerilli or Mr. Allenson and I know Mr.
18 Allenson has indicated to me that based upon the
19 recommendations of both the biologist and the engineer,
20 that that would be totally satisfactory in regard to all
21 stipulations that have been set forth and Mr. Allenson,
22 I've asked him to do a blow up of one of the -- of the
23 configuration of the dock and to put it into some form
24 of overlay that may be helpful to the board. Mr.

1 Allenson, would you come up, please.

2 MR. ALLENSON: This is just a
3 representation of what's going to take place in the
4 harbor. If it's helpful to you, we'll put it on a
5 stand.

6 SENATOR CORREIA: Point of order, Mr.
7 Chairman, we discussed -- we're discussing something,
8 actually we have no vote or anything.

9 MR. DI MURO: If I may, in what way --
10 what I was attempting to do is just solicit from the
11 applicant if there's any new evidence that they want to
12 basically present to us and ask the board if they have
13 any questions of the applicant or his witnesses as a
14 opposed to Mr. Boren going into additional testimony. I
15 again, appreciate the efforts that your clients made
16 with the plan and so forth and quite frankly, after
17 having done all that work, I wanted to let him show it
18 so that we get the benefit of his energies, but does the
19 committee have any questions of Mr. Boren or any of the
20 applicants?

21 SENATOR CORREIA: My question was, is this
22 before the board without ---

23 MR. DI MURO: Without a motion.

24 SENATOR CORREIA: --- a motion?

1 MR. DI MURO: Yes, merely here on a
2 hearing stage.

3 SENATOR CORREIA: That's what I wanted to
4 know. Thank you.

5 MR. SISSON: Mr. Chairman, I have a
6 question.

7 MR. DI MURO: Yes.

8 MR. SISSON: Can the other gentlemen
9 testify as to who owns lot 430?

10 MR. BOREN: Yes, I believe Mr. Cerilli may
11 be able to ---

12 MR. CERILLI: HCM Properties. HCM --
13 well, it's HCM Restaurant, Inc. is the corporation. I'm
14 president of HCM Restaurant, Inc. HCM --

15 SENATOR CORREIA: Point of order, Mr.
16 Chairman, these people suppose to be sworn if they're
17 going to testify.

18 MR. GOLDMAN: It's not a contested case.

19 MR. SISSON: Your restaurant owns lot 430?

20 MR. CERILLI: That's the name of the
21 corporation, sir. It's HCM Restaurant, Inc., HCM
22 Properties, Inc. Those are the two corporations that
23 own all of the land or most of the land on the Sakonnet
24 Point, including lot 430.

1 MR. SISSON: Is the new proposed dock
2 going to runoff 430?

3 MR. CERILLI: Yes, sir.

4 MR. SISSON: And that dock is going to be
5 turned over to the town?

6 MR. CERILLI: Yes, sir.

7 MR. SISSON: Who's going to own the land,
8 then?

9 MR. CERILLI: It is proposed in the
10 Sakonnet Harbor Master Plan that we are working towards
11 both developer and the Town of Little Compton to turn
12 over the land as well as the town dock and we're now
13 seeking funds from the state that seem to be listening
14 to our proposal funding the acquisition of the land and
15 the construction of the town dock, sir.

16 MR. SISSON: But at the present time, that
17 has not been reduced to writing?

18 MR. CERILLI: It has been reduced to
19 writing in many harbor board advisory board minutes and
20 the Town Council and in the application before the Army
21 Corps of Engineers and the application before this
22 Council, that's about it, it's been reduced.

23 MR. SISSON: But Mr. Cerilli, if this body
24 sees fit to grant this on the basis of it's going to be

1 a town dock and town land and so on and those things
2 don't come to pass, this will still be your dock and
3 your land?

4 MR. CERILLI: Well, we would -- if the
5 question is that, then maybe I suggest making it subject
6 to that happening because we have no interest. We
7 are -- I am a resident of Little Compton. The two other
8 stockholders of those corporations that I mentioned
9 before are also life-long residents and the 40
10 independent fishermen, the recreational boater, the
11 public has no public access to the Sakonnet Point. We
12 as both developers and citizens of the town community
13 want to provide this public access and if it -- and if
14 it comes to donating a portion of those moneys to make
15 it happen, we have -- we have been on the public record
16 that we will contribute towards any funding that the
17 Town of Little Compton will have to contribute in
18 order -- any kind of matching grants to get this town
19 dock. We have tremendous support by the recreational
20 boaters, the community, the Town Council, the harbor
21 board. This is something that the Town of Little
22 Compton has wanted for 13 years and the previous
23 property owner wouldn't even propose such a proposal.

24 MR. SISSON: You say this -- if this board

1 approves it, that you will make it a condition of the --

2 MR. CERILLI: Most definitely.

3 MR. SISSON: --- give this dock and give
4 this land to the Town of Little Compton?

5 MR. CERILLI: Most definitely, sir.

6 MR. SISSON: And that will be in writing
7 before you -- before this body gives that approval?

8 MR. CERILLI: Most definitely, that is our
9 only one intention.

10 MR. SISSON: What about this so-called
11 CBRS line, called the coastal barrier resources system
12 line?

13 MR. CERILLI: Yes, sir?

14 MR. SISSON: Are you familiar with that?

15 MR. CERILLI: Yes, sir, I am.

16 MR. SISSON: Do you recognize it at all?

17 MR. CERILLI: There are -- the CBRS line
18 is the coastal barrier resource line. There is a
19 geological barrier resource line. There is the Coastal
20 Management Council line which we most definitely
21 recognize, the geological line where the geological
22 coastal barrier is, we are recognizing and staying out
23 of that area.

24 MR. SISSON: But the federal people have

1 said that this line runs, do they not, between 430 and
2 432?

3 MR. CERILLI: Yes, sir.

4 MR. SISSON: Yet your dock is going to go
5 between -- in that -- within that line.

6 MR. CERILLI: It will go between that line
7 and the geological coastal barrier line and the -- that
8 line would prohibit any federal funding and as I stated
9 before, we've been working on this proposal since last
10 August. The state has expressed serious interest in
11 funding. Therefore, we feel that the town can
12 accomplish their goal of 13 years and our goal of -- our
13 recent combined goal of the last eight months.

14 MR. SISSON: That's all I have, Mr.
15 Chairman. Thank you.

16 MR. CERILLI: Thank you.

17 MR. LYONS: Mr. Chairman?

18 MR. DI MURO: Yes, Mr. Lyons?

19 MR. LYONS: There's a -- right across the
20 street from 430, there's an old house that's there?

21 MR. CERILLI: Yes, sir.

22 MR. LYONS: It's still there, isn't it?

23 MR. CERILLI: Yes, sir.

24 MR. LYONS: Do you own that property?

1 MR. CERILLI: Yes, sir, I do.

2 MR. LYONS: Have you got plans for that,
3 also?

4 MR. CERILLI: Yes, in the -- in our
5 proposal, trying to follow -- part of this lot 430, by
6 the way, is a conservation portion which is the coastal
7 barrier -- is the geological barrier beach area of that
8 lot which is proposed for conservation which reminded me
9 of the lot across the street which is also proposed for
10 conservation, but the -- with the reconfiguration, the
11 new ownership, it is critical that we get a town dock
12 and our priority has been the conservation, parking for
13 the independent fishermen and public access and a town
14 dock. It is still proposed, the conservation for that
15 land and that building. We have -- it's -- we've been
16 just too busy getting this first phase off the ground.
17 It is still, as a matter of fact, I -- I've made a
18 public comment in the newspaper about the offer still
19 stands and hopefully we can find a conservation group
20 that could pay a fair market value and make that open
21 space.

22 MR. LYONS: Is there any right-of-way in
23 your particular property?

24 MR. CERILLI: No, sir.

1 MR. LYONS: I know you probably checked
2 back on the land records and the like, there's none at
3 all down there?

4 MR. CERILLI: None at all. The riparian
5 rights --

6 MR. LYONS: In the past, I've heard that
7 there was a right-of-way down there. Is there a town
8 dock there now?

9 MR. CERILLI: No, sir that's the problem.

10 MR. LYONS: Isn't there like a boat ramp
11 that goes down to a dock?

12 MR. CERILLI: That is on the state
13 property, there's a state boat ramp that is -- that --
14 actually that state boat ramp is in the -- within the
15 coastal barrier resource area.

16 MR. LYONS: I want to just bring this out
17 because if you're a resident down there, you realize the
18 amount of visits that are made by the general public in
19 that particular area.

20 MR. CERILLI: Yes, sir.

21 MR. LYONS: And your parking lot in the
22 past has been one of the real vistas of the whole area
23 as far as that's concerned and I was just wondering
24 what's going to happen to that.

1 MR. CERILLI: We have --

2 MR. LYONS: Not that this has anything to
3 do with what you're putting here. This is my first
4 chance of asking anyone about it.

5 MR. CERILLI: The past ownership of the
6 property has gone back for four or five years and
7 there's been a restaurant there, family restaurant, just
8 had its opening or reopening last -- couple weeks ago,
9 and we're trying to clean everything up. It's been kind
10 of in a shambles, including the marina and buildings and
11 we're trying to give a place for everyone, allowing the
12 different uses to cohabitat, to live in a friendly
13 manner. It seems as though the restaurant is successful
14 from its opening debut and that we planned and since we
15 still retain an ownership in that restaurant, we're not
16 going to choke it off from any parking, so that the
17 public -- are our intention right now is to leave
18 that -- some other property on the ocean side open right
19 now for parking.

20 MR. LYONS: Well, you're probably
21 familiar, at least, the Town Council of Little Compton
22 is very familiar that the Council -- Coastal Resources
23 Management Council has been very very definitely
24 involved with this for over 13 years and I'm awful happy

peronsally to see something being done down there. It's too bad that we lost out the breakwater and a few other things that's happened there. I'm only speaking from a personal point of view.

MR. CERILLI: Thank you.

MR. DI MURO: Any further questions from any of the Council members?

MR. BEATTIE: Mr. Chairman, I would just ask that the applicant has every intention of complying with all of these stipulations that are put on -- put out by the Department of Environmental Management, Division of Water Resources.

MR. CERILLI: Yes, sir.

MR. BEATTIE: The flow, blocking of the pipe from the wildlife refuse.

MR. CERILLI: On the first proposal, on the pipe, sir, we felt -- our biologist thought that closing off during temporary dredging period wouldn't harm it, but we're going along with DEM's recommendation, putting a silt fence there so as to allow the flow.

MR. BEATTIE: Okay. Thank you.

MR. DI MURO: Are there any additional questions? Do we have a motion on the application?

1 MR. LYONS: So moved with stipulations of
2 staff.

3 MS. OWEN: Second.

4 MR. DI MURO: With the -- Mr. Lyons, do
5 you want to add to your motion the stipulation that Mr.
6 Sisson had spoken of?

7 MR. LYONS: I'll add the suggestion by Mr.
8 Sisson.

9 MR. DI MURO: Do we have a second?

10 MS. OWEN: Second.

11 MR. DI MURO: Is there any discussion or
12 any comments?

13 MR. MEDEIROS: Yes, Matthew Medeiros. I'm
14 legal counsel for Harbor Watch. We have comments that
15 we would like to offer to the Council at this time on
16 this application.

17 We appreciate the opportunity to appear before the
18 Council this evening and express our concerns. My
19 comments will be directed entirely to one issue, one
20 very important issue that actually follows up on a
21 question that was just asked by Mr. Lyons and that is
22 the public's riparian rights in the situation.

23 Mr. Goldman's letter to Mr. Fugate dated May 9
24 which found the Harbor Watch's comments on this

1 application were nonsubstantive stated that since the
2 Town of Little Compton is a co-applicant on this
3 application, it must have waived any riparian rights
4 that existed in this area. We respectfully disagree
5 with that conclusion and I hope to persuade the Council
6 this evening that there is a serious flaw in this
7 application with regard to riparian rights and that this
8 application warrants a full public hearing.

9 The application before the Council requests
10 permission, among other things, to build a brand new
11 privately owned fuel dock squarely and directly in the
12 middle of the public's riparian rights of access from
13 Point Street. You cannot figure that out from the
14 application that's been submitted to you because the
15 application is based upon a drawing that places Point
16 Street which is next to the restaurant in the wrong
17 location.

18 The land evidence records of the Town of Little
19 Compton make this clear and I have with me exhibits
20 which I'd like to offer at the end of my remarks that
21 again, substantiate the point that Point Street as
22 spelled out in this applicant's drawings is in the wrong
23 place as a matter of the land evidence records in Little
24 Compton and if this application were permitted, the

1 privately owned fuel dock would fall right in the path
2 of the riparian rights from Point Street where it is, in
3 fact, legally located. In 1956, the Town of Little
4 Compton gave public notice and hearing of its intention
5 to dedicate a public road, namely Point Street on
6 Sakonnet Point running adjacent to -- alongside the
7 restaurant. At that same time, the three abutting
8 landowners entered into deeds, whereby they agreed to
9 that location of Point Street and that location is
10 spelled out on a survey that accompanies those deeds as
11 filed in the land evidence records of Little Compton and
12 again, I have copies of those with me this evening.

13 The town has never taken any steps whatsoever in
14 accordance with the statute of the State of Rhode Island
15 to change the location of Point Street as designated in
16 1956 and it's absolutely clear that this private fuel
17 dock cuts off, is in the path of riparian rights from
18 Point Street. In fact, this applicant predecessor in
19 interest, the corporation known as Sakonnet Rogers
20 Incorporated itself filed a deed in the land evidence
21 records of the Town of Little Compton in 1960
22 reaffirming the location of Point Street, where it was
23 in 1956 and the riparian rights that flowed from it
24 which are at odds with, in conflict with the location of

1 Point Street as is contained in the application before
2 this Council.

3 In this application, this applicant has
4 jerry-rigged Point Street by veering it to the west,
5 significantly to the west, and by reducing the width of
6 it from the 22 feet dedicated by the town in 1956 to
7 somewhere around 20 feet. Obviously, it veered the road
8 off away from where it is legally located in order to
9 avoid the riparian rights issue and permit its private
10 fuel dock to be constructed where it proposes.

11 Now, we assume the applicant is relying upon for
12 doing so, for veering that road off, the applicant is
13 relying upon, we assume, a series of three deeds
14 executed in 1965 not involving the Town of Little
15 Compton at all, not purporting to bind the Town, not
16 affecting the Town's rights in anyway, deeds executed
17 between three abutting private landowners and those
18 three private landowners purported to move the public
19 road without any authorization from the town westward to
20 where this applicant indicates it is and to narrow the
21 width of it and we have forwarded to the town solicitor
22 of the Town of Little Compton our legal opinion letter
23 setting forth that under the statute and laws of the
24 State of Rhode Island, private landowners have no

1 ability to change the location of a properly dedicated
2 public road, in accordance with Rhode Island General
3 Laws and it has never been done here. The Town has
4 never done it. The Town itself, it is my understanding
5 and I believe that it will be backed up by at least one
6 member of the Town Council who you will hear from this
7 evening, the Town has or at least very recently has had
8 under consideration subsequent to the filing of this
9 application, the entire issue of what the Town's
10 riparian rights are in the very location governed by
11 this application, the Point Street area. A member of
12 the Town Council is here to explain the status of that
13 review at the present time and it's again, my
14 understanding that the Council has asked the town
15 solicitor to look into the question of where the
16 riparian rights are and where Point Street is properly
17 located and that opinion has not been rendered yet. Yet
18 this applicant has relied upon the private deeds, the
19 location in the private deeds, not the public
20 dedication.

21 There is plenty of evidence, moreover, in the
22 CRMC's own file on this application that the Town has
23 not waived its riparian rights at all. First, the
24 application by HCM refers to a riparian rights agreement

1 with the Town and a private landowner in another section
2 of this project, not the Point Street area near the
3 Focus Hill and where this fuel dock is to be located.
4 It shows -- that other agreement shows that the Town and
5 this applicant recognized that in order to change
6 riparian rights of a Town, there needed to be an
7 agreement of that kind. It's an agreement waiving the
8 Town and amending the Town's riparian rights. There is
9 no comparable agreement affecting the riparian rights in
10 the area of this fuel dock and in addition, Mr.
11 Chairman, the Council file contains a letter dated just
12 last month, April 27th from Mrs. Cabot and that letter
13 states in an attachment and I quote, the riparian rights
14 are presently being adjudicated. All abutters must
15 agree on these riparian rights, closed quote. I suggest
16 that where this all leads us is that you have an
17 application before you that's fatally defective under
18 state law because it would authorize a private dock, a
19 fuel dock to be constructed in a way as to obstruct the
20 public's riparian rights.

21 We urge you to either deny permission to construct
22 the private fuel dock in the riparian rights area or at
23 the very least, we ask you to obtain a full airing of
24 this issue at the time at a public hearing in the Town

1 of Little Compton.

2 In short, we do not believe that the riparian
3 rights issue is nonsubstantive at all, but is rather a
4 very important issue that this Council has expressed its
5 concern about many times before, only the issue of
6 public access to the waterfront. In such a hearing,
7 public hearing, we believe it will become abundantly
8 clear that the Town never intended to give away its
9 riparian rights, nor did it agree to a narrowing of
10 Point Street, nor agree to jerry-rig the location of
11 Point Street in a westerly direction to permit this fuel
12 dock to be constructed.

13 In closing, I would like to offer to the Council
14 for its consideration as exhibits the documents
15 including the lands evidence records from the Town of
16 Little Compton on which we rely to ask the Council to
17 reconsider Mr. Goldman's recommendation that the
18 riparian rights issue was nonsubstantive. May I offer
19 those to the Council?

20 MR. GOLDMAN: Yes.

21 MR. MEDEIROS: Thank you.

22 MR. GOLDMAN: We'll mark this as Harbor
23 Watch 1.

24 MR. DI MURO: Mr. Goldman, for the benefit

1 of the committee, could you just reiterate the opinion
2 that you gave Mr. Fugate concerning the objection?

3 MR. GOLDMAN: Yes, Mr. Chairman. I viewed
4 that the Town of Little Compton was co-applicant here.
5 Such being the circumstance, the Town as a co-applicant
6 under my understanding of the law on riparian rights,
7 there are several ways in which riparian rights can be
8 determined under the law and under the statutes, one is
9 by CRMC, by statute, one is by determination of the
10 Superior Court and one is by agreement of the parties in
11 interest if there is a conflict among riparian rights
12 and for the waiver of a riparian right by the party that
13 has the right. To my understanding and I would ask for
14 clarification from the Town Council president that the
15 Town, by applying as co-applicant, in effect, was
16 waiving whatever riparian right they had here and is
17 that -- is that an issue, Mrs. Cabot?

18 MRS. CABOT: No, Mr. Goldman, it isn't an
19 issue. We have -- Mr. Medeiros, I think, he quoted a
20 letter, I don't -- I'd like to see the letter that he
21 quoted, but we did forward on at the request of Harbor
22 Watch's chairman, Harbor Watch's comments on riparian
23 rights to our Town solicitor but after we did that,
24 through the harbor board there was an agreement with the

1 two abutting owners that -- a verbal agreement that we
2 could come to an agreement on the riparian rights and we
3 wouldn't define them as such, but we would say they were
4 the extension of Point Street. The Town's would be the
5 extension of Point Street, HCM would own on the east
6 side and the fish company would own on the -- have the
7 riparian rights on the west side. When the Council
8 voted four to one to forward that recommendation from
9 the harbor board on to the town solicitor and ask him to
10 work out a formal agreement with the attorneys for both
11 the fish company and HCM so that we could put it into a
12 legal document and we are not giving up any riparian
13 rights that we might have. We're just saying that those
14 riparian rights extend right out to the end of Point
15 Street, wherever Point Street might be. I don't
16 consider this an issue on this application.

17 MR. GOLDMAN: Just so that the Council is
18 clear, they're wearing one hat, the Town of Little
19 Compton is a co-applicant, very much in favor of this
20 application and secondly, wherever Point Street may be,
21 the Town of Little Compton, at least by majority vote of
22 the Council, is saying they want this application to go
23 forward, whatever your riparian rights may be?

24 MRS. CABOT: Yes.

1 MR. DI MURO: I believe there was someone
2 else who wished to be heard on this application. I
3 believe Miss Brady, did you make a request to be heard?

4 FROM THE AUDIENCE: That was me.

5 MR. DI MURO: Just give us your name.

6 MS. LICCARDI: Susan Liccardi and I
7 represent the Save the Bay. We were concerned about the
8 dock within the CBRS. That seemed to be addressed by
9 DEM -- by CRMC staff. I just wanted to make a point
10 that they would not be able to get federal funds for
11 this project and there is -- I'm not sure of the status
12 of pending legislation which would not allow state funds
13 for this proposal within the CBRS.

14 MR. DI MURO: Other than those
15 stipulations you just mentioned or questions, you have
16 no opposition to the application?

17 MS. LICCARDI: No.

18 MR. DI MURO: Is there anyone else who
19 wishes to be heard? Yes.

20 MR. PARASCANDOLA: Gerald Parascandola and
21 I have a family corporation which owns the abutting
22 property to Point Street. I would like to say for the
23 record that this corporation is in favor of the
24 application before the Council.

1 MR. DI MURO: Thank you. Yes?

2 MR. MC INTYRE: Bill McIntyre, the Harbor
3 Master of the Town of Little Compton. I'm also a
4 commercial fishermen and a member of the harbor board.
5 I just wanted to let the Council know that the issue of
6 Point Street could be better explained by the fact that
7 the harbor has absolutely no fuel facilities whatsoever
8 other than the ones that are available on the edge of
9 Point Street. Point Street has no value to the
10 commercial sector and Little Compton, but we do need
11 fuel. It is very much in our interest to see the fuel
12 docks in that place and not the right-of-way because
13 there's no place to turn around, no place to park, no
14 place to load and off load our vessels in that area. So
15 what HCM is proposing, they're proposing a spot for us
16 to load and unload. They're proposing an area in which
17 we can park and store our gear and they're also
18 providing us with fuel. All these things we don't have
19 at the present time and so I think you'll find that
20 every commercial fisherman who fishes out of Sakonnet
21 Point is very much in favor of the HCM proposal.

22 MR. DI MURO: Is there anyone who is else
23 who wishes to be recognized? Yes.

24 MR. MC KINNON: My name is John McKinnoin.

1 I'm a member of the Town Council and I was one of the
2 members who voted five to zero as far as being a
3 co-applicant with HCM Properties, Inc. At the time,
4 Januayr 7th, when we received the report from the harbor
5 board, we were in agreement that, yes, we wanted to be
6 co-applicants. But then the issue of the riparian
7 rights came up in March and as a result, I don't feel,
8 how we can really consider the application unless it --
9 the riparian rights had been determined and that's, you
10 know, that's correct, that's an individual member of the
11 Town Council, that's my feeling.

12 MR. DI MURO: Thank you. Is there anyone
13 else who wishes to be heard? Yes?

14 MR. LAMBERT: Mark Lambert, the president
15 of the Fishermen's Association Little Compton, and we're
16 all in favor of HCM application for this Town dock and
17 lot 430 on Point Street. We have been all along since
18 they started.

19 MR. DI MURO: Thank you. Is there anyone
20 else?

21 We have a motion for approval on the floor and we
22 have a second.

23 MR. LYONS: Mr. Chairman, point of
24 information, I've been listening to the fishermen say

1 how they're very much in favor of it. I spoke to the
2 applicant here as far as adding to our amendment Mr.
3 Sisson's suggestion. I just wanted to -- I'm just
4 wondering because I'm looking back at the fishermen
5 having a tough time down in Little Compton for many,
6 many years and I'm just wondering, the applicant is HMC,
7 is that it?

8 MR. BOREN: HCM.

9 MR. LYONS: HCM, so HCM is sold to John
10 Jones and all the -- everything that's been told to the
11 fishermen, how they're going to be protected, et cetera,
12 is Mr. Jones going to take care of it, too?

13 MR. CERILLI: Well, sir the --

14 MR. LYONS: I want you to know that this
15 has been an ongoing problem for many, many years and I
16 again, I want to say that I'm very much in favor of what
17 you're doing down there, but what it is, you may not own
18 this forever and suddenly John Jones comes in from
19 outside and he says, hey, Mr. Fisherman, there's no more
20 gas, you can't wharf here, you can't do this. I'm
21 trying to make it so that if you're no longer affiliated
22 with this particular operation, that the fishermen will
23 still have rights as far as this permit is concerned.

24 MR. CERILLI: Well, sir, the rights in the

1 fuel dock -- as to the fuel docks are the rights to buy
2 and purchase fuel. For the past five years, I think
3 that spicket has been turned on and off and last year
4 the fuel dock fell into the water. Last year, we bought
5 the property. This year we are complying with DEM on
6 all the latest requirements of pumps, pollution control
7 devices on the fuel pumps, locating fuel pumps away from
8 the water and that -- we provide it's our intention in
9 spending quite bit of money on providing good service
10 and hopefully as a capitalist, how we make money and if
11 the fishermen are in the harbor, that service will go on
12 like a gas station, sir. It's a basic -- we're spending
13 considerable sums of money to provide this service.
14 Now, if the service is in use, then ---

15 MR. LYONS: So as far as fishermen are
16 concerned, you feel as though they're being protected
17 right along in this particular area?

18 MR. CERILLI: The big issue has been
19 public access and a place where they can unload their
20 catch without having to go through a middleman. This
21 will be straight to --

22 MR. DI MURO: Mr. Cerilli, Mr. Lyons, has
23 your last your question been answered?

24 MR. LYONS: Yes. Thank you very much, Mr.

1 Cerilli.

2 MR. DI MURO: Is there any further
3 discussion? Yes.

4 MR. HICKS: May I inquire of Attorney
5 Medeiros, in light of the fact that Mr. Attorney
6 Medeiros has raised a question of riparian rights and
7 that seems to be the substance of the question that
8 Harbor Watch has, for the edification of the Council and
9 people here, can you explain to me what you believe the
10 riparian right would lose if the plan that's before us
11 tonight is approved?

12 MR. MEDEIROS: Yes, Mr. Hicks, I'll try.
13 If the plan that's before the Council tonight is
14 approved and if Point Street is where we believe it is,
15 it's clearly located not where the applicant suggests,
16 but where we clearly believe it is located, then the
17 public's riparian rights off of Point Street ---

18 MR. HICKS: Define that for me.

19 MR. MEDEIROS: The right to walk to the
20 shore, walk to the water.

21 MR. HICKS: That's not the riparian right.

22 MR. MEDEIROS: Sometimes the terms are
23 used interchangeably, but the right to have access from
24 the intersecting highway out to the coastline would be

1 taken over by a purely private dock that could be
2 accessed to which could be controlled or put off limits
3 at any time instead of being the public access to the
4 water, that riparian right was intended to provide. If
5 we're right on Point Street, the public will lose its
6 riparian rights. Assuming --

7 MR. HICKS: I disagree with that, Mr.
8 Chairman. Members of the Council, just for your own
9 purposes, in discussion definition, I don't really
10 believe and this has been Harbor Watch's contention
11 riparian rights are an issue. They are not an issue.
12 They are misunderstood and they are misunderstood by the
13 representation of Attorney Medeiros just made. Riparian
14 rights do not do what Attorney Medeiros is representing.
15 Riparian rights are territory rights solely for the
16 purpose of walking out for commercial, that's what the
17 riparian right is. So it's misunderstood. I have to
18 concur with Mr. Goldman's decision.

19 MR. DI MURO: We have a motion, we have a
20 second. I would ask for a vote. All those in favor?
21 Opposed?

22 (Voice Vote Taken)

23 MR. DIMURO: Let the record indicate that
24 Mr. Sisson voted against the motion. Motion carries.

1 Application of -- for extension of modification of
2 an assent, application of Louis Walton, III. Is Mr.
3 Walton here? Why don't you come forward. Do any
4 members of Council have any questions of Mr. Walton?

5 MR. WRIGHT: Motion to approve.

6 MR. DI MURO: We have do we have a motion
7 made by Mr. Wright to approve the extension. Do we have
8 a second?

9
10 MS. OWEN: Second.

11 MR. DI MURO: We have a second, Miss Owen.
12 Is there any discussion on the motion? There being no
13 discussion, all those in favor? Opposed?

14 (Voice Vote Taken)

15 MR. DI MURO: It's unanimous. Thank you.

16 MR. WALTON: Thank you.

17 MR. DI MURO: Application of Chester
18 Zlotnicki. Is Mr. Zlotnicki here?

19 MR. ZLOTNICKI: Yes.

20 MR. DI MURO: Does anyone have question
21 of -- any Council member have a question of Mr.
22 Zlotnicki?

23 MR. WRIGHT: I would move approval.

24 MR. DI MURO: Other than how to pronounce

1 his name. Do we have a motion? Mr. Wright?

2 MR. WRIGHT: Yes, move approval.

3 MR. DI MURO: Do we have a second?

4 MS. OWEN: Second.

5 MR. DI MURO: Any discussion.

6 MR. HICKS: With the modifications?

7 MR. DI MURO: With the modifications, is
8 that correct, Mr. Wright?

9 MR. WRIGHT: Yes.

10 MR. DI MURO: All those in favor?
11 Opposed?

12 (Voice Vote Taken)

13 REPRESENTATIVE CARUOLO: I vote no. I
14 question how it can be modified and extended. It's
15 either extended or it's not. I question how it can be
16 modified through an extension. I have no objection to
17 extending it, but the modification is not something I've
18 seen done here in eight years. I don't believe it's
19 proper under our rules.

20 MR. BEATTIE: Is the modification part of
21 the original stipulations on the original assent? I
22 think it might have been the ---

23 REPRESENTATIVE CARUOLO: Mr. Chairman, if
24 it was part of the original assent, it can only be a

1 stipulation, not a modification, then I would have no
2 problem.

3 MR. DI MURO: I have Mr. Fugate perusing
4 the file for the answer to that question.

5 REPRESENTATIVE CARUOLO: Thank you, Mr.
6 Chairman.

7 MR. DI MURO: While we're waiting for
8 that ---

9 MR. BEATTIE: How about Stipulation A,
10 tells you where the dwelling is located inland for a
11 pont no further ---

12 MR. DI MURO: This was in the -- that was
13 in the previous assent?

14 MR. BEATTIE: Yes, the modification.

15 MR. DI MURO: Well, I believe he was
16 saying with the modification as the original
17 modification.

18 MR. GOLDMAN: Just to address Mr.
19 Caruolo's question, it's -- in a modification of
20 original assent, it's with the modifications originally
21 made.

22 REPRESENTATIVE CARUOLO: Thank you.

23 MR. DI MURO: All those in favor of the
24 motion? Opposed?

(Voice Vote Taken)

MR. DI MURO: Unanimous.

Application of Harold Schein? Is Mr. Schein, present?

MR. SCHEIN: Right here.

MR. DI MURO: I have a question on the notation, Mr. Fugate has informed me on the possible special exception, could someone on the staff elaborate that, Mr. Anderson?

MR. ANDERSON: Mr. Chairman, on page one have one of response to applicant's correspondence, dated 4/18, there are two sections, two items that I addressed and in response to that, staff's interpretation of the program is that if this is filled below mean high water, it wouldn't be allowable if it were considered structural shell shoreline protection facilities, which would also have the clause that it be as close as practical to the existing facility. Otherwise, then it would be considered filling in tidal waters which would be prohibited until it is demonstrated that it's made to accommodate the designated priority use for the water way, which I've outlined in section two.

MR. DI MURO: If I may, the original

1 application as I remember it, this was -- I don't
2 remember it, as I noted in the file, the -- this was a
3 temporary measure, am I correct, this low barrier, this
4 fill that was placed?

5 MR. ANDERSON: It was not indicated on the
6 original plan which was approved.

7 MR. DI MURO: My understanding was that he
8 was doing the work, this fill in order to build the wall
9 so to speak and just never did the second part of the --
10 of his engineering step. That's how I understand it.
11 Maybe my reading of the file is incorrect, but --

12 MR. ANDERSON: My understanding was that
13 it was made to protect the existing bridge abutment
14 wall, which as I noted would be allowable as a
15 structural shoreline protection if it were made
16 constructed as close to the existing wall as possible.

17 MR. FUGATE: I think in the previous
18 assent, it was proposed as a temporary measure to shore
19 up the wall until they could get it shored up through,
20 then they would remove that temporary --

21 MR. ANDERSON: This degree of filling was
22 not proposed on the original --

23 MR. FUGATE: But there was some temporary
24 filling approved.

1 MR. ANDERSON: There was a steel sheet
2 pile wall proposed to shore up the foundation of the
3 approved structure. Again, it was --

4 MR. FUGATE: But not to the extent of --

5 MR. ANDERSON: In close proximity to the
6 existing abutment wall.

7 MR. DI MURO: Mr. Schein, why do you feel
8 as though you must modify the --

9 MR. SCHEIN: Well I'm going ---

10 MR. DI MURO: --- under the previous
11 assent?

12 MR. SCHEIN: --- I'm going to defer to my
13 engineer, Mr. Ashton and I think that he can respond to
14 Mr. Anderson's -- first of all, we are not -- it was not
15 the bridge abutment wall that we were trying to
16 reconstruct, it was a rip rap wall that was badly
17 deteriorated and that's why they placed the concrete
18 blocks in front of it to facilitate the reconstruction
19 of that rip rap wall.

20 MR. ASHTON: On March 1, '88 we submitted
21 a letter requesting permission and explaining why we
22 wanted the concrete wall to remain in place, that I
23 believe is in your file and also referenced on a letter
24 in April which was again trying to explain why we wanted

1 to leave the concrete wall in and our reasoning for it
2 and also reference several sections in the coastal
3 application regulations.

4 MR. DI MURO: Have you -- the wall itself,
5 has any work been done on that?

6 MR. ASHTON: The rebuilding of the --
7 construction started on that wall and it was impregnated
8 with tree stumps and the entire wall began to collapse.
9 The concrete block wall where construction of block wall
10 was started just to protect the area where the wall was,
11 a section of that was put in and viewed to be possibly
12 more beneficiary than the rebuilding of the rip rap
13 granite block wall that was originally approved on the
14 assent.

15 MR. DI MURO: Does the Council have any
16 questions of this witness? Members of the Council?

17 MR. SISSON: Mr. Chairman? In what way do
18 you disagree with our engineer? Did you do some work
19 without authority?

20 MR. ASHTON: We started reconstructing the
21 granite block rip rap wall which is perpendicular to the
22 shoreline. The wall was in such a bad deteriorated
23 state that we laid concrete blocks outside of the work
24 area to enable the reconstruction of this wall. When

1 these blocks were put into place, it was -- it was
2 thought to be more beneficiary to leave the blocks in
3 place and ask permission to leave them there rather than
4 to rebuild -- continue rebuilding the wall, then
5 removing the blocks.

6 MR. SISSON: So you did do work without
7 the authority?

8 MR. ASHTON: Yes.

9 MR. SISSON: Thank you. Now, you're
10 asking us to approve the work on an as-built basis?

11 MR. ASHTON: Yes.

12 MR. DI MURO: Mr. Hicks?

13 MR. HICKS: Mr. Schein, have you read Mr.
14 Anderson's stipulations A through G as dated February
15 29, '88?

16 MR. SCHEIN: No, I'm not familiar with
17 that.

18 MR. HICKS: He has set out some
19 recommendations that if the Council sees fit to
20 authorize the continued construction of the wall as you
21 started it, that the stipulations outlined would have to
22 be adhered to.

23 MR. SCHEIN: Is this -- did you say
24 February, was that February?

1 MR. HICKS: Do you have a copy of that?

2 STAFF: We have one.

3 MR. SCHEIN: We have not seen that.

4 STAFF: Is that the one you referred to?

5 MR. HICKS: I'm referring to a three-page
6 report by Ken Anderson, dated February 29, '88. It's
7 signed by him on February 29th.

8 MR. DI MURO: Mr. Schein, you have not
9 seen that?

10 MR. SCHEIN: No.

11 MR. DI MURO: Why don't I do this, then,
12 why don't I give you an opportunity to look through the
13 recommendations and suggestions that staff has made and
14 I'm going to continue this matter for two weeks, come
15 back and have your own feelings on the staff's
16 recommendations and we'll have it on the agenda for two
17 weeks from tonight.

18 MR. SCHEIN: Okay. Fine. Thank you.

19 MR. GOLDMAN: Might I also suggest, Mr.
20 Chairman, that if during that two-week period you have
21 any questions or you wish to address any perhaps
22 modification of what the staff has recommended that you
23 contact staff and at least that way we'll be able to
24 move it along.

1 MR. SCHEIN: Thank you.

2 MR. DI MURO: We have an application of --
3 a Category A application before the Council for final
4 decision ---

5 FROM THE AUDIENCE: Excuse me, Mr.
6 Chairman, would we still be able to make our statement
7 tonight?

8 MR. DI MURO: If you wish, otherwise, the
9 application will be before us in two weeks. If you wish
10 to make it after the applicant has had an opportunity to
11 review those staff recommendations, you may. He may
12 feel differently on his own possession after he has an
13 opportunity to look at them, I don't know.

14 FROM THE AUDIENCE: Well, while I'm
15 standing, I'll read it and submit it. Save the Bay asks
16 that the -- my name a Susan Liccardi. I represent Save
17 the Bay. Save the Bay asks that the CRMC not grant a
18 modification of assent number 87-2-15 to Mr. Harold
19 Schein. Mr. Schein was issued an assent in June of 1987
20 to construct and maintain a five-story office,
21 restaurant building along the west shore of the Seekonk
22 River. It is stated on this assent that plans for
23 future alteration of the shoreline or alteration within
24 the CRMC jurisdiction should be submitted to CRMC for

1 review prior to commencing such an activity. The
2 applicant has failed to do this. He chose to ignore
3 this requirement and proceeded with unauthorized seawall
4 construction and filling activity. Now, he's asking
5 that the CRMCC modify his assent and grant him a special
6 exception legalizing his activity. The CRMC Section
7 300.10D3 states that filling in type three, four, five
8 and six waters is prohibited unless, A, the filing is
9 made to accommodate a designated priority use for that
10 water, B, the applicant has examined all reasonable
11 alternatives and the Council has determined that the
12 selected alternative is most reasonable and C, the
13 filling is the minimum necessary to support the priority
14 use. It is Save the Bay's opinion as well as the
15 opinion stated in CRMC staff engineer reports that the
16 construction proposal before you does not satisfy these
17 requirements. In addition, according to the CRMP, a
18 special exception is granted had only if the applicant
19 has demonstrated that the proposed activity serves a
20 compelling public purpose which provides benefits to the
21 public as whole as opposed to individual private
22 interests. This project does not satisfy this
23 requirement, either. Save the Bay urges that the CRMC
24 deny this request for modification of assent 87-2-15.

1 Thank you.

2 MR. DI MURO: Thank you. We'll mark this
3 received and place it in the file.

4 Application -- Category A application for the
5 Council for final decision, CHC Realty Company. Mr.
6 Boren?

7 MR. BOREN: Yes, the Council -- does the
8 Council have any questions of the applicant or his
9 attorney on the application?

10 MR. BEATTIE: Do we have the DEM quality
11 certificate there, Nick, or whoever?

12 STAFF: Grover has it.

13 MR. DI MURO: Mr. Fugate informs me that
14 for Category A, it's not required.

15 MR. BEATTIE: Apparently, the staff -- the
16 problem is the disposal of the materials and water
17 quality is one of their questions.

18 MR. DI MURO: Mr. Beattie, again Mr.
19 Fugate informs me that they've had the material tested
20 and he has found that the material is inert and it's his
21 opinion that the water quality certification is,
22 therefore, not required.

23 MR. BEATTIE: Okay.

24 MR. DI MURO: Does the board have any --

1 does the board have any questions of this witness? Do
2 I have a motion on CHC Realty?

3 MR. BOREN: Excuse me, before the motion,
4 we just wanted a point of clarification from the
5 engineer, Mr. Pisani. One of the recommendations that
6 Mr. Pisani makes, it states after construction, the
7 groundwater immediately adjacent to the asphalt disposal
8 area shall be monitored for the contaminants mentioned
9 in the application packet. This shall be done during
10 wet season for at least three years. We weren't quite
11 sure what Mr. Pisani meant by that, what he was
12 suggesting.

13 MR. PISANI: There were some chemical
14 constituents mentioned in the certificate of analysis
15 provided to us in the levels of certain heavy metals in
16 the pavement below certain levels. I thought that it
17 would be appropriate as a cautionary measure to test the
18 groundwater for those particular heavy metals to make
19 sure there was no contamination from any possible
20 leachate from the area.

21 MR. BOREN: I wasn't quite sure what you
22 were suggesting by it, that the purpose.

23 MR. DI MURO: Mr. Boren, if I might add,
24 maybe you can check with the staff as to clarification

1 of that. I believe we have a motion.

2 MR. WRIGHT: So moved.

3 MR. DI MURO: Do we have a second?

4 MR. HICKS: Second.

5 MR. DI MURO: Any further discussion?

6 FROM THE AUDIENCE: Excuse me, I would
7 like to be heard before you act on the motion.

8 MR. DI MURO: Yes, it's a motion and if
9 you wish to be heard ---

10 FROM THE AUDIENCE: The discrepancy I had
11 with it was ---

12 MR. DI MURO: You have to give your name.

13 MS. RODES: Katherine Rodes, a resident of
14 the Town of North Kingstown. They said they were
15 disposing of this building and they were going to take
16 out the noncombustible parts. There's lead pipes,
17 copper wire, there's asbestos. Who's going to monitor
18 this? I don't want to see -- are they going to
19 construct buildings over where they're to be dumping
20 this stuff? Are they going to cover it all over and put
21 a a playground on top it? If there's a going to be an
22 apartment building on top of it, what's going to happen
23 to the residents. That's my concern and whatever you're
24 going to put in there is going to change the quality of

1 water that's going through that area, no matter what it
2 is. You could put cardboard in there and it's going to
3 change the quality of the water and as one of the
4 members had pointed out that the high metal
5 concentration, that can certainly change the quality of
6 the water in that area. I think these concerns should
7 be addressed before you allow these people to dispose of
8 this material. These points should be addressed. Thank
9 you.

10 MR. DI MURO: I have a -- for the benefit
11 of the committee, we have in our record a recommendation
12 of staff recommending there are no biological objections
13 to the aforementioned proposal for demolition and
14 burial, provides the following stipulations which are
15 based upon biological concerns and regards to Rhode
16 Island CRMC program are strictly adhered to, all staff
17 engineer stipulations shall apply, which is part of
18 the -- of, I believe, Mr. Wright's motion for approval.

19 MR. WRIGHT: Yes.

20 MR. DI MURO: We have a motion and we have
21 a second. Any further discussion? Further comments?

22 MS. BRADY: I have one. Peg Brady from
23 Save the Bay, regarding phase two, what is the status of
24 phase two of the application, the actual construction of

1 the development? I have been trying to identify -- find
2 the blueprints and they are not at the CRMC office.

3 FROM THE AUDIENCE: We're working through
4 the Town approval process and the reason that nothing
5 has been filed formally with CRMC is that we're still
6 working with the Town. We have been meeting CRMC on a
7 regular basis dealing with the site plan.

8 MS. BRADY: When will those blueprints be
9 for review with Coastal staff?

10 FROM THE AUDIENCE: We have submitted
11 plans to Coastal. I don't know what the status of them
12 is in terms of their availability.

13 STAFF: The plans we have on file now were
14 submitted for preliminary determination. They may not
15 be in the main file. They're filed separate, they --
16 when they come in for preliminary determination.

17 MS. BRADY: We tried to locate them and
18 got -- we had no help.

19 STAFF: WE can probably help you with
20 that. They're not on file now for a formal application,
21 only on file for preliminary review.

22 MR. DI MURO: Is there any further
23 questions or discussion? All those in favor of the
24 motion to approve? Opposed?

1 (Voice Vote Taken)

2 MR. DI MURO: Did I hear a ---

3 MR. BEATTIE: no.

4 MR. DI MURO: One no, one opposition.

5 That's Mr. Beattie, correct?

6 MR. BEATTIE: Yes.

7 MR. DI MURO: Motion carries.

8 MR. BOREN: Thank you.

9 MR. DI MURO: Application of the City of
10 Warwick, permission to renovate Crockett Street Beach.
11 Are there any members of the Council who have questions
12 of this applicant, this witness? Just for the record,
13 if you may, did you identify yourself and each of the
14 witnesses just for identification for the record?

15 MR. PERONNI: Leo Peronni, Director of
16 Parks and Recreation.

17 MR. CARUOLO: Mark Caruolo Department of
18 City Planning.

19 MR. MOORE: Brian Moore, Department of
20 Engineering.

21 MR. RABIDEAU: Ernie Rabideau, Lee Pare
22 Engineering Corporation.

23 MR. DI MURO: Does the Council have any
24 questions of any of these witnesses?

1 MR. LYONS: Is this a public beach?

2 MR. RABIDEAU: Yes, it is.

3 MR. LYONS: Do you charge ---

4 MR. RABIDEAU: No, not in this area we're
5 talking about.

6 MR. LYONS: Thank you, glad to hear that.

7 MR. WRIGHT: Move approval, Mr. Chairman.

8 MR. SISSON: I'd like to commend the City
9 of Warwick on its continued effort to improve its beach
10 areas and right-of-way and parks, constantly coming in
11 with great proposals to open up the waterways to the
12 public.

13 MR. RABIDEAU: Thank you.

14 MR. DI MURO: Mr. Wright has made a
15 motion. Do we have a second?

16 MR. SISSON: Second.

17 MR. DI MURO: Any discussion on the
18 motion? All those in favor? Opposed?

19 (Voice Vote Taken)

20 MR. DI MURO: It's unanimous.

21 Application of the Watch Hill Fire District Parks
22 Commission. Would you identify yourself?

23 MR. THORNTON: My name is James Thornton.
24 I'm attorney representing the Watch Hill Fire District.

1 I'm from Westerly.

2 MR. DI MURO: Any members of the Council
3 have a question of Mr. Thornton? Mr. Thornton, do you
4 have anyone else here?

5 MR. THORNTON: I have the chairman of the
6 parks commission. We have the engineer. We also have
7 the moderator from the Watch Hill Fire District, Mr.
8 Brockman. They're all here and available for any
9 questions.

10 MR. SISSON: Mr. Thornton, will you
11 explain the public nature of the fire -- Watch Hill Fire
12 District; what is it?

13 MR. THORNTON: The Watch Hill Fire
14 District is a fire district. It is a quasi municipal
15 corporation. It's organized by virtue of an act of the
16 General Assembly going back to the very early 1900's.
17 It owns substantial real estate in the Watch Hill
18 district. It maintains a park area, maintains some
19 docks and it operates the fire department, has a fire
20 company. It does some other municipal things that the
21 Town of Westerly does not do.

22 MR. SISSON: You're a public agency?

23 MR. THORNTON: Beg your pardon?

24 MR. SISSON: You're a public agency?

1 MR. THORNTON: Yes. It's chartered by
2 virtue of a special act of the General Assembly which
3 goes back I believe to 1901.

4 MR. HICKS: Mr. Thornton, are you familiar
5 with the recommendations and stipulations of the
6 engineer and biologist?

7 MR. THORNTON: I have -- I think I have
8 the ones that -- in the engineer's report.

9 MR. HICKS: Mr. Pisani dated April 14th?

10 MR. THORNTON: Yes. Let me just get those
11 out. I think those are -- that the drainage are
12 provided, the certain type of cement is used for the
13 cap, and the reference to the filling.

14 MR. HICKS: Type of sheeting, sheeting
15 shall be driven 10 to 15 feet into the ---

16 MR. THORNTON: Yes, we're familiar with
17 that, yes, and the engineering drawings provide for
18 that. It's not a vertical wall, it's a slightly -- at a
19 slight angle, I believe.

20 MR. WRIGHT: Move approval, Mr. Chairman.

21 MR. HICKS: Second.

22 MR. BEATTIE: Are we voting on a special
23 exception?

24 MR. DI MURO: Yes, that's correct.

1 MR. BEATTIE: Just one thing that I have a
2 question of under a special exception, it has to be for
3 the public good. You state you're quasi public agency
4 created by the General Assembly. What type of access is
5 granted to the general public within the particular area
6 which you're speaking of where you're placing this
7 particular wall? I'm thinking about access out to
8 Napatree Point.

9 MR. THORNTON: There's no change in
10 this -- this wall goes right along the area which is --
11 used to go out to Napatree Point which the public has
12 been using for years. It is the access that all foot
13 pedestrians use, it goes immediately along this wall and
14 this is the wall that -- behind the wall, the problem is
15 that's been completely over the years, there's been
16 undermined and keeps going out and this is to prevent
17 this undermining, but this goes right by and right along
18 the road, not the -- well, the road and the walkway
19 going out to Napatree which has always been open to the
20 public.

21 MR. BEATTIE: What you're saying is the
22 building won't preclude that ---

23 MR. THORNTON: This is sometimes referred
24 to as the Napatree Conservation area which I think the

1 Coastal Council is well aware of and which is -- the
2 district has spent substantial sums of money and made it
3 open and available.

4 MR. DI MURO: Are there any additional
5 questions of this witness? Is there anyone here wishing
6 to ask speak on the application? Thank you.

7 We have a motion, we have a second. I'm going to
8 call for a roll call vote on the special exception.

9 MR. GOLDMAN: Vote on the special
10 exception, Mr. Maybury ---

11 REPRESENTATIVE CARUOLO: Point of order,
12 do we have to vote on reading of the record?

13 MR. GOLDMAN: Yes, vote on reading of the
14 record, excuse me. Mr. Maybury?

15 MR. LYONS: Before you start that, quasi
16 judicial, is that the terminology you used, that
17 particular organization?

18 MR. THORNTON: This is always -- last 30
19 or 35 years I've been involved with it this, it's always
20 been referred to as a quasi municipal corporation. It
21 has taxing authority. It's no different than all the
22 other fire districts within the State of Rhode Island.
23 Other than that it does have additional powers that many
24 fire districts do not have.

1 MR. LYONS: What is -- what has the Town
2 got to say about this?

3 MR. THORNTON: The Town -- there is no
4 objection from the Town, that I'm aware of.

5 MR. LYONS: My reason for it bringing that
6 out is the fact that this is a special exception and
7 you're very much aware of Section 130?

8 MR. THORNTON: Yes.

9 MR. LYONS: Can you tell me how -- would
10 you tell me what section of 130 this application is
11 addressing?

12 MR. THORNTON: Well, the -- this refers
13 under structural shoreline protection facilities, I
14 believe that's ---

15 MR. SISSON: He means the public agency
16 part.

17 MR. THORNTON: The obligation part, you're
18 talking about on page 29 of your --

19 MR. LYONS: Starts out, the proposal
20 serves a compelling public purpose which provides
21 benefits the public as a whole as opposed to individuals
22 of private interest, that's what I'm upset about.

23 MR. THORNTON: It has -- the public, in
24 general, uses that right along this property and has for

1 years to go out to Napatree Point. On a weekday all
2 during the year, it doesn't have to be in the
3 summertime, there's a constant public traffic going by
4 there all during the year, not just in the summertime.

5 MR. LYONS: Is this a right-of-way?

6 MR. THORNTON: It's a roadway.

7 MR. LYONS: Is it a right-of-way?

8 MR. THORNTON: It's a right-of-way.

9 MR. LYONS: Has it been designated as a
10 right-of-way?

11 MR. THORNTON: It's a private road. It is
12 a private road, it's not publicly owned, but it's a
13 private road, but it's been opened to the public for
14 foot pat and foot travel for years.

15 MR. LYONS: Do you own it; does the Fire
16 District own that road?

17 MR. THORNTON: Yes.

18 MR. SISSON: Would you have any objection
19 to this body designating that as a right-of-way.

20 MR. THORNTON: Well, I don't think they
21 have a right -- I can't say because I don't think that I
22 have a right or I don't think these gentlemen here have
23 a right to designate it as a public right-of-way without
24 a vote of the -- of the Fire District because it

1 involves a property right and property interest and
2 nothing of that nature could be represented here without
3 a special vote of the District.

4 MR. SISSON: Why do you say it's a quasi
5 public agency? You said it was a quasi ---

6 MR. THORNTON: Yes, that's what it's been
7 referred to.

8 MR. SISSON: What does the word quasi
9 mean.

10 MR. THORNTON: Quasi, I suppose literal
11 interpretation would be partial, portion. But I think
12 if you will note that in all of these fire districts, my
13 experience with fire districts has been most of them and
14 all that I'm aware of are referred to as quasi municipal
15 corporations and I think maybe Mr. Goldman could help
16 you on that.

17 MR. GOLDMAN: Clearly, the fire districts
18 do have certain powers that normally a town or city have
19 and on that I think that way they're a quasi public
20 body, but I don't know as that addresses the issue Mr.
21 Sisson or Mr. Lyons referred to.

22 MR. LYONS: The point I'm very concerned
23 about is that there's one particular aspect of this CRMP
24 that protects the program and it's the special exception

1 phase of it and when a -- we haven't been giving any
2 special exceptions, to the best of my knowledge, only to
3 municipalities or to a general public people and that is
4 where I'm getting a little upset about this here. I
5 don't want to establish a precedent, to be very candid
6 with you.

7 MR. DI MURO: Mr. Lyons, I believe Mr.
8 Wright has a comment on that.

9 MR. WRIGHT: One of the reasons I moved
10 for the special exception here is that it is a road, it
11 is used by the public, it's a pretty popular place and
12 should nothing be done with it, I mean, if you want to
13 take and turn it over to a public right-of-way, then
14 who's going to take care of it?

15 MR. LYONS: Out of -- my point by making
16 this a public right-of-way, you can still have control
17 of it, et cetera and but you will allow the public to --

18 MR. THORNTON: I think you can understand
19 what I had explained to you, but I think that over the
20 years, the Watch Hill Fire District has worked very
21 closely with this body in protecting Napatree Point.
22 Napatree Point is, as you're well aware, is a strip of
23 land probably a mile, mile and a half long. It's
24 extremely narrow, it washes over partially during the

1 wintertime. Also, the Fire District has been
2 maintaining the public use of it and is in constant use,
3 every day of the year there is somebody walking out
4 there.

5 MR. LYONS: But you never stopped them
6 from walking out?

7 MR. THORNTON: No, the paths, as a matter
8 of fact, they open up the paths or designated paths as
9 to where the travel is. They protect the pathways by
10 snow fences and they police the area. The District
11 polices the area, provides trash cans and facilities,
12 that type of facilities.

13 MR. LYONS: As an attorney, would you
14 think this might be a right-of-way by adverse position?

15 MR. THORNTON: No, no, no.

16 MR. LYONS: No?

17 MR. THORNTON: No, because I don't
18 think --

19 MR. HICKS: Move the question.

20 MR. DI MURO: We have a motion on the
21 floor, a request to move the question.

22 MR. BEATTIE: I was just going to make a
23 suggestion that possibly you might want to stipulate
24 this particular assent since you're giving it a special

1 exception, that public access will not be restricted in
2 any manner whatsoever up to Napatree Point.

3 MR. DI MURO: We have a --

4 MR. LYONS: I have no problem with that.

5 MR. DI MURO: --- We have a -- we have a
6 request to move the question. Your request is again,
7 just so I can be ---

8 MR. BEATTIE: The motion we have before us
9 right now, this is to grant the special exception, we
10 haven't had a vote on that yet, so I think I have a
11 right to speak.

12 MR. DI MURO: Your suggestion is to do
13 what, Mr. Beattie?

14 MR. BEATTIE: Add an additional
15 stipulation to this particular assent, when and if the
16 special exception is granted and the assent is granted
17 in that whatever you may wish to call it that no --
18 public access to Napatree Point will be -- will not be
19 restricted in any manner by Watch Hill Fire District.

20 MR. HICKS: I think you want to clarify
21 that, when you say any manner, vehicles are traffic,
22 too.

23 MR. BEATTIE: Pedestrian access.

24 MR. THORNTON: There is only pedestrian

1 traffic. There is no facility and no way except for
2 extreme emergency vehicles that can get out there.

3 MR. DI MURO: Do you have a -- do you have
4 any problem with that?

5 MR. THORNTON: We have no problem with
6 the -- to continue the policy that's been carried out in
7 the past.

8 MR. DI MURO: We'll amend the original
9 motion, then.

10 MR. WRIGHT: I'll second his amendment.

11 MR. DI MURO: Withdraw the original motion
12 for the procedure. Mr. Beattie, you have made a new
13 motion with the amendment. Mr. Wright, you want to
14 second that motion?

15 MR. WRIGHT: I will second the motion.

16 MR. DI MURO: Any further discussion? All
17 those in favor? Opposed?

18 (Voice Vote Taken)

19 MR. GOLDMAN: We have a special exception,
20 now we have to have a pole on the reading of the record,
21 then we pole on the special exception.

22 MR. BEATTIE: I will a make a motion to
23 close the public hearing.

24 MR. DI MURO: There really is not a public

1 -- this is the public record, so we don't have to -- the
2 only thing we have to do is close the hearing and a
3 motion is in order.

4 MR. GOLDMAN: This will be on the special
5 exception first.

6 MR. DI MURO: As --

7 MR. GOLDMAN: With the modification and
8 stipulation that Mr. Beattie made. Mr. Maybury?

9 MR. MAYBURY: I'm going to abstain.

10 MR. GOLDMAN: Mr. Klazer?

11 MR. KLAZER: Yes.

12 MR. GOLDMAN: Mr. Wright?

13 MR. WRIGHT: Yes.

14 MR. GOLDMAN: Senator Correia?

15 SENATOR CORREIA: Yes.

16 MR. GOLDMAN: Representative Caruolo?

17 REPRESENTATIVE CARUOLO: Yes.

18 MR. GOLDMAN: Mr. Beattie?

19 MR. BEATTIE: Yes.

20 MR. GOLDMAN: Mr. Sisson?

21 MR. SISSON: Yes.

22 MR. GOLDMAN: Mr. Lyons?

23 MR. LYONS: Yes.

24 MR. GOLDMAN: Mrs. Owen?

1 MS. OWEN: Yes.

2 MR. GOLDMAN: Mr. Snow?

3 MR. SNOW: Yes.

4 MR. GOLDMAN: Mr. Hicks?

5 MR. HICKS: Yes.

6 MR. GOLDMAN: Mr. Chairman?

7 MR. DI MURO: Yes.

8 MR. GOLDMAN: Eleven in the affirmative
9 and one abstention.

10 Now, on the assent with the special exception.

11 MR. WRIGHT: Move approval, Mr. Chairman.

12 MR. DI MURO: Do we have a second?

13 MR. HICKS: Second.

14 MR. DI MURO: Is there any discussion on
15 the motion? Again, role call.

16 MR. GOLDMAN: Mr. Maybury?

17 MR. MAYBURY: Abstain.

18 MR. GOLDMAN: Mr. Klazer?

19 MR. KLAZER: Yes.

20 MR. GOLDMAN: Mr. Wright?

21 MR. WRIGHT: Yes.

22 MR. GOLDMAN: Senator Correia.

23 SENATOR CORREIA: Yes.

24 MR. GOLDMAN: Representative Caruolo?

1 REPRESENTATIVE CARUOLO: Yes.

2 MR. GOLDMAN: Mr. Beattie?

3 MR. BEATTIE: Yes.

4 MR. GOLDMAN: Mr. Sisson?

5 MR. SISSON: Yes.

6 MR. GOLDMAN: Mr. Lyons?

7 MR. LYONS: Yes.

8 MR. GOLDMAN: Mrs. Owen?

9 MS. OWEN: Yes.

10 MR. GOLDMAN: Mr. Snow?

11 MR. SNOW: Yes.

12 MR. GOLDMAN: MR. Hicks?

13 MR. HICKS: Yes.

14 MR. GOLDMAN: Mr. Chairman?

15 MR. DI MURO: Yes.

16 MR. GOLDMAN: Eleven in the affirmative
17 and one abstention.

18 MR. THORNTON: Thank you, gentlemen.

19 MR. DI MURO: I'm going to call a
20 five-minute recess to give our stenographer a rest.

21 (Recessed at 10:20 p.m.)

22 (Resumed at 10:35 p.m.)

23 MR. DI MURO: I'll call the meeting back
24 to order. We have the public hearing on policy and

1 program changes. Mr. Lyons?

2 MR. LYONS: Public hearing on Section
3 210.2 of the CRMP barrier beaches and we're amending the
4 section to read, after by the forces of the wind and
5 waves, this definition of a barrier beach system is
6 commonly associated with many geomorphic descriptors.
7 These descriptors include, but are not limited to,
8 barrier islands, bay barriers, and spits. Spits are
9 further described as tombolo, shingle, cusate and
10 flying spits. The terms bar and ridge were once used to
11 describe a barrier system, but have since been replaced
12 with the term barrier.

13 The second is Section 300.1, Category B
14 requirements, all persons applying for a Category B
15 assent are required to, one, demonstrate the need for
16 the proposed activity or alteration, skipping down to
17 number four, demonstrate that the alteration or activity
18 will not result in significant impacts on erosion
19 and/or deposition processes along the shore and in
20 tidal waters, five, demonstrate that the alteration or
21 activity will not result in significant impacts on the
22 abundance and diversity of plant and animal life, six,
23 demonstrate that the alteration will not unreasonably
24 interfere with, impair or significantly impact existing

1 public access to or use of tidal waters and/or the
2 shore, seven, demonstrate that the alteration will not
3 result in significant impacts to water circulation,
4 flushing, turbidity and sedimentation.

5 Next section, Section 300.14, nine demonstrate that
6 the alteration or activity will not result in
7 significant impacts to areas of historical and
8 archaeological significance, ten, demonstrate that the
9 alteration or activity will not result in significant
10 conflicts with water-dependent uses and activities such
11 as recreational boating, fishing, swimming, navigation
12 and commerce and eleven, demonstrate that measures have
13 been taken to minimize any adverse scenic impact, in
14 parentheses, to Section 330.

15 These changes are considered as routine program
16 implementation after federally approved Coastal
17 Resources Management Program and we're here this evening
18 to find out if anyone disagrees or has any further
19 comment on them.

20 MR. HICKS: John, is it my understanding
21 that suggested change 300.1 drops item two and three as
22 they presently exist?

23 MR. LYONS: No, no. These are in addition
24 to that.

1 MR. HICKS: Well, I think that what we
2 have in front of us, to make that clear, I would suggest
3 that that be placed on the record that item two and
4 three will continue to be part of the -- perhaps be
5 contained in the draft.

6 MR. LYONS: Do you think --

7 MR. HICKS: It's a list, it jumps from ---

8 MR. LYONS: You want the record to show
9 that ---

10 MR. HICKS: Two and three are still
11 contained, it's the intent not to drop them.

12 MR. LYONS: Well, we have no intention of
13 dropping them.

14 MR. DI MURO: Is there any further
15 discussion? Mr. Lyons, do you have a motion on the.

16 MR. ONYSKO: Mr. Chairman?

17 MR. DI MURO: Yes, I'm sorry, why don't
18 we -- Mr. Lyons, do you have a motion on the proposed
19 ---

20 MR. LYONS: I move that we accept these
21 amendments to our program.

22 MR. SISSON: Second.

23 MR. DI MURO: Seconded by Mr. Sisson
24 Mr. Fugate?

1 MR. FUGATE: Yes, we have -- we had
2 received in our office correspondence from the Narrow
3 River Preservation Association and they have asked me to
4 convey on the record that they are in support of these
5 amendments.

6 MR. DI MURO: Yes?

7 MR. ONYSKO: Mr. Chairman, my name is
8 Steven Onysko. I'm a registered consultant professional
9 engineer and my specialty is designing marinas, docks,
10 piers, bulkheads and other coastal structures.

11 I have been designing structures and submitting
12 plans and applications to the state and federal agencies
13 since 1964 and to the CRMC since 1971. Since 1971, I
14 have had to work with a large number of changes in the
15 CRMC policies, rules and regulations. At times, it has
16 been very frustrating for myself and my clients as well
17 as other design engineers. Throughout years, I have
18 opposed a number of proposed changes by CRMC and some
19 with limited success

20 Tonight I am opposed to the changes that are
21 proposed at this public hearing and I would like to
22 explain why.

23 Item number one, the reasons for the proposed
24 changes were not presented in the public notice and in

1 my opinion, the entire paragraph is redundant and is not
2 needed. There are no tombolos in Narragansett Bay or
3 Mount Hope Bay that I know of, not a single or a double.
4 The only cusps that I know of are in North Kingstown
5 and Hog Island. Changes would have to be made in table
6 four on page 53 to identify bars, ridges, et cetera.
7 Three of those are already identified.

8 I believe that it would be a waste of time and
9 effort in expense to adopt the proposed changes. Those
10 who are in the field know exactly what that paragraph
11 means.

12 Item Number 2, again no reasons were presented in
13 the public notice as to the why the proposed changes are
14 needed. To demonstrate means a physical process. How
15 do I or a client physically demonstrate to the CRMC a
16 need for a proposed activity such as a dock or a pier.
17 If the owner doesn't own a boat and he wants a pier, the
18 Council can say, you don't even have a boat, so you
19 don't need a pier. If the owner does not use a boat to
20 go to work, he doesn't need a pier, the Council could
21 again say, you don't need the pier and you can deny it.

22 Paragraph four, demonstrate that the alteration
23 will not significantly impact on erosion and deposition
24 of tidal waters. Will an owner have to hire an expert

1 to conduct a test to demonstrate these erosion and
2 depositional patterns? How long will the test have to
3 be made? I believe it's impractical.

4 Item five, demonstrate no impact on plant and
5 animal life. How do you demonstrate on something before
6 the fact. We can describe what would happen or what we
7 think would happen which we do now under the present
8 regulations.

9 Paragraph six, demonstrate minimal impact on public
10 access. Again, how do we demonstrate this before the
11 fact? We describe the -- we describe the clearance,
12 which is required by the present regulations.

13 Paragraph seven, demonstrate no significant impact
14 on water circulation, flushing, turbidity and
15 sedimentation. CRMC can deny any application if they
16 feel the applicant has not demonstrated this particular
17 item sufficiently.

18 Paragraph nine, demonstrate no impact on historic
19 or archaeological sites. The present regulations
20 require that if there are sites in the area that digging
21 is being conducted. How do we demonstrate before we
22 construct a dock or a pier and we know there are no
23 significant sites in the area.

24 Ten, demonstrate activity will not have significant

1 impacts on water dependent uses, swimming, navigation,
2 et cetera. We can describe the distance from the
3 shoreline the dock may be in the water, rocks, other
4 breakwaters that would not impair navigation or
5 swimming. The depth of the water would not allow
6 sailboats to come into the area, but how do we
7 demonstrate that to the Council before the fact in order
8 to get the applicant -- assent.

9 Eleven, demonstrate that measures have been taken
10 to minimize any scenic impacts. We already described
11 that you already have the regulations that -- you have
12 the item eleven here, and you have Section 330, for all
13 types of waters. This is not needed to be demonstrated.

14 In my opinion, the proposed changes are not to make
15 the CRMC process more efficient, but to discourage
16 private property applicants from submitting applications
17 and to give the CRMC additional reasons to deny
18 shoreline property owners the right to private access to
19 the waterway.

20 I believe if the proposed changes are adopted, the
21 effect will be only people that have docks, ramps and
22 floats as they will be able to retain attorneys
23 engineers, marine biologists and other expert witnesses
24 to prove compliance with the present CRMC program and

1 in my opinion, the time, effort and expense to formulate
2 these proposed changes could be better spent on other
3 endeavors.

4 In my opinion, the Council or persons recommending
5 the proposed changes have not demonstrated the need or
6 provided justification for the changes to the general
7 public. Therefore, I request that the proposed changes
8 be tabled until the need for the changes can be
9 demonstrated.

10 I am not representing any trade association,
11 environmental group or individual client. My opinion is
12 strictly my own and is based on experience and
13 observations of the CRMC process.

14 I thank you for allowing me to present my comments
15 on this important matter and I will be happy to discuss
16 this matter further with any of the Council members or
17 answer any questions they may have. Thank you.

18 MR. DI MURO: Is there anyone else who
19 wishes to speak? We have a motion and a second on the
20 floor. Is there any further discussion? All those in
21 favor of the motion? I'm sorry, we have to have a
22 motion on -- role call vote.

23 MR. GOLDMAN: Mr. Medbury.

24 MR. MEDBURY: I have to abstain.

1 MR. GOLDMAN: Mr. Klazer?

2 MR. KLAZER: No.

3 MR. GOLDMAN: Mr. Wright?

4 MR. WRIGHT: Yes.

5 MR. GOLDMAN: Senator Correia?

6 SENATOR CORREIA: Yes.

7 MR. GOLDMAN: Representative Caruolo?

8 REPRESENTATIVE CARUOLO: Yes?

9 MR. GOLDMAN: Mr. Beattie?

10 MR. BEATTIE: Abstain.

11 MR. GOLDMAN: Mr. Sisson?

12 MR. SISSON: Yes.

13 MR. GOLDMAN: Mr. Lyons?

14 MR. LYONS: Yes.

15 MR. GOLDMAN: Mrs. Owen?

16 MS. OWEN: Yes.

17 MR. GOLDMAN: Mr. Snow?

18 MR. SNOW: Yes.

19 MR. GOLDMAN: Mr. Hicks?

20 MR. HICKS: Yes.

21 MR. GOLDMAN: Mr. Chairman?

22 MR. DI MURO: Yes.

23 MR. GOLDMAN: Nine in the affirmative, one
24 negative and one abstention.

1 MR. DI MURO: Motion carries.

2 MR. GOLDMAN: Two abstentions, sorry.

3 MR. DI MURO: We have next on the agenda a
4 request for a reconsideration, request 86 -- request on
5 application 86-5-73, Providence and Worcester Railroad
6 Company.

7 SENATOR CORREIA: Mr. Chairman?

8 MR. HICKS: I would move to reconsider the
9 previous action of the Council taken March 22nd relative
10 to file 86-5-73, the majority recommendation of the
11 urban ports subcommittee be approved, I so move.

12 MR. DI MURO: Do we have a second?

13 MR. SISSON: Yes, second.

14 MR. DI MURO: I believe somebody had
15 raised his hand first. If you wish to ---

16 SENATOR CORREIA: What I would like, Mr.
17 Chairman, I would ask for a legal opinion from our
18 counsel. I feel strongly that the integrity of this
19 board is at stake and I will explain why I feel that way
20 and if legal counsel desires to stop me any time, you're
21 more than welcome.

22 As I understand and I've been a few years in this
23 Council, we are a quasi judicial body, if I'm not
24 mistaken. So I feel that the integrity is at stake

1 because of a lot of written stuff has been -- this
2 Council has been tampered with which I think it's
3 against the law and to prove that, I would like the
4 Council to -- I've got an exhibit here which is -- I'm
5 going to give you one, Greater Woonsocket Chamber of
6 Commerce. They sent a letter and they urge nine members
7 the way they do to help this vote to be taken tonight
8 was by contacting members of the Council or writing to
9 them. I think this is in violation of what the General
10 Assembly created this board for. So this is the first
11 that I am asking you as the legal counsel, if I'm right,
12 or I'm wrong.

13 MR. GOLDMAN: I'd have to read it and
14 review it and review the statutes, Mister --Senator.

15 SENATOR CORREIA: Fine, with me.

16 (Pause)

17 SENATOR CORREIA: Now, I have another
18 little paper here which speaks about how this vote is
19 going to change. Again, the integrity of this board is
20 at stake. They go ahead to say they're speaking of big
21 names, Mr. Baldeli and Mr. Brian have a meeting
22 scheduled today with Governor DiPrete and about this and
23 other matters, they going to -- they spoke to Senator
24 John Chaffee, Senator Majority Leader John Revens, House

1 Speaker Joe DeAngelis and so forth and so on. No
2 question, again, what this has to do with the
3 environment of this project. I don't think it has
4 anything to do with the merits of the project. I don't
5 care how many big names these people are going to
6 contact, the way I look at it, if you want to have
7 integrity, then you got to obey by the law and I'm going
8 to go one step further; today the members who are here,
9 I know for a fact that they have been contacted by
10 people who are concerned with this project and I want to
11 make clear, never once I said that I was against this
12 project, all I said is this is 1988 and this project,
13 the applicant should come in with a new application so
14 we can judge this project by today's standards,
15 environment standards and I never said that I'm against
16 the project. That's not what my statement has been.
17 It's been from day one that they started 12 years ago
18 and then they stop about five years ago, and today it's
19 1988 and my feeling is how can you on your own good will
20 and judgment judge a project that you really have no
21 information of today. That's not -- and as a matter of
22 fact, it's not because of 50 people was at the public
23 hearing, I mean, I've been elected for a few years, 50
24 people doesn't make any difference in my -- the way I

1 view this project because people who know me and you
2 members know the way I do my work in here, it's not 50
3 people one way or the other that's going to change and
4 that's not the money that the project is going to
5 change, it's the environment. Now, if you're in good
6 conscience and we can get into this if this thing
7 continues because that's one case I'm going to pursue,
8 which as I know for a fact that some of board members
9 here are being contacted to vote yes. Well, I think
10 that this is against the law, that's why I'm asking
11 legal counsel to review it and make your own decision
12 because as far as I'm concerned, the integrity of this
13 whole Council is at stake the way it stands right now.

14 MR. HICKS: Mr. Chairman, I agree with
15 Senator Correia, the integrity of this Council is at
16 stake right now and he raised the question. He said it
17 twice, he said it the first time that everyone here had
18 been contacted and then --

19 SENATOR CORREIA: Excuse me, I didn't say
20 everyone.

21 MR. HICKS: You said the people here
22 tonight ---

23 SENATOR CORREIA: Some people here.

24 MR. HICKS: First of all, Senator, you

1 said the people here tonight, secondly ---

2 SENATOR CORREIA: Mr. Chairman, please, I
3 was ---

4 MR. DI MURO: Mr. Correia, if he could --
5 he does have the floor, let's listen to his then you'll
6 have an opportunity to ---

7 SENATOR CORREIA: Thank you.

8 MR. HICKS: Then in summing, he said some
9 of the people here tonight have been contacted to vote
10 yes and I think that if you check the record, it's
11 almost a direct quote. I think Senator, you owe the
12 members of this Council an explanation as to who has
13 been contacted that you know personally has been
14 contacted and by whom, but to make that sweeping
15 allegation, yes, it does impune the integrity of that
16 Council. I've sheperded this thing from the beginning
17 as chairman of the urban ports and harbor subcommittee.
18 I can tell you that neither the Majority Leader nor the
19 Speaker of the House, the Governor have come to me and
20 asked me that. I have not been in contact with them at
21 all. I'll tell you right now that all through the
22 hearings that we had, none of those people ever
23 contacted me and I take great umbrage at your suggestion
24 and your sweeping allegation without being specific.

1 SENATOR CORREIA: Mr. Chairman, the paper
2 speaks for itself.

3 MR. HICKS: Is my name there, Senator?

4 SENATOR CORREIA: I never said your name
5 was.

6 MR. HICKS: No, you didn't say it wasn't
7 either, but you've given rise tonight that everybody
8 sitting here or some of the people sitting here are
9 guilty of an ex parte communication in violation of the
10 Administrative Procedures Act.

11 SENATOR CORREIA: Mr. Hicks, if the shoe
12 fits, you wear it.

13 MR. HICKS: Don't start that garbage.
14 Don't start that garbage.

15 MR. DI MURO: We have --

16 SENATOR CORREIA: Mr. Chairman, I think we
17 should conduct ourselves on the merit. This is not
18 garbage, this is a project and that's what we're talking
19 about.

20 MR. DI MURO: Do you have something else
21 you want to add?

22 SENATOR CORREIA: Well, just these two
23 papers that I gave you, Mr. Chairman and for now, I rest
24 my case.

1 MR. DI MURO: Is there any other
2 discussion on the motion?

3 MS. OWEN: Mr. Chairman, are those
4 specific names of people who have been contacted that he
5 gave you?

6 MR. DI MURO: If you wish me to read the
7 highlighted item, it just says speaking of big names,
8 Baldeli and Brian have a meeting scheduled today with
9 Governor DiPrete about this and other matters. Baldeli
10 said he has also spoken to United States Senator John
11 Chaffee, Senator Leader John Revens, House Speaker Joe
12 DeAngelis in an effort to win their support.

13 That's the extent of the --

14 SENATOR CORREIA: Mr. Chairman, there's
15 more, there's a paper there with all the names on the
16 back who voted yes, who voted no.

17 MR. DI MURO: This is a letter from the --
18 on a letterhead, Greater Woonsocket Chamber of Commerce
19 and it mentions special alert to chamber members and
20 does not appear to address that question that you had
21 mentioned except on the back, it lists the membership of
22 the CRMC Council.

23 SENATOR CORREIA: Mr. Chairman on the
24 bottom, please.

1 MR. DI MURO: The chambers committed to
2 work with the Mayor of the City of Woonsocket and
3 Providence and Worcester Railroad to ensure that that
4 important project becomes a reality. It urges members
5 of the -- of the Greater Woonsocket Chamber of Commerce
6 to call on members of the CRMC commission, list attached
7 and express your concern how important the yes vote to
8 the plant, that's the -- that was a request to write to
9 members of CRMC.

10 SENATOR CORREIA: Right or call and the
11 paper speaks for itself.

12 MR. DI MURO: Is there any other
13 discussion on the motion?

14 MR. SNOW: Mr. Chairman, I would like to
15 say that I consider this very, very important to the
16 State of Rhode Island. The P and W is the only railroad
17 that we have and they've already spent five million
18 dollars and the only thing they're asking is what they
19 have been given previously. I don't think they're
20 asking anything out of the ordinary and I don't know why
21 we're making a big project out of this.

22 MR. DI MURO: Is there any further
23 discussion on the motion for reconsideration? Mr.
24 Goldman, take a role call vote on the motion for

1 reconsideration.

2 FROM THE AUDIENCE: Is there an
3 opportunity from the floor to make comments?

4 MR. DI MURO: If you wish, yes.

5 REVERAND GORDON: Referand Gordon, Court
6 Watchers of Rhode Island.

7 REVERAND GORDON, having been duly sworn,
8 testified as follows?

9 REVEREND GORDON: The court Watchers is a
10 group that fight the system. They are citizens from and
11 people from anywhere in the state that wants to learn
12 law and learn how to use the law to fight the system.

13 The -- now, Mr. Snow brought up the P and W is the
14 only railroad in the state. The -- and P and W has
15 threatened that they're going to remove their rails and
16 everything else, but what rails do they own, Mr. Snow?

17 The P and W was chartered also by the State of
18 Rhode Island in 1844 as a public trust. Now you're
19 talking they spent five million dollars on that berm.
20 Have you seen it? If they spent \$50,000, they spent a
21 lot of money. Also, their net profit is a million
22 dollars. They're spending five million dollars in a
23 berm and 50 million dollars for this.

24 Now, back 12 years ago as Mr. Correia said, this is

1 what they promised the people. Nice looking, isn't it?
2 Notice though how many miles of shoreline they've got.
3 Did they do that? No.

4 They got something that they say is stagnant water.
5 We went over there. Last time this Council voted, we
6 came in with a public trust that they've taken water
7 that belongs to the people and the Council agreed with
8 us. Now, what happened? I went over there to find out
9 the birds that are breeding there, the swans and goose
10 and the other things. What do I find, an armoured guard
11 from your railroad saying, we don't have access to that
12 water there from P and W. Now we have an armoured
13 guard.

14 Also a remark for the people of Rhode Island, one
15 of our members thought -- he brings in salt, that we
16 could use the railroad, we could give them the business.
17 They got -- they've got the tracks that they can use
18 right down there. We called up for four carloads of
19 salt, once a month, once every couple of weeks. You
20 think that we would get anybody from the railroad that
21 gave a damn and when we finally got somebody that gave a
22 damn about serving the public, that wanted as much to
23 bring the four cars of salt from Worcester where it
24 would come in from Amtrak to where we wanted it. This

1 is your railroad.

2 The Court Watchers of Rhode Island are going to
3 start to lobby, we're lobbyists, to have their charter
4 removed.

5 Now, where's that money going to come from to
6 continue this berm? They are -- they've just spun off
7 their real estate. Do they have a right to do that, Mr.
8 Snow. To take the -- every railroad runs in the hole.
9 They've got a lot of expenses. They buy real estate,
10 they buy stocks and bonds and they maneuver and
11 manipulate. Now, our railroad though has spun off the
12 capital properties, the railroad properties given them
13 by the state and what, twenty years ago when one of our
14 members was treasurer of the City of East Providence,
15 Mr. Carpenter had to be knocked on the head to finally
16 pay up some back taxes for his railroad; the railroad
17 that you're so concerned about.

18 Now, the -- this is what they promised us 12 years
19 ago. Looks nice, it was nice and as Mr. Correia brought
20 out, 12 years ago it was necessary. But like Mr.
21 Corriea just brought out, the exciting thing about this
22 case is that it's so vital and changing. Since we had
23 that last meeting, everything is new evidence. The
24 Commmission on Narragansett Bay is putting emphasis on

1 developing this area for the people again. The area
2 over here is one of the few wildlife and wetland areas
3 that the people of Providence, of Pawtucket, of
4 Cumberland, can use to see what a bird looks like. This
5 area is no longer an area for coal or whatever. The bay
6 is no longer an area to bring in coal tugs. Do you know
7 what they're planning to bring in; 60 freight cars a day
8 of coal to go to Woonsocket. What right does Woonsocket
9 have to ruin East Providence? They never said they were
10 going to bring in lime. They -- the article in the
11 Woonsocket, you will call, says they're going to bring
12 in lime and now we'll have lime up in the air.

13 Now, they claim they're going to have a coal plant
14 that's completely contained. I worked with a crowd on
15 Dexter Road that I had an idea like this, but they
16 weren't going to bring in coal with Providence and
17 Worcester, no, they were going to bring it in with other
18 trains. So, we certainly don't need the Providence and
19 Worcester Railroad for trains.

20 Also, the Court Watchers of Rhode Island are
21 fighting the cement plant. They came in with a great
22 speaker. They could sell ice to eskimos and he sold a
23 bill of goods to the senators, to the representatives,
24 to the councilmen of East Providence. It was the best

1 thing since God that he was bringing in. He was
2 bringing in cement through tubes that go in trains and
3 Providence and Worcester would take it out. I just
4 found out this week Providence and Worcester is the
5 cement people. Chances are Providence and Worcester is
6 the coal people because they certainly didn't care about
7 delivering salt for us, where we would perhaps save the
8 trucking expense, no, but they certainly are interested
9 in throwing cement down in Boston and throwing coal over
10 to Woonsocket when Woonsocket has two in the same area,
11 two Canadian gas, pure natural gas areas if they want to
12 run one of these plants. They do not need this.

13 Now, on top of that, that's a threat, Providence
14 and Worcester and I don't know how you got that threat,
15 but from what Mr. Correia says, I think it's important
16 that we consider your statement. The -- but as I say, I
17 think it's time that the P and W Railroad charter be
18 revised and looked at and this money that they're taking
19 out.

20 Now, since the last time there's been all this talk
21 about living, working and playing on the land. 10,000
22 people went up to the park in West Warwick in Warwick
23 this past week and the week before, it shows that people
24 want to get back to the land. Now, what nicer area have

1 you got than over here. You've got wetlands, you've got
2 birds and bees, you got marinas, you've got all kinds of
3 potential and you've also got Lovers Lane where you can
4 look out over this thing.

5 Now, there's another thing very disturbing Mr.
6 Snow, where did Fourth Hill go to? Ask the railroad.
7 Fourth Hill went into the -- this bay, this pond they
8 stole for the hill part which in their own book they
9 claim is a historic hill.

10 Now, we claim and we want and we're going after
11 that. This shoreline goes back to the people. Last
12 time he gave this back to the people is in a public
13 trust in spite of their guns, in spite of their fences.
14 That is a public trust.

15 Now, they claim that is stagnant water because they
16 filled it in with some junk. That water is coming and
17 going and is fresh. There's nothing stagnant. What are
18 they going to fill in and what are they going to filling
19 it in with, the silt from the bay to stink up
20 everything.

21 Also, what right does the Chamber of Commerce of
22 Woonsocket have to come down and tell us how to live. I
23 think it's time that -- tomorrow the Court Watchers of
24 Rhode Island sue the Chamber of Commerce of Woonsocket

1 for the nerve of them to come down here, to ruin our
2 city and town for their degeneration plant because
3 they're going to make some money, maybe, maybe. I think
4 some of the others have got quite a bit to say.

5 MR. DI MURO: Is there anyone else wishing
6 to speak on this application? Come forward.

7 MR. TURIN: Good evening, my name is David
8 Turin. I'm representing Save the Bay.

9 We have a very simple message for you this evening.
10 Save the Bay is opposed to the reconsideration by the
11 Coastal Resources Management Council of its decision to
12 reject the Providence -- P and W Railroad request for a
13 ten-year extension to CRMC assent 53 Providence River
14 76.

15 CRMC voted to reject Providence and Worcester's
16 request back in March. The Council should stand by this
17 decision.

18 Over ten years have passed since the P and W
19 have -- was granted an assent to complete this project.
20 In this time, concepts regarding land use, waterfront
21 development have shifted. Environmental investigations
22 also have changed and become stricter. If Providence --
23 P and W Railroad is granted this extension, they are
24 exempted from this change.

1 The decision by the Council to reject the request
2 for an extension is not a rejection of the project. P
3 and W has been not left without recourse. The railroad
4 company is free to re-apply with the Council for a new
5 permit or file an appeal with the Superior Court. This
6 is as the system should work. Neither of these
7 objections constitute undue hardship on P and W
8 Railroad. CRMC should not reconsider decisions they
9 have made except under the most extraordinary
10 circumstances.

11 Again, I reiterate, Save the Bay opposes this
12 reconsideration.

13 Thank you very much. I have copies for members of
14 the Council.

15 MR. DI MURO: Is there anyone else?
16 Representative Caruolo, I believe you indicated --

17 MR. DANIEL FALLER: Yes, my name is Daniel
18 Faller, executive vice president of Greater Woonsocket
19 Chamber of Commerce. We did notify our membership of
20 this meeting and ---

21 MR. GOLDMAN: I'm sorry, would that
22 gentleman who was just here, would you just stand up
23 please and swear that the testimony that you gave was
24 the truth so help you God.

1 DAVID TURIN, having been duly sworn.

2 MR. GOLDMAN: Thank you.

3 DANIEL FALLER, having been duly sworn,
4 testified as follows:

5 MR. GOLDMAN: Thank you.

6 MR. FALLER: Yes, we did notify our
7 membership and yes, we are concerned about this project
8 and yes, we did list the members of the CRMC commission,
9 how they voted which is a matter of public record which
10 was reported in the Providence Journal. Yes, we do urge
11 the Council and we take no shame in this, in urging the
12 Council of the importance of this project to Woonsocket
13 and to the State of Rhode Island. We feel that as a
14 chamber, we have an obligation to speak for our beliefs
15 and what we believe is in the best interest of Rhode
16 Island and we understand that some of our friends may
17 disagree with us and we respect their right publicly to
18 disagree with anything that we say and we believe this
19 is part of the dialogue that is part of open government.
20 We still stand by our support of this project and think
21 that it will be excellent for the entire State of Rhode
22 Island to the -- only not to Woonsocket. Thank you.

23 MR. DI MURO: Yes, sir?

24 RAMOND PERRY, having been duly sworn

1 testified as follows.

2 MR. PERRY: Raymond Perry, I've watched
3 this thing progress and it's gone along and I see the
4 federal government spend millions of dollars in making a
5 project here in the city to change the whole thing in
6 the city and this thing ended up with Providence and
7 Worcester Railroad ended up with 61 million dollars
8 worth of property all through federal spending and all
9 of a sudden, now P and W has a spin off with capital
10 properties. P and W is a Woonsocket owned outfit and
11 they are working all out of Woonsocket. It don't
12 benefit anything in the State of Rhode Island. They
13 have this railroad that comes down there that you can go
14 down there and you can pull pins out by hand and they're
15 going to truck stuff down through there. What they want
16 to build over there is a wall between the shoreline and
17 the railroad that's going to be lined with nothing but
18 cement cars, coal cars and lime and what the people of
19 Woonsocket don't realize is gas lines that come down,
20 you will -- all this is going to do is produce acid rain
21 and which we have more than what we can handle and this
22 is going to recreate mother and I think that we should
23 do something about this because up in Burrillville,
24 which is not too far from Woonsocket, they're going to

1 have a gas line come in there and that's no acid rain or
2 anything produced from that kind of co-generating plant.
3 Why can't Woonsocket go with this and get the gas from
4 there. They are -- they will be doing the people a
5 favor if this is turned down, this railroad thing
6 because they don't need that acid rain up there. They
7 got some beautiful rivers up there that got trout and
8 everything in it if they're taken care of now. Thank
9 you.

10 MR. DI MURO: Yes.

11 PAUL CAPALDI, having been duly sworn,
12 testified as follows:

13 MR. CAPADLI: Paul Capaldi, East
14 Providence Conservation Commission.

15 First of all, I couldn't help but reflect over the
16 comments made by the gentleman from Woonsocket about how
17 this program or this project was going to be good for
18 the State of Rhode Island and I remember the saying
19 about how some people gets success off the backs of
20 others. Probably what they want to do is climb to
21 success over the backs of people from East Providence.

22 However, the major reason why I'm here, I have a
23 letter which I would like to give the chairman when I
24 finish reading it here. Council members, this issue now

1 facing the CRMC is no longer a matter of permit
2 extension for P and W Railroad. It is -- now the issue
3 is integrity and credibility of the Council itself. On
4 March 22, 1988 the legally constituted Council voted
5 five to five to deny P and W Railroad a permit
6 extension. I would like to remind the Council that this
7 was a denial of the extension only and by no means does
8 this deny P and W the right to come back and apply for a
9 new permit, a fact which seems to be confused here.
10 Now, by virtue of a legal technicality and great deal of
11 political pressure, P and W is back again attempting to
12 reverse a legitimate decision. If the CRMC does, in
13 fact, reverse itself, it will lose all credibility as an
14 environmental regulator as long as the message of a
15 reverse decision, as an equitable agency, one that
16 succumbs to political pressure, it will be evidence to
17 everyone that the big boys do get special treatment. If
18 the Council reverses itself, I wonder how it can
19 ethically deny anyone a permit in the future or the
20 Council will be perceived as applying two sets of
21 standards. I hope the Council will give serious
22 consideration to these concerns addressed here and
23 integrity of the CRMC rests in your ultimate decision.
24 Thank you.

1 MR. GOLDMAN: Councilman, as a public
2 official, you don't need to be sworn. Do you want to be
3 sworn? It's up to you.

4 LEO SULLIVAN: having been duly sworn,
5 testified as follows:

6 MR. SULLIVAN: Leo Sullivan, Mr. Chairman.
7 I'm the mayor of the City of East Providence. I'm
8 appearing tonight, first of all, to correct what I think
9 is a piece of misinformation that is in your records as
10 supplied by the petitioner at the last hearing and also
11 appeared coincidentally in this morning's Providence
12 Journal in which the editorial in the Journal states
13 that the City of East Providence by means of its
14 strategic waterfront plan has endorsed the filling of
15 the berm area. I want to point out to you, Mr.
16 Chairman, that this is not true. The City of East
17 Providence and its waterfront plan which has just
18 recently been adopted by the City Council has taken no
19 stand for or against projects of this nature. We have
20 simply indicated that certain activities would be
21 allowed to take place in certain areas of the
22 waterfront. We do not encourage or discourage people as
23 to which of these activities they may try to implement.

24 The next thing I would like to point out is that

1 whatever activities take place under our strategic
2 waterfront plan we are going to insist that all
3 environmental controls be maintained and by that we mean
4 by today's standards. We feel that the citizens of our
5 city are entitled to the same environmental protection
6 that you're now affording to the rest of the citizens in
7 our state and that means you apply the standards that
8 exist today for their protection. In no way has the
9 City of East Providence indicated that we're against
10 what the petitioner wants to do. We are simply saying
11 to you that in fairness to our citizens, a new permit
12 process must be required.

13 The one analogy in our own city is that if someone
14 came before us and asked to build a house and we gave a
15 building permit and they went away and let 12 years
16 lapse, then they come back and wanted to build a house,
17 we certainly would expect that they would build it
18 according to today's requirements. That's all we're
19 saying and I think that is the issue here this evening.
20 Thank you.

21 MR. DI MURO: Yes.

22 ANTHONY FERREIA, having been duly sworn,
23 testified as follows:

24 MR. FERREIA: Anthony Ferreira, 28 Water

1 Street, East Providence.

2 It is my understanding that this is the only
3 time -- second time that the Council scheduled a request
4 for reconsideration of a decision that at the time was
5 denied. I think the precedent has already been set and
6 the decision made should be final. Do you understand
7 it?

8 MR. DI MURO: Thank you. Is there anyone
9 else wishing to speak on the application? Yes?

10 GERALD MACAVOY, having been duly sworn,
11 testified as follows:

12 MR. MACAVOY: Gerald Macavoy from the East
13 Providence Conservation Commission. I've done a little
14 bit of research on your enabling statute, Mr. Chairman
15 and Members of the Commission. Under Rhode Island
16 General Laws Section 46-23-4, there is no provision for
17 a reconsideration of any prior vote. I don't know if
18 you have Administrative Procedures you're going to
19 follow, but I would maintain that any reconsideration
20 under your own enabling statute may be illegal. You may
21 be subject to an injunction if you commit an illegal act
22 and I just bring that to the Council's and to your
23 consideration on this particular matter. I am opposed
24 to reconsideration myself. Thank you.

1 MR. GOLDMAN: The Administrative
2 Procedures Act and the -- our procedures allow for
3 reconsideration.

4 MR. DI MURO: Anyone else who wishes to
5 speak on this application? Yes, sir.

6 MAYOR BALDELI, having been duly sworn,
7 testified as follows:

8 MAYOR BALDELI: Mayor Charles Baldeli,
9 mayor of the great City of Woonsocket. I would like to
10 address my remarks to this honorable Council and
11 indicate to you that at no time as has my administration
12 or the City of Woonsocket and its people attempted to
13 impune the integrity of this board. Yet, there is a
14 concern in the City of Woonsocket about this project.
15 I would be less than honest with you if I didn't say to
16 you that as the Mayor, I can't turn my back on 22
17 million dollars in new property taxes over the next ten
18 years. I need to tell you that that is my own selfish
19 and personal interest, but the interest of the petition
20 goes far beyond that we're talking about, the State of
21 Rhode Island. We are talking about the viability of the
22 P and W Railroad which is subsidized to a great extent
23 by the state. We are talking about maintaining a new
24 industry, a ship to rail industry which will benefit not

1 only Woonsocket, but the entire Blackstone Valley and
2 State of Rhode Island. If we in our endeavors have
3 caused hard feelings, we must apologize publicly, but
4 what is at stake here tonight, ladies and gentlemen, is
5 not one city versus another city, it is the entire State
6 of Rhode Island that can all benefit from this if this
7 becomes a reality. I ask you for your consideration in
8 this matter. Thank you.

9 MR. DI MURO: Yes?

10 PAUL TAVARES, having been duly sworn,
11 testified as follows:

12 MR. TAVARES: Paul Tavares, a member of
13 the City Council, City of East Providence. I would like
14 to first recognize the Mayor of Woonsocket as a great
15 city. We, too, feel in East Providence we have a great
16 city. And representing the area where this berm exists
17 and living almost in the vicinity where I can see it,
18 there are concerns here that outweigh financial concerns
19 to any municipality to any railroad or to any
20 corporation in the State of Rhode Island and I would
21 trust and ask that this commission would take into
22 consideration the environmental well-being of the
23 citizens of the City of East Providence versus the
24 financial interest of any community, any municipality or

1 any corporation. Thank you.

2 MR. DI MURO: Yes.

3 SUSAN BENJAMIN, having been duly sworn,
4 testified as follows:

5 MS. BENJAMIN: My name is Sue Benjamin. I
6 live at 133 Mercer Street.

7 I have -- as I was listening to the testimony, I
8 wanted to know and I'm not sure who to address the
9 question to, what type of economic impact studies have
10 been done. Have there been really thorough economic
11 impacts studies done on what the impact what would be if
12 the railroad were allowed to --

13 MR. GOLDMAN: That's all in the prior
14 testimony that was delivered.

15 MS. BENJAMIN: All right. The other thing
16 that I'm concerned about and that is -- that is what is
17 the guarantee that this project is going to be finished?
18 I mean, are we going to have the P and W Railroad post a
19 bond which is typical in construction. Even suppliers
20 have to post bonds. I mean, I don't want to see this --
21 this is probably less than a half mile from my home. I
22 don't want to see a big dinosaur sitting down there in
23 five years. I mean, we have no guarantee, do we?

24 MR. GOLDMAN: There's no bond. We don't

1 have that requirement.

2 MS. BENJAMIN: That's the question, that
3 has never been addressed? I mean, we have a situation
4 now where we have a big hole, I mean, is that -- is that
5 going to continue? That was my other question and I
6 also wanted to ask a question of the CRMC and I wanted
7 to know, what is your goal and what is your mission? I
8 grew up in Maryland which is as slightly bigger state,
9 not too much and I don't understand what influence
10 Woonsocket should have over the City of East Providence
11 and why the economic impact of the railroad should have
12 any bearing on a decision to be made by an environmental
13 regulatory agency.

14 MR. DI MURO: Quite frankly, we accept all
15 testimony so that it's just part of the evidence
16 presented ---

17 MS. BENJAMIN: Okay.

18 MR. DI MURO: --- no different than any
19 other testimony.

20 MS. BENJAMIN: I wanted to say one more
21 thing for the record and that is, I live in that
22 neighborhood. I'm not against the system. I'm not
23 interested in working against the system. I'm
24 interested in working with the system as much as

1 possible, but I feel that the fair thing to do is for
2 the P and W Railroad to go in and get a new permit
3 rather than -- rather than a ten-year extension on the
4 existing permit, under today's more stringent
5 environmental requirements. This is 1988 and we've
6 uncovered a lot more environmental evidence and I thank
7 you.

8 MR. DI MURO: Is there anyone else who
9 wishes to speak? Yes?

10 EDWARD RODERICK, having been duly sworn,
11 testified as follows:

12 MR. RODERICK: Edward Roderick. I've
13 road on ships, tankers, cargo ships, and I been in just
14 about every country in the world and when you get ships
15 to that magnitude and that size coming into this port
16 and unloading whatever they're going to do in bulk,
17 you're going to have a piece of land which is never
18 going to be revived again that place has been coming
19 back to life again after 50 years. I lived there for 61
20 years. Now we're getting wildlife in there, fish all
21 the way up to the Division Street bridge. This is a
22 fisherman's paradise. When you start unloading coal
23 down there and while I was down in West Virginia andd
24 see what a pile of coal, 60 tons goes down the lines and

1 what it does, these different kinds of bulk things, when
2 they go through the air and dust and everything else and
3 the erosion around there, you're going to be in for a
4 big surprise down there and it's something we're never
5 going to clean up. Thank you.

6 MR. DI MURO: Is there anyone else who
7 wishes to speak on this application? Senator Caruolo,
8 do you wish to speak?

9 REPRESENTATIVE CARUOLO: Mr. Chairman, I
10 withhold my remarks until a determination is made
11 whether or not the Council will reconsider this
12 application. It's my understanding that we would vote
13 to reconsider the application and then we would
14 necessarily have to vote on the application once again,
15 is that correct?

16 MR. DI MURO: I'm not certain if Mr. Hicks
17 made a two-part motion and I understand it was a motion
18 for reconsideration plus a motion for approval on the
19 original application, am I correct?

20 MR. HICKS: Correct.

21 REPRESENTATIVE CARUOLO: That is two
22 motions.

23 MR. DI MURO: It's part of the same
24 motion.

1 REPESENTATIVE CARUOLO: I would ask for
2 two votes, Mr. Chairman.

3 MR. DI MURO: What I'm going to ask ---

4 MR. SNOW: Mr. Chairman, I understand,
5 although I have not seen it, I understand that the first
6 assent that was given mentioned the fact that if more
7 time was necessary, that they would be given that time.

8 REPRESENTATIVE CARUOLO: They've passed
9 that.

10 MR. SNOW: They've passed that? All
11 right, then forget it.

12 SENATOR CORREIA: Mr. Chairman, I'm still
13 waiting for the -- for the ruling from the counsel.

14 MR. DI MURO: The question on the -- yes,
15 I'm going to ask that Mr. Hicks' motion for
16 reconsideration be a separate motion.

17 MR. HICKS: I'll so --

18 MR. DI MURO: Withdraw your original
19 motion and present a new motion for reconsideration.

20 MR. HICKS: Move to -- move withdrawal of
21 the previous motion and move to reconsider the previous
22 action of the Council taken on March 22 relative to file
23 86-5-73.

24 MS. OWEN: Second.

1 MR. DI MURO: I have a second. Is there
2 any further discussion on this motion?

3 SENATOR CORREIA: I have -- I ask for a
4 ruling from legal counsel. I'm still waiting, I think
5 he should ---

6 MR. GOLDMAN: On what?

7 SENATOR CORREIA: On if this is legal to
8 take this or not, what I presented to you. You have the
9 evidence. If you need time, ---

10 MR. GOLDMAN: I don't need any time to
11 rule on that, Senator. If indeed, someone has done
12 something which is illegal, then it's illegal and
13 clearly, I can't say what you have given to us tonight
14 is or isn't. But that wouldn't effect the ability of
15 anyone here to vote on it. They can still vote.

16 SENATOR CORREIA: Thank you.

17 MR. DI MURI: Is there any further
18 discussion on this motion? I would ask for a role call
19 vote.

20 MR. GOLDMAN: Mr. Medbury?

21 MR. MEDBURY: I have not read the record,
22 I abstain.

23 MR. GOLDMAN: Mr. Klazer?

24 MR. KLAZER: Yes.

1 MR. GOLDMAN: Mr. Wright?

2 MR. WRIGHT: Yes.

3 MR. GOLDMAN: Senator Correia?

4 SENATOR CORREIA: No.

5 MR. GOLDMAN: Representative Caruolo?

6 REPRESENTATIVE CARUOLO: No.

7 MR. GOLDMAN: Mr. Beattie.

8 MR. BEATTIE: Yes.

9 MR. GOLDMAN: Mr. Sisson?

10 MR. SISSON: Yes.

11 MR. GOLDMAN: Mr. Lyons?

12 MR. LYONS: Yes.

13 MR. GOLDMAN: Mrs. Owen?

14 MS. OWEN: Yes.

15 MR. GOLDMAN: Mr. Snow?

16 MR. SNOW: Yes.

17 MR. GOLDMAN: Mr. Hicks?

18 MR. HICKS: Yes.

19 MR. GOLDMAN: Chairman?

20 MR. DI MURO: Yes.

21 MR. GOLDMAN: Nine in the affirmative, two
22 negative and one abstention.

23 MR. HICKS: Mr. Chairman, I would at this
24 time move that this Council adopt the recommendations of

1 the majority report of the subcommittee on urban ports
2 and harbors as it relates to file 86-5-73.

3 MS. OWEN: I will second the motion.

4 MR. DI MURO: Is there any discussion on
5 the motion?

6 REPRESENTATIVE CARUOLO: Mr. Chairman?

7 MR. DI MURO: Yes.

8 REPRESENTATIVE CARUOLO: I would ask the
9 Council be polled on the reading of the record.

10 MR. DI MURO: Is there any further
11 discussion on the motion, other than the polling?

12 REPRESENTATIVE CARUOLO: I have one point,
13 Mr. Chairman, I would point out to the Council members
14 that testimony was introduced on the night that the vote
15 originally took place. To my knowledge, no transcript
16 has been produced. Therefore, it would be my contention
17 tonight that under the reading of the record rule, only
18 people who voted on the evening, were present during
19 that meeting would be eligible to vote on this question
20 this evening, in that new testimony was entered that
21 evening and that is part of the record.

22 (Pause)

23 MR. GOLDMAN: We're going to pole Council
24 members on whether they have read the record. Our

1 procedure, so that you know, is that you must read the
2 entire record. So that you must read all of the
3 subcommittee hearing record and you must also have read
4 the record of the March 22nd meeting if you were not
5 present.

6 Mr. Medbury?

7 MR. MEDBURY: No, I have not.

8 MR. GOLDMAN: Mr. Klazer?

9 MR. KLAZER: Yes.

10 MR. GOLDMAN: Mr. Wright?

11 MR. WRIGHT: I haven't seen it.

12 MR. GOLDMAN: Senator Correia?

13 SENATOR CORREIA: Yes.

14 MR. GOLDMAN: Representative Caruolo?

15 REPRESENTATIVE CARUOLO: Yes.

16 MR. GOLDMAN: Mr. Beattie?

17 MR. BEATTIE: I haven't seen the March
18 22nd record.

19 MR. GOLDMAN: Mr. Sisson?

20 MR. SISSON: Yes, I was present, and I
21 read all the record.

22 MR. GOLDMAN: Mr. Lyons?

23 MR. LYONS: Yes.

24 MR. GOLDMAN: Mrs. Owen?

1 MS. OWEN: I was not here at the vote,
2 but I read all the record. I wasn't here at the last
3 ---

4 MR. HICKS: I think we need.

5 MS. OWEN: --- meeting but ---

6 MR. HICKS: Point of information, I think
7 there needs to be some clarification that ---

8 MR. GOLDMAN: Just so you know, the record
9 of the March 22nd hearing was not disseminated to any
10 members. Did you read the March 22nd record?

11 MS. OWEN: No.

12 MR. KLAZER: Mr. Chairman, I did get a
13 record of the 22nd meeting.

14 MR. GOLDMAN: No, you didn't get the
15 transcript. Subcommittee records were provided to ---

16 REPRESENTATIVE CARUOLO: The transcript
17 wasn't ---

18 MR. GOLDMAN: The transcript wasn't, those
19 transcripts are not sent out.

20 MR. DI MURO: Do you want to correct your
21 vote?

22 MR. KLAZER: I was misunderstanding. I
23 have would have to correct my vote.

24 MR. DI MURO: Is everyone else correct?

1 MR. GOLDMAN: Mr. Snow?

2 MR. SNOW: Yes.

3 REPRESENTATIVE CARUOLO: He was not here,
4 Mr. Chairman.

5 MR. DI MURO: Mr. Snow, you have -- the
6 transcript is not available and you weren't here at the
7 meeting, so I would say you have not read the complete
8 record.

9 MR. SNOW: If that's the story ...

10 MR. GOLDMAN: Mr. Hicks?

11 MR. HICKS: Yes.

12 MR. GOLDMAN: Mr. Chairman?

13 MR. DI MURO: No.

14 MR. GOLDMAN: It would leave this motion
15 in an unusual set of circumstances. The following
16 individuals have been polled and have read the complete
17 record, Senator Correia, Representative Caruolo, Mr.
18 Sisson, Mr. Lyons and Mr. Hicks. We'll take a vote.
19 That would allow only those five individuals to vote.

20 Senator Correia?

21 SENATOR CORREIA: No.

22 MR. GOLDMAN: Representative Caruolo?

23 REPRESENTATIVE CARUOLO: No.

24 MR. GOLDMAN: Mr. Sisson?

1 MR. SISSON: Yes.

2 MR. GOLDMAN: Mr. Lyons?

3 MR. LYONS: Yes.

4 MR. GOLDMAN: Mr. Hicks?

5 MR. HICKS: Yes.

6 MR. GOLDMAN: Three to two.

7 MR. DI MURO: Motion carries.

8 (Pause)

9 MR. DI MURO: We have a -- we have
10 Category A list.

11 FROM THE AUDIENCE: I would like to know
12 why you did not allow anyone from the floor to address
13 this last motion.

14 MR. DI MURO: I asked if anyone wished to
15 be heard.

16 FROM THE AUDIENCE: No, you did not. No,
17 you did not. You asked Mr. Caruolo and then you did not
18 ask anyone from the floor if they had anything further
19 to say.

20 MR. SNOW: If you are from the floor ---

21 MR. DI MURO: We have a Category A list.
22 Does any of the Council members have a question on the
23 Category A list? We have one question on Category A
24 list. Do we have a motion to adjourn? So moved.

MR. WRIGHT: Second.

MR. DI MURO: Adjourned.

(Hearing Concluded at 11:45 p.m.)

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C E R T I F I C A T I O N

I, Darlene M. Coppola, a Notary Public in and for the State of Rhode Island and Providence Plantations, do hereby certify that I am expressly approved as a person qualified and authorized to administer oaths and take depositions pursuant to the Rules of Civil Procedure of the Superior Court, especially, but without restriction thereto, under Rule 30(e) of said Rules; that the witness was first duly sworn by me; that the transcript contains a true record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand on this

8 day of June 88.

Darlene M. Coppola

Darlene M. Coppola, Notary Public, Certified Shorthand

Reporter

The state Coastal Resources Management Council has made sure the public will continue to have access to scenic Napatree Beach in the Watch Hill section of Westerly.

The Watch Hill Fire District on Tuesday asked the council for permission to replace a dilapidated bulkhead at Bay Street and Fort Road on Watch Hill Cove, where a path to the beach begins.

The council asked the fire district to guarantee public access to the beach as a condition for permission to install the 700-foot, sheet steel bulkhead.

Fire district lawyer James D. Thornton said he did not object to the request, although he noted that the district has allowed public access to the beach since it was chartered by the General Assembly in 1901 and did not plan to change its position.

The council approved the bulkhead with a stipulation guaranteeing the continued public access to the beach.

In other business, the council authorized:

* CHC Realty of West Acton, Mass., to bury material from demolition of the Navy's former Hoskins Park housing project on Forrestal Avenue in mounds that will be landscaped later for the proposed 237-unit Westwick Pointe condominium project on Fishing Cove, North Kingtown. The company is seeking town and other state permits for the condo project.

* Douglas Williams of Windsor, Conn., to prepare a 20-acre site between Burlingame State Park and Route 1, east of Klondike Road in Charlestown, for a nine-lot subdivision to be called Oak Ridge, at an estimated cost of \$150,000.

* Mr. and Mrs. John Gray, 120 Fournier Ave., Woonsocket, to build a \$125,000 house between Shore Acres Avenue, North Kingstown, and Wickford Cove after lifting a stop-order issued earlier for starting work without a permit.

* Louis Walton 3rd, 57 Lillibridge Dr., East Greenwich, to remove stone groins flanking property he owns at utility pole 82, East Shore Road, Jamestown, and to use the stone to protect his beach on the East Passage of Narragansett Bay.

* Chester Zlotnicki to complete a house at 250 Wood Hill Rd. on Long Cove, Narragansett, by extending a 1985 permit that was about to expire.

CITATION (AGLC STYLE)

'Fire district to guarantee beach access at Napatree', *Providence Journal* (online), 26 May 1988 D-03
<<https://infoweb.newsbank.com/apps/news/document-view?p=WORLDNEWS&docref=news/152527C35B715078>>

Cstaff1

From: Anthony Palazzolo <palazzolo@thepatentsource.com>
Sent: Monday, August 26, 2024 10:55 AM
To: 'CStaff'
Cc: kcute@crmc.ri.gov; Anthony M. Palazzolo Jr. Esq.; lfeldman@crmc.ri.gov
Subject: Please enter this correspondence and attachments into CRMC ROW File 2022-11-072 for Waters Edge Road
Attachments: Town Council Minutes 9-29-1891 Watch Hill Roads.jpg; Deed B30-P108 For Everett Ave and Meadow Lane.pdf; 1886 Everett Farm Plat of Cottage Sites.pdf

Further to my prior correspondence, please enter this email and attachments into CRMC ROW Application 2022-11-072 for Waters Edge Road (North and South) aka Meadow Lane. Thank you.

Please note that:

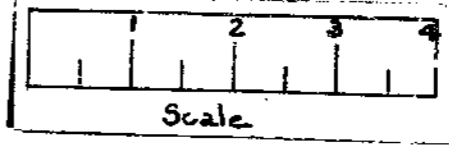
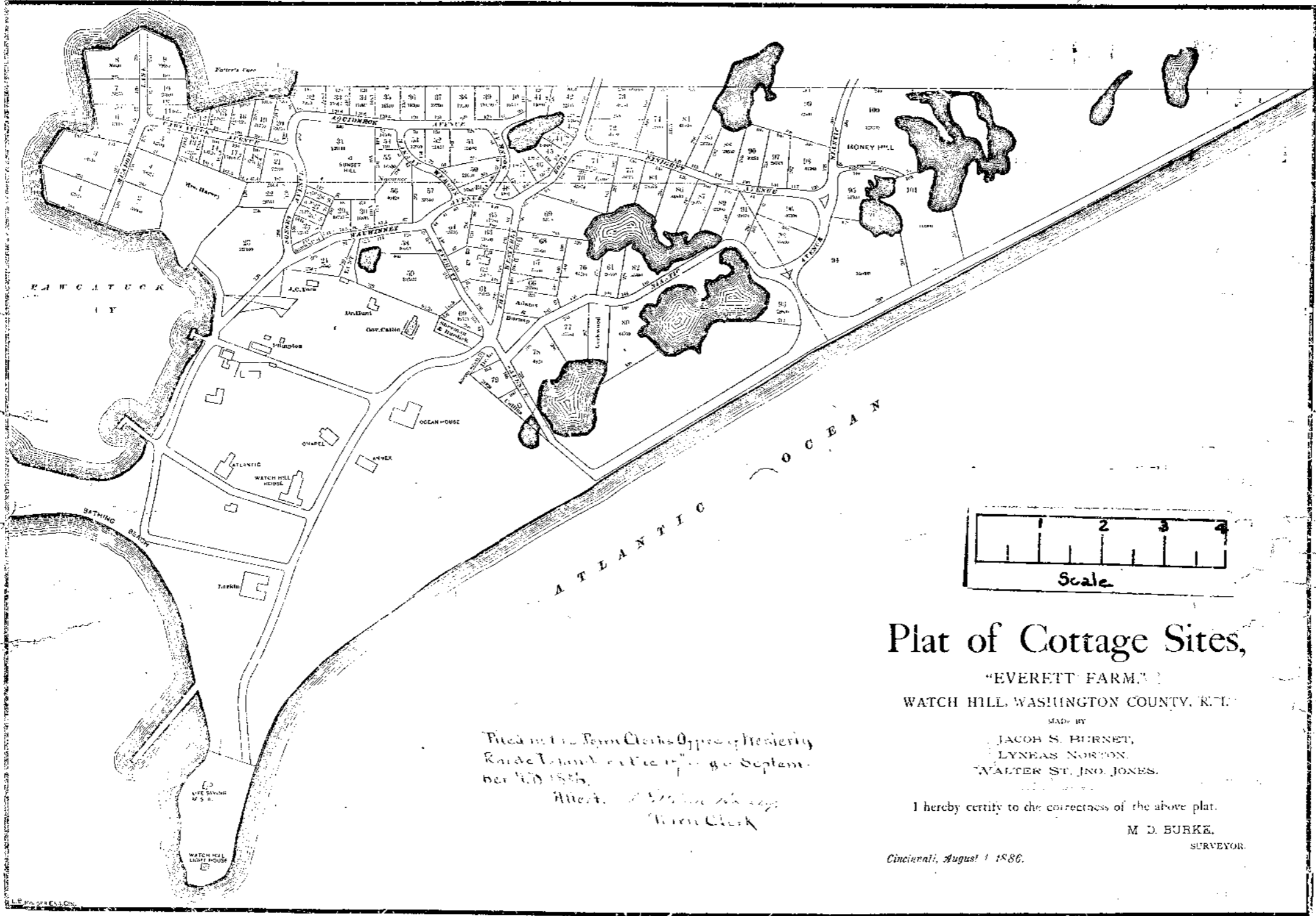
1. In 1891 the Westerly Town Council, referencing Everett Avenue and Waters Edge Road (using its erstwhile name Meadow Lane), "declared [the same] to be public highways." See attached (Town-certified) 1891 Westerly Town Council minutes and a (Town-certified) 1890 deed referencing an 1886 Plat of the Cottage Sites of the Everett Farm, Everett Avenue, and Waters Edge Road (using its erstwhile name Meadow Lane).

2. For your convenience, I have also attached an 1886 Plat of the Cottage Sites of the Everett Farm showing Everett Avenue and Waters Edge Road (using its erstwhile name Meadow Lane). The map was downloaded from Westerly's land evidence records website (Book 2, Page 21).

Thank you for your kind consideration of this matter.

Sincerely,

Anthony M. Palazzolo Jr.



Plat of Cottage Sites,

"EVERETT FARM,"
WATCH HILL, WASHINGTON COUNTY, R.I.

MADE BY
JACOB S. BURNET,
LYNEAS NORTON,
WALTER ST. JNO. JONES.

I hereby certify to the correctness of the above plat.

M. D. BURKE,
SURVEYOR.

Cincinnati, August 1 1886.

Filed in the Town Clerk's Office of Westerly
Rhode Island on the 17th of September
1886.

Attest: *[Signature]*
Town Clerk

12

21

Know all men by these presents, that Abbie S. Warner of the town of Middletown New Haven County, Conn. for the consideration of a valuable sum of money received to my full satisfaction of Daniel C. Kenyon of the town of Waterbury New Haven County Conn. do by these presents, remise, release, and forever quitclaim unto the said Kenyon all right, title, interest, claim, & demand which I the said releasor have or ought to have in or to a certain tract in the estate of Samuel Kenyon (deceased) the same being one fifth of the same, situated in Kentia R. & bounded north on land of Alice C. Potter, East is Pawcatuck River, South by land of Elisha Palmer & West by highway. Making hereby to release all claims that I now have on the aforesaid property. To have, to hold the premises, with all appurtenances, unto the said releasee, the said heir, & assigns forever, so that neither I the said releasor nor my heirs, nor any person under me or them, shall hereafter have any claim right or title in or to the premises or any part thereof but them from & they are by these presents forever barred & excluded. In witness whereof I have hereunto set my hand & seal this 11th day of Nov. A.D. 1887.

Signed, sealed & delivered
in presence of
Wm Kennedy
Jennie A. London

Abbie S. Warner L.S.

Witness on original
William Hoxey
Town Clerk

New Haven County Ct. Town of Waterbury Nov. 11th A.D. 1887
Personally appeared Abbie S. Warner signor and
sealer of the foregoing instrument, & acknowledged
the same to be her free act & deed, before me
Wm Kennedy
Notary Public.



Received for Record August 15th A.D. 1892 at 10^o o'clock A.M. & Recorded
Attest: William Hoxey,
Town Clerk.

Know all men by these presents that Lynnae Horton & Walter H. John Jones, Trustees of the "Watch Hill Land Syndicate", in consideration of One (1st) dollar & other valuable considerations to them paid by the Town of Westerly Rhode Island, the receipt whereof is hereby acknowledged do hereby remise, release, & forever quitclaim to the said the Town of Westerly, its successors & assigns forever, all those certain tracts or parcels of land situate lying & being in the village of Watch Hill, Township of Westerly county of Washington & State of Rhode Island, known & designated as "Avenue", & named "Kentia", "Kingrat", "Brentt", "Houck", "Hoxam", "Aquidneck", "Sunset", "Wauwinnick", "Pawcatuck", "Meadow Lane", "The Westerly Road", (so much as lies

within the boundaries of grantors land) For more particular description of the same, reference is hereby made to a Plat of Cottage Sites of the Everett Farm, made by Jacob S. Bennett, Lynceus Norton & Walter St. John Jones, filed November 27, 1886 in the Town Clerk's office of said town of Westery, Rhode Island. The object & purpose of this conveyance is to transfer all right, title & interest said grantors as Trustees aforesaid have of, in & to the said Avenue to the town of Westery, Rhode Island for the use & benefit of the public for road purposes only & all the estate, title & interest of the said Lynceus Norton, & Walter St. John Jones, Trustees aforesaid either in law or in equity, of, in & to the said premises: together with all the privileges & appurtenances to the same belonging & all the rents, issues & profits thereof: to have & to hold the same to the only proper use of the said the town of Westery, Rhode Island, its successors & assignes forever. In witness whereof, the said Lynceus Norton & Walter St. John Jones, Trustees of the Watch Hill Land Syndicate, have hereunto set their hands & seals this 27th day of October in the year of our Lord one thousand eight hundred & ninety.

Signed & acknowledged
in presence of us
Emily L. Norton.
Ben B. Dale.

Lynceus Norton Trustee of the L. S.
Watch Hill Land Syndicate
Walter St. John Jones Trustee of the L. S.
Watch Hill Land Syndicate.

State of Ohio

County of Hamilton, ss. Be it remembered that on the 27th day of October in the year of our Lord one thousand eight hundred & ninety (1891) before me, the subscriber, a Notary Public for said county, personally came Lynceus Norton Trustee & Walter St. J. Jones, Trustees of the Watch Hill Land Syndicate the grantors in the foregoing deed & acknowledged the signing thereof to be their voluntary act & deed for the use & purposes therein mentioned. In testimony whereof I have hereunto subscribed my name & offered my notarial seal on the day & year aforesaid.



Ben B. Dale
Notary Public, Hamilton County, Ohio.

Received for Record September 29th A.D. 1891, at 9 o'clock P.M. & Recorded.
Attest: William Noxey
Town Clerk.

Know all men by these presents that I, Nathan Babcock of the town of Blonington, Connecticut, executor of the last will and testament of Amanda B. Brown, late of the town of Westery, county of Washington & State of Rhode Island, deceased, in consideration of the sum of one dollar to me paid by Charles A. Stillman of said Westery, the receipt whereof I do hereby acknowledge

A TRUE COPY
 ATTEST: Mary L. LeBlanc, M.M.C.
 Notary Public
 OCT 24 1892
 Westery Town Probate Clerk



summed delated in full for his services as Town Officer for the year ending the first Tuesday in June 1891.

Witness: William Hovey,
Council Clerk.

At a meeting of the Town Council of Westbury, held this 29th day of September A.D. 1891,
Albert W. Spicer, Lewis W. Arnold, Alexander E. Down
James W. Pollette & Foster Jagers,
Members present.

Noted. That William Dow & he is hereby appointed a Constable in & for said town, to hold his office for the year ending the first Tuesday in June 1891.

Noted. That the deed of certain tracts or parcels of land at Watch Hill, from Horton, Jones, Switzer of the Watch Hill Land Syndicate, known & designated as "Downs" named "Chaotic", "Mingrath", "Gerritt", "Hank", "Cheowan" "Agrieland", "Mingrath", "Wauvoimind" & "Pawcatuck" "Downs" the same is hereby approved & accepted, & the said land conveyed to the town by said deed, & the same is hereby declared to be public highways.

Noted. That the report of the Committee heretofore appointed by this Council to revise & amend the Ordinances of & to report new Ordinances if deemed necessary for this town, & the same is hereby received, & the said Ordinances as reported by said Committee are hereby adopted as & declared to be the Ordinances of this town, & the same are orders recorded in the Book of Ordinances No. 1 of the said town of Westbury.

Said Ordinances are to & shall go into operation & effect, on the 1st day of December A.D. 1891,
Witness: William Hovey, Council Clerk

At a meeting of this 5th day of Alexander E. Down James W. Pollette
Members present

Noted. That the for & during by the Sergeant approved & or

Noted. That the force of this is away for full for the Jonathan B. Eugene W. L. Oliver E. Ba John L. King Albert O. Han

Noted. That the town's order for his Hall building had order No.

MAR 19 2024
Noted. That the town's order for his Hall building had order No. 1 of the said town of Westbury.
A TRUE COPY DATED: Mary L. LeBlanc, MMC
ATTEST: Mary L. LeBlanc, MMC
Mary L. LeBlanc, MMC
Westbury Town/Probate Clerk

Cstaff1

From: Anthony Palazzolo <palazzolo@thepatentsource.com>
Sent: Monday, August 26, 2024 10:55 AM
To: 'CStaff'
Cc: Anthony M. Palazzolo Jr. Esq.
Subject: Attention Jeff Willis: 1 of 2 - For CRMC Assent Application File 2024-04-008 and 8-27-24 CRMC Meeting
Attachments: Visible Paths Through Napatree Point 1962-2011.doc; 2019-05-007 ROW Not Disclosed - ROW Fenced Off to Block Users.pdf; 2024-04-008 Main Letter - ROW Fenced Off to Block Users.pdf; Fencing Off Fort Road ROW Used to Invalidate It Via RI Marketable Title Record Act.pdf

To Whom It May Concern:

Please include this email and attachments in the above-identified file and provide a copy to the full Council so that they may review it prior to their meeting tomorrow night.

Thank you.

Sincerely,

Anthony M. Palazzolo Jr



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-2069

Certificate of Maintenance

May 3, 2019

Watch Hill Fire District
222 Watch Hill Road
Westerly, RI 02891

RE: CRMC Assent No. M2019-05-007: **Install 800' +/- of split rail fencing to keep visitors from climbing on barrier dunes.** Project Location: 24 Fort Road, Westerly; Plat 185, Lot 31-2

Dear Applicant:

The Coastal Resources Management Council has reviewed your project proposal and has determined that it conforms to RICRMP Section 1.3.1(N) and applicable standards. Construction authorized by this approval shall be limited to replacement, reconstruction, or rebuilding to approved, pre-existing conditions and dimensions of the above noted structure. This project must be completed within three (3) years of the date of this approval. If this project involves excess construction materials or debris, these materials shall be removed from the site and disposed of at a suitable legal upland location. No equipment access or storage of equipment, construction material or debris shall occur on coastal features. If the project involves earthwork, appropriate erosion controls shall be utilized. All applicable conditions of original CRMC Assents that pertain to this property shall be upheld unless otherwise modified by the CRMC. All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

A copy of this maintenance authorization to perform maintenance work shall be kept on site and available for inspection. The maintenance (blue) card must be posted on site during the duration of the project.

Sincerely,

William Mosunic, Administrative Officer
Coastal Resources Management Council

/bms

CRMC Application Review Sheet

File Number: 2019-05-007
Owner Name: Watch Hill Fire District
Site Address: 24 Fort Road, Westerly
Plat: 185; **Lot:** 31-2

Administrative Review

Reviewer: WJM
Completed on _____
 Application Complete
 Application Deficient
 FONSI
 Enforcement compliance _____
 EXTENSION (Enforcement review)

Missing
 _____ Application
 _____ Fee
 _____ ISDS
 _____ Proof of Ownership
 _____ Building Permit
 _____ Site Plans
Notes _____

Team Review for Acceptance

Application Deficient
 Deficiency Letter Required
 Notified Via Phone Call – waiting for _____

() Application Accepted Date _____	Assigned To:		Date Completed	Denial Recommendation	Management Sign-off	
	Engineer					
	Biologist					
	Geologist					
	Aqua					
	Dredge					
	Other					

Category:
Project Type: _____
Water Type: _____
Water Area: _____
PGP Category: 1 2 IP Public Access 355 Public Access Easement
Short Project Description:



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
 Oliver H. Stedman Government Center
 4808 Tower Hill Road, Suite 3
 Wakefield, RI 02879-1900

(401) 783-3370
 Fax (401) 783-2069

MAINTENANCE CERTIFICATION APPLICATION

Project Location <u>24 Fort Road, Westerly, RI 02891</u> <small>No. Street City/Town</small>		File No. (CRMC USE ONLY): 2019-05-007
Owner's Name <u>Watch Hill Fire District</u>		Plat: <u>185</u> Lot(s): <u>31-2</u>
Mailing Address <u>222 Watch Hill Road</u> <small>City/Town Westerly State RI Zip Code 02891</small>		Contact No.: 401 823-9687
Contractor RI Reg. #: <u>Fence installer not selected yet</u> Address:		
Name of Waterway: <u>Block Island Sound</u>		Estimated Project Cost: \$ 9,400 Fee (chart based on EPC): \$ 100
Description of facility to be maintained (type of facility and present conditions) Napatree Point Conservation Area. A publicly accessible nature reserve managed by The Watch Hill Conservancy.		
Describe accurately the maintenance work proposed. (Use additional sheets of paper if necessary and attach this form.) We will install 800 feet of split rail fencing to keep Napatree visitors from climbing the barrier foredune and entering a sensitive zone where we have been doing extensive plant restoration over the past six years. We have chosen split rail fencing because it does not impede the natural movement of sand. The fence will be installed many feet above MHHW to keep it safe from wave action during storms.		
Describe equipment to be used, construction methods, access routes, etc. The fencing will be installed by hand using post hole diggers and shovels.		

Have you or any previous owner filed an application for and/or received an assent for any activity on this property?
 (If so please provide the file and/or assent numbers): M2018-03-106

Is this site within a designated historic district? YES NO
 Is this application being submitted in response to a coastal violation? YES NO

If YES, you must indicate NOV or C&D Number: _____

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking state assent.

James Jassi 2019.04.26 09:13:16

 -04'00'
 Owner's Signature
SEE REVERSE SIDE →



TO: Coastal Resources Management Council
4808 Tower Hill Road Suite 3
Wakefield, RI 02879
Phone: (401) 783-3370



FROM: Building Official

DATE: APRIL 29, 2019

SUBJ: Application of: Watch Hill Fire District

Location: Napatree Point Conservation Area

Address: 24 Fort Road, Westerly, RI Plat No. 185 Lot No. 031-2

To Construct: Install split rail fence to keep beach visitors off the barrier foredune

I hereby certify that I have reviewed _____ foundation plan(s).
_____ plan(s) for entire structure
_____ site plans

Titled: _____

Date of Plan (last revision): _____

and find that the issuance of a local building permit is not required as in accordance with Section _____ of the Rhode Island State Building Code.

_____ and find that the issuance of a local building permit is required. I hereby certify that this permit shall be issued once the applicant demonstrates that the proposed construction/activity fully conforms to the applicable requirements of the RISBC.

_____ and find that a Septic System Suitability Determination (SSD) must be obtained from the RI Dept. of Environmental Management.

_____ and find that a Septic System Suitability Determination (SSD) need not be obtained from the RI Dept. of Environmental Management.

_____ and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final. The Zoning Board approval shall expire on _____.

David Murphy _____
Building Official's Signature Date

_____ and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final.

[Signature] _____
Zoning Officer's Signature Date





Memorandum

TO: Westerly Building Inspector

FROM: Janice M. Sassi, Manager
Napatree Point Conservation Area

A handwritten signature in black ink, appearing to read "Janice M. Sassi".

DATE: 26 April 2019

RE: **Install fencing to keep Napatree visitors off sand dune**

Visitors to Napatree frequently climb the main dune face and access an ecologically sensitive area behind the foredune crest. **We have done considerable plant restoration in this zone and visitor foot traffic tramples the plants. We have been awarded a grant by CRMC to install split rail fencing to keep visitors off the dune.** Split rail fence does not impeded the natural flow of sand. A description of the fence path with maps and photos is attached.

We are seeking a CRMC maintenance certification request to install the split rail fence. The CRMC requires certification by the Town Building Official that a building permit is or is not required. Please find attached the CRMC form that must be completed. Thank you.

Napatree Point Conservation Area
Park Commission
Watch Hill Fire District
222 Watch Hill Road, Watch Hill, RI 02891
401 823-9687 · E-mail whconservancy@gmail.com



The Watch Hill Conservancy
Napatree Point Conservation Area
RI Coastal and Estuary Habitat Restoration Fund
Proposal Modification

Janice M. Sassi
26 April 2019

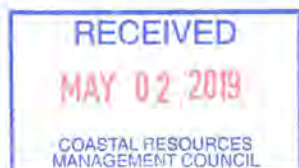
Upon careful field examination of the placement of the split rail fencing to protect our dune restoration site, we find it necessary to make a small adjustment in the track we wish to follow. Originally, we intended to install the fencing in the northern, lee side of the foredune crest. Our intention was to keep the fence well away from any wave exposure during storms. Upon careful examination, we found the spine of the dune crest to be extremely narrow. The steeply-sloped northern edge did not provide enough flat surface to get good purchase on placing the vertical fence posts.

We developed a new route on the windward (southern) side of the foredune crest. Our proposed path is many feet above the MHHW and shows no sign of exposure to wave action. The surface is relative flat at the base of the dune and we will be able to nicely secure the vertical supports of the fencing. Also, it will be more conspicuous to visitors on the beach and send a signal that climbing the dune is not allowed. Dr. Bryan Oakley, a coastal geologist from Eastern Connecticut State University and Napatree Science Advisor, has inspected the site and felt the proposed fence path located behind the incipient foredune forming on the dune ramp would be safe from wave action from moderate storms and nuisance tides.

Maps and photographs of the proposed new location follow.



Locus map for project area





Proposed route of split rail fence on Napatree with aerial photo as reference



Proposed route of split rail fence on Napatree with Lidar elevation and 2' contours as reference

RECEIVED
MAY 02 2019
COASTAL RESOURCES
MANAGEMENT COUNCIL



Fence route (black line) on a photograph of the dune

RECEIVED
MAY 02 2019
COASTAL RESOURCES
MANAGEMENT COUNCIL



Town of Westerly, R. I.

Town Assessor's Office 45 Broad St Westerly RI 02891

Tel (401) 348-2541 Fax (401) 348-2616

COASTAL RESOURCE MANAGEMENT COUNCIL
STEDMAN GOVERNMENT CENTER
TOWER HILL ROAD
WAKEFIELD, RI 02879

TO WHOM IT MAY CONCERN:

RECORDS AT THE ASSESSOR'S OFFICE, TOWN OF WESTERLY, RI, INDICATE THAT THE FOLLOWING OWN PROPERTY IN SAID TOWN:

NAME: Watch Hill Fire District
ADDRESS: 222 Watch Hill Rd
Westerly, RI 02891
PROPERTY LOCATION: 24 Fort Rd.
WESTERLY, RI 02891
PLAT/LOT: 185/31-2
LAND EVIDENCE RECORDS: BOOK 63 PAGE 247
DATE OF ISSUE: March 26, 2018

SINCERELY,

DAVID B. THOMPSON
TOWN ASSESSOR



State of Rhode Island and Providence Plantations

COASTAL RESOURCES MANAGEMENT COUNCIL

MAINTENANCE ASSENT

CRMC Assent No.: M2018-03-106

Date: April 5, 2018

This certifies that Watch Hill Fire District
has permission to replace welcome and rule signs at Napatree Point Conservation Area

situated at 24 Fort Road

Plat No. 185

Lot No. 31-2

Said maintenance operations to be done in accordance with an application on file in the Offices of the Coastal Resources Management Council and subject further to all the provisions of the building ordinances of the :

City/Town of Westerly

and to all the applicable State, Local and Federal provisions. This assent shall expire three (3) years from the date of this assent.

Lisa A. Turner

Official Designee

Coastal Resources Management Council

**THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES.
FAILURE TO DISPLAY WILL RESULT IN LEGAL ACTION.**





100 Westminster Street, Suite 1500
Providence, RI 02903

p: 401-274-2000 f: 401-277-9600
hinckleyallen.com

Robin L. Main
rmain@hinckleyallen.com
Direct: 401-457-5278



June 25, 2024

Via email only

Jeffrey Willis, Executive Director
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

Re: The Watch Hill Fire District's Maintenance Application
File No. 2024-04-008 to reinstall and level the Coastal Resources Management Council ("CRMC")
previously approved split rail fencing at Napatree Point, Westerly, RI (the "Maintenance
Application")

Dear Mr. Willis:

This firm represents the Watch Hill Fire District (the "Fire District") and The Watch Hill Conservancy (the "Conservancy"). The purpose of this letter is to implore CRMC staff to approve immediately the Fire District's Maintenance Application to reinstall 240 feet of split rail fence and level an additional 940' of split rail fence – all previously approved by CRMC – to protect important dunes and vegetation at Napatree Point. To delay this Maintenance Application for a full Council hearing over the objection of one person about an alleged 20' wide right of way ("ROW") is damaging to the very environment CRMC is supposed to protect and is nonsensical. In the event the alleged 20' ROW at Napatree Point is ever established in court – which seems highly unlikely -- the Fire District and the Conservancy will comply with whatever final judgment a court enters. That said, it is urgent that that the fence be reinstalled and maintained now.

By way of background, the Fire District owns in fee simple most of Napatree Point in Westerly, Rhode Island. The Conservancy is the Grantee under a conservation easement conveyed by the Fire District (the "Conservation Easement") that covers most of Napatree Point ("Conservation Area"). The goal of the Conservation Easement is to preserve Napatree Point in its natural condition and its status as a Rhode Island scenic site for the enjoyment of the public. The Fire District and the Conservancy also have maintained paths for public access that encourage and promote public accessibility consistent with ecological preservation.

On March 20, 2024, the Fire District filed with CRMC the Maintenance Application to deal with damage to the previously-approved split rail fence from the severe coastal storms this past winter. This work is time-sensitive because the Napatree Point Conservation Area receives heavy visitor traffic from May through the October. On a warm summer weekend or holiday about 1,000 plus visitors will line the 1 mile long conservation area. **The purpose of the split rail fencing is to protect the sensitive dunes by**



discouraging visitors from leaving the marked paths and traversing those dunes. Indeed, in April 2019, CRMC approved the installation of this split rail fence in Assent No. M2019-05-007 to keep visitors from entering a fragile habitat on the dunes where plant restoration occurred. This is all part of stewardship that began over 50 years ago with support from CRMC, U.S. Fish and Wildlife and the National Oceanic and Atmospheric Administration. The work proposed in the Maintenance Application would be overseen by the Napatree Point Conservation Manager. Split rail fencing is used because it does not impede the natural movement of sand.

CRMC should and could have handled the Maintenance Application administratively – as it did with the previous assent for the fence --without the need and resulting additional time for a Council hearing. Instead, CRMC has said it may present the Maintenance Application to the Council based on a single objection. CRMC is letting this objection over an alleged 20' ROW halt an important and time-sensitive project to protect the dunes, plant life and wildlife that CRMC has fully supported through three Coastal and Estuarine Habitat Trust Fund grants awarded to the Conservancy and Fire District in the past ten years. The Conservancy has a legal obligation to preserve the Napatree Point Conservation Area, and CRMC is precluding it from meeting that obligation right now.

CRMC's own "Redbook" addresses the important goals of enhancing the ability of dunes to serve as natural storm buffers and to protect the scenic and ecologic value of the area. See Section 1.2.2(G) of the Redbook. In fact, CRMC recognizes the importance of limiting pedestrian traffic over dunes by permitting in some cases only walk over structures to protect the foredune area. *Id.* Protecting the dunes while allowing public access are efforts on which the Fire District and the Watch Hill Conservancy spend significant time and effort. Both entities seek to protect the significant natural habitat, scenic and open space at Napatree Point and ensure public access to the area. To be clear, CRMC's continued refusal to approve the Maintenance Application now exposes a large swath of Napatree Point to damage and destruction.

Any CRMC staff decision to submit the Maintenance Application to the full Council some time from now raises significant questions. For example:

- Does CRMC agree that it is important to protect Napatree Point?
- Does CRMC agree that it remains important to protect dunes, uncommon plants like sand false heather (*Hudsonia tomentosa*) and wildlife by replacing the previously approved split rail fence destroyed by storms?
- Does CRMC agree that until and unless a court finds that the alleged ROW runs through Napatree Point CRMC will and should continue to support the efforts of the Fire District and the Conservancy to protect the Conservation Area through reasonable measures, including measures previously approved by CRMC?
- Is it now CRMC's position that an allegation by an objector (about an area that is less than 1% of the area in the Maintenance Application) without any evidence to support the objection is sufficient to block measures previously approved by CRMC to protect land under the Conservation Easement?
- Does CRMC support the contention that the Town can build a 20' wide ROW through about one mile of sensitive coastal dunes on Napatree Point?

Jeff Willis, Executive Director
June 25, 2024
Page 3



As CRMC knows, the Fire District is currently challenging in state court the preposterous contention that the Town owns and can build a 20' ROW across Napatree Point, destroying 2.5 acres across one mile of pristine Maritime Herbaceous Dune vegetation, the most threatened habitat in Rhode Island. The Fire District and all of the other parties will of course comply with any final judgment eventually entered in that case. In the meantime, the Fire District, The Conservancy, and the CRMC must continue their joint mission to preserve the sensitive ecological features of Napatree Point.

The Fire District respectfully asks that you reconsider your position immediately and issue a maintenance assent administratively for the reinstallation and leveling of the split rail fence as soon as possible.

Please do not hesitate to contact me with any questions.

Very truly yours,

A handwritten signature in black ink that reads "Robin L. Main". The signature is written in a cursive style.

Robin Main

cc: Laura Miguel, CRMC Deputy Director

RLM/eh



100 Westminster Street, Suite 1500
Providence, RI 02903-2319

p: 401-274-2000 f: 401-277-9600
hinckleyallen.com

Gerald J. Petros
gpetros@hinckleyallen.com

November 17, 2022

Via Electronic Mail

William Conley, Esq.
Town Solicitor
Town of Westerly
45 Broad Street
Westerly, RI 02891

Re: Fort Road, Westerly, RI

Dear Attorney Conley:

As you know we represent both The Watch Hill Conservancy (“WHC”) and the Watch Hill Fire District (“WHFD”). We have appeared before the Town Council on their behalf several times in hearings on the Comprehensive Plan and the Westerly Harbor Management Plan to set forth the facts demonstrating that Fort Road was a private easement until a hurricane destroyed it decades ago. Recently in public comments before the Town Council, several people asked questions about Fort Road and suggested it is somehow a public right of way. Those claims are unfounded. We are providing you with this letter to present answers to some of the questions the Council has and may address regarding Fort Road.

Question #1:

Did the owners of land on Napatree Point create Fort Road as a public road, a public right of way, or a private easement?

The land records and the Town’s history demonstrate that the easement known as Fort Road that ran along the bayside of Napatree Point was always a private easement.

In 1898, the United States (the “Government”) purchased two large non-adjacent parcels on Napatree Point to build Fort Mansfield. At the time, there were only four other property owners

on Napatree Point. In 1903, the Government secured from each of these owners an easement over their property for a roadway that provided access to and from the Fort Mansfield. The 1903 Easement is attached as **Exhibit A**. The Government established a private easement for the Government to get to and from Fort Mansfield. The Government did not create this easement for the public to access Fort Mansfield or to access any of the other lots on Napatree Point.

In 1909, the Government redefined the 20' wide private easement with more precise dimensions and measurements that corresponded with the then as-built roadway. The 1909 Easement is attached as **Exhibit B**. The Government's private easement to access Fort Mansfield also permitted the other property owners on Napatree Point to use it. The deeds and land records establishing the easement granted no rights to the public. This private easement eventually came to be known colloquially as "Fort Road."¹ The Government never intended to create a public right of way, and none of the elements necessary to establish a public road or a public right of way are present here.

The Town's own title attorney confirmed this conclusion. In 2007, the Town Council retained Attorney Charles Soloveitzik to determine whether Fort Road was a Town road. After a diligent examination of the records, Attorney Soloveitzik unequivocally concluded that Fort Road is not a public road: "we found no evidence in the land records to support the conclusion that Fort Road is a town road." The 2007 Soloveitzik Opinion is attached as **Exhibit C**.

Question #2:

Does this private easement still exist?

This private easement terminated a few decades later. The 1938 Hurricane dramatically and tragically changed Napatree Point. It destroyed all the existing houses on the point, killed many of the residents living there, and significantly altered the geography of the point itself. As a direct result of the storm, the most northerly end of the point (now Sandy Point Island), was severed and shifted northward. The 1938 hurricane also destroyed the southern facing dune that previously protected much of Napatree Point. With the loss of the dune, the ocean overwash and washover fan migration accelerated over the next 40 years (a natural process for barrier spits) and gradually shifted Napatree Point to the north. See Bryan A. Oakley, Department of Environmental Earth Science, Eastern Connecticut State University, *Storm Driven Migration of the Napatree Barrier, Rhode Island, USA*, Geosciences 2021. This shift to the north submerged the entire former Fort Road easement footprint by 1975, with the exception of the portion of the easement closest to Bay Street. The Fort Road easement is now under water, it has neither existed nor been used for many decades.

Question #3:

Did another easement or road replace Fort Road?

The owners of land on Napatree Point never relocated or replaced the Fort Road easement. First, the owners largely abandoned Napatree Point after the 1938 hurricane. After 1938, there has

¹ The references to "Fort Road" in this letter refer to the private easement established on Napatree Point.

been no further development of property on Napatree Point. The use of the easement ended when fort operations stopped in 1926. The adjacent property owners never replaced the residential structures wiped out in the 1938 hurricane. The chains of title for most lots from 1938 forward are largely tax foreclosure sales and probate conveyances. In recent decades, parcels on Napatree Point have almost all either remained within the families which already owned them or been acquired by the Watch Hill Fire District or the Watch Hill Conservancy for conservation purposes. The lots that did not remain within the families are: (1) AP 178 Lot 7, acquired by Town of Westerly at tax foreclosure sale in 1939, then sold to George L. Crow and Paul J. Moore in 1940, and conveyed back to the Town of Westerly by George L. Crow's heirs in 1986; (2) the heirs of the former owner of AP 178 Lot 11 donated it to the State in 1983. In short, the land evidence records establish that the owners of land on Napatree Point did not replace the Fort Road easement or establish a new private easement. The land evidence records and aerial photos both confirm that conclusion.

As a legal matter, the owners could not relocate the Fort Road private easement unless all of the owners agreed to do so and then took the legal steps necessary to establish a new private easement. The Government established the Fort Road easement according to precise dimensions and measurements, making it a fixed easement. Fixed easements cannot be relocated without the express consent of all of the owners of land that the easement crosses. *See Herren v. Pettengill*, 538 S.E.2d 735, 736 (Ga. 2000). This legal rule applies even when a fixed easement is destroyed by natural disaster and/or changing tides. *See Marble Techs., Inc. v. Mallon*, 773 S.E.2d 155, 159 (Va. 2015). The original fixed easement terminated in 1938.

The Fort Road private easement also terminated for another reason. The original easement, recorded in 1903 and again in 1909, is not referenced in any deeds in the chains of title of properties on Napatree Point since 1926. Rhode Island's Marketable Record Title Act extinguishes easements or rights-of-way not referenced in a deed within the last forty years. *See R.I.G.L. 1956 § 34-13.1-5 (a)*. Only easements that are still observably present on the subject property survive the forty-year automatic expiration. *See § 34-13.1-7*.

Therefore, the original easement terminated because: (1) the 1938 hurricane and 40 years of ocean overwash and washover fan migration physically destroyed and submerged it over four decades; (2) the owners never established a new easement in a new location; and (3) it expired under the Marketable Record Title Act.

Question #4:

Does the 2008 Town Resolution establish Fort Road as a public right of way?

No, it does not. The 2008 Town Council Resolution designating Fort Road as a public right-of-way is ineffective for many reasons.

First, town councils do not have the authority to transform private land to public land by declaration or resolution.

Second, the Takings Clause in the Fifth Amendment prevents any town, including Westerly, from taking private property without adhering to the condemnation requirements and paying for the land. *See Palazzolo v. Rhode Island*, 533 U.S. 606 (2001) (“[P]rivate property [shall not] be taken for public use without just compensation.”). The Town did not initiate condemnation or taking proceedings, and the town never paid for any land it sought to take.

Third, the Town Council never exercised its condemnation powers and determined that it was necessary or advantageous to acquire the strip of land known as Fort Road as part of a roadway development scheme.² *See O’Neill v. City of East Providence*, 480 A.2d 1375 (1984); R.I.G.L. 1956 § 24-1-1. Therefore, the 2008 Resolution was not a valid exercise of the Town’s limited condemnation powers and the Town Council did not effectively “take” Fort Road through this Resolution.

Fourth, the judiciary, not town councils, is vested with the authority to declare the property rights of third parties.³ *See* R.I. Const. art. X, § 2 (vesting all questions of law and equity in the Rhode Island Courts); R.I.G.L. 1956 § 8-2-14 (granting original jurisdiction over property rights to the Superior Court); *Fed. Nat. Mortg. Ass’n v. Malinou*, 101 A.3d 860, 866 (R.I. 2014) (holding that the superior courts have original jurisdiction over property rights); *Quattrucci v. Lombardi*, 232 A.3d 1062, 1066 (R.I. 2020) (“Thus, all judicial power is reserved to the courts and has been since the adoption of the state constitution in 1842.”).

Fifth, the Napatree Point property owners never dedicated, and the Town never accepted, Fort Road as a public road. *See Robidoux v. Pelletier*, 120 R.I. 425, 433, 391 A.2d 1150, 1154 (1978) (holding that in order for there to be an effective dedication, there must be (1) a manifest intent by the landowner to dedicate the land in question (incipient dedication); and (2) an acceptance by the public either by public use or by official action to accept the land on behalf of the

² It also failed to follow any of the statutory requirements for condemnation set forth in R.I.G.L. 1956 §§ 4-1-2, -4, -5, -6, -7.

³ The Coastal Resources Management Council (“CRMC”) is vested with the limited right to designate public rights-of-way to tidal water areas in the State. *See* R.I.G.L. 1956 § 46-23-6(E) (“The council is responsible for the designation of all public rights-of-way to the tidal water areas of the state, and shall carry on a continuing discovery of appropriate public rights-of-way to the tidal water areas of the state.”).

However, even CRMC does not have *carte blanche* to claim or declare water-adjacent land as a public right-of-way. Prior to any designation, CRMC must first conduct public hearings and rely on public records and historical evidence in making such a determination. *See e.g., Sanroma v. Coastal Res. Mgmt.*, C.A. No. 87-4038, 1992 WL 813494, at *2 (R.I. Super. Jan. 22, 1992). At that point, CRMC may *only* designate a road as a public right-of-way if the hard evidence in the land evidence records and/or historical evidence of use demonstrates that the right-of-way at issue is currently existing as a public road. *See id.* CRMC is relegated to identifying existing public rights-of-way, not creating them. And CRMC must follow due process and permit all interested parties to be heard at an evidentiary hearing. Not even CRMC, nor the Courts for that matter, can unilaterally decide to designate a private road as a public right-of-way. Further, CRMC’s determination is subject to review and appeal in the courts.

William Conley, Esq.
November 17, 2022
Page 5

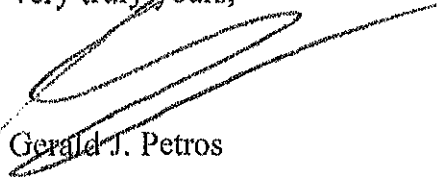
municipality). There is no evidence of any dedication of Fort Road to the Town and the title opinion issued by the Town's own Attorney, Charlie Soloveitzik, also confirms this.⁴

Conclusion

Fort Road is not, and never was, a public road or public right of way. The Watch Hill Fire District granted The Watch Hill Conservancy a publicly filed conservation easement over multiple parcels the Fire District owns on Napatree Point, through which the Point is conserved and maintained. The Watch Hill Fire District and The Watch Hill Conservancy welcome visitors to Napatree Point. However, Fort Road is not, and never was, a public road or public right of way, and the old private Fort Road easement terminated decades ago.

We hope this information is helpful. Thank you for considering these comments.

Very truly yours,



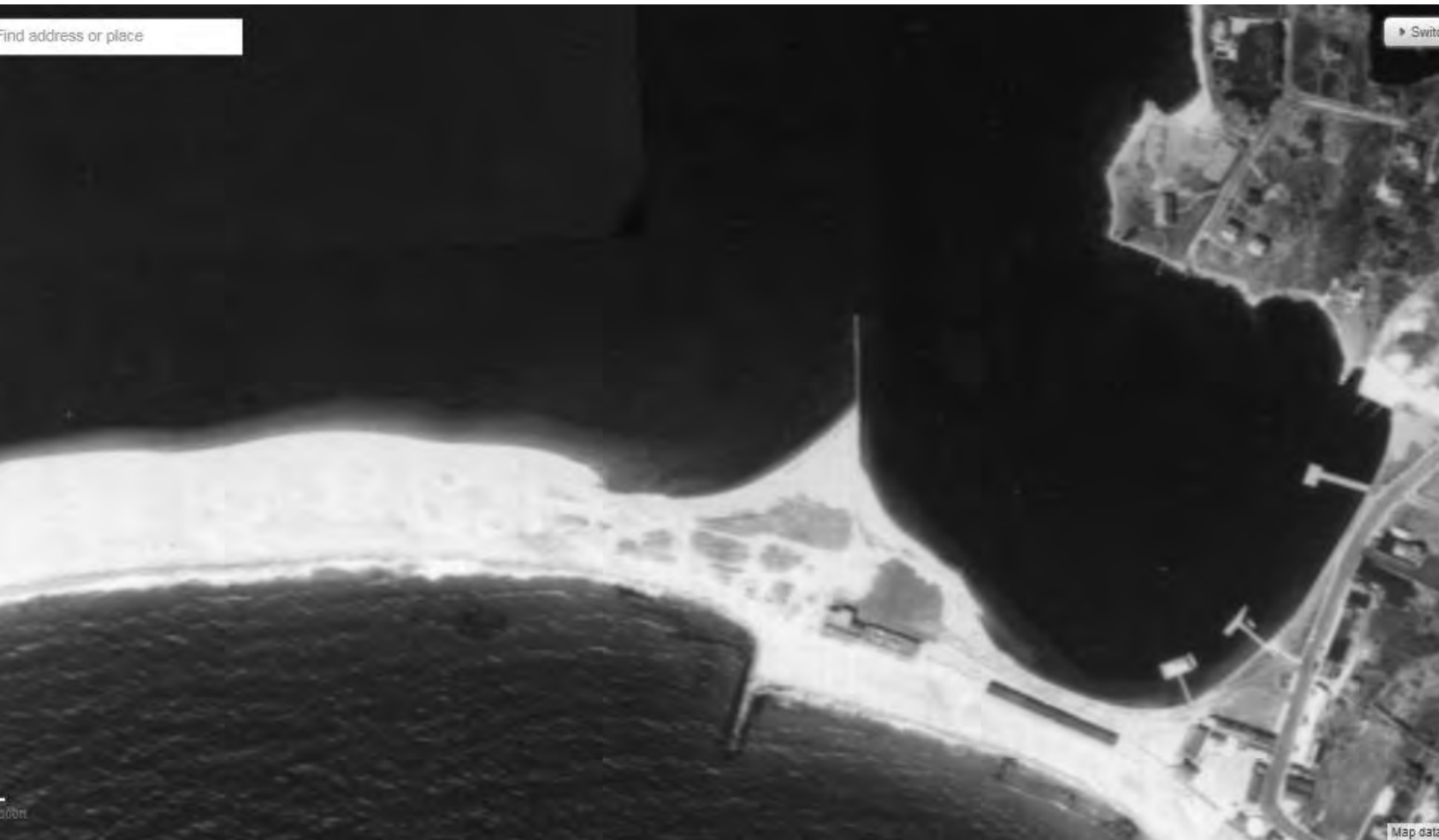
Gerald J. Petros

GJP:cw
Enclosures

cc: Joan Beth Brown
Deborah Lamm

⁴ There also was never acceptance by the Town because: (1) there has been no dedication; and (2) the fact that a town council declares a road to be public is not evidence of acceptance under Rhode Island law. *See Remington v. Millerd*, 1 R.I. 93, 93 (1847) ("Under the statute of Rhode Island concerning highways, *the fact that a town council has declared a way to be an open highway, and has ordered it to be repaired at the expense of the town, is not evidence of an acceptance by the public, because the town council are not to be deemed the general agents of the public . . . In no case is such a declaration by a town council of any binding force, unless the way has been actually used as a highway for twenty years.*") (emphasis added).

S aerial photo at <http://www.planning.ri.gov/planning-areas/demographics/aerial-photogra>



6 aerial photo at <http://www.planning.ri.gov/planning-areas/demographics/aerial-photogra>









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