

Warren Hall, Civil Engineer
55526 Resort Rd
Three Rivers, MI 49093

January 31, 2025
CRMC
4808 Tower Hill Rd.
Wakefield, RI 02879

File # 2024-04-075 (Revised Plan set dated 1-30-25)

EDON REALTY TRUST C/O
DONNA ROSSETTI TRUSTEE
AP 89, LOT 110
353 EARLE DRIVE, NORTH KINGSTOWN, RI

Section 1.1.7 Requirements for variance from 650-RICR-20-00-1;

1.3.1.D.6.f; executive director or deputy may grant variance

1.3.1.D.11.k; Pier shall be setback 25' from property line extension, 0' provided

1.3.1.D.11.l; pier shall extend no further than 50' seaward of mean low water, 72.5' requested needing a 22.5' variance

A):

1) Council policies and goals of sections two and three are addressed as follows:

a) Water type in this area is type two, where the council allows residential piers. As proposed this pier will be elevated a minimum 5' above mean high water to allow for public access laterally along the shoreline, existing uses of the tidal area including swimming, kayaking, gathering of shellfish.

b) In order to provide minimum water depth of 18", as required by CRMC standard 1.3.1.D.11.z, proposed float is 72.5' from mean low water. Existing water depths are limited in this area, location of float provides minimum length and impact to existing use. Also float location provides 55.7' setback from mooring field #13, and 116.6' to the landward corner of mooring field.

c) Existing lot lines for applicant's parcel, created by subdivision "Lone Tree Point Plat, July 1938 by Waterman Engineering" in 1938 did not consider the water uses as are in place today. Applicant's lot is a portion of lot #10 shown on plat. This lot's shape causes the two sidelines to converge and cross within the proposed pier extents. Proposed pier is of regular extents, providing 18" of depth at its terminus end.

Received

2/4/2025

Coastal Resources
Management Council

2) Proposed alteration will not result in use conflicts or adverse environmental impacts:

- a) The proposed pier is very similar to other piers that have been permitted and constructed in the area. Closest existing pier located to the west (CRMC #2002-10-041) and at this time there are no known conflicts. This pier (2002-10-041) did receive a variance from the mooring field setback requirement of 50'. In order to minimize impacts to existing uses of the area, the proposed pier extends the minimum distance to provide 18" of water depth during a regular low tide (CRMC requirement 1.3.1.D.11.z) while also passing thru the property line extension and providing 55.7' to Town mooring field #13.
- b) All of the proposed materials have been used in the past and resulted in no effect on the marine environment. Water depths and rocks obstruct any intense use of this area including fishing, navigation, and commerce.
- c) "A "soft start" is required to allow animals an opportunity to leave the project vicinity before sound pressure levels increase. In addition to using a soft start at the beginning of the work day for pile driving, one must also be used at any time following cessation of pile driving for a period of 30 minutes or longer. For impact pile driving: pile driving will commence with an initial set of three strikes by the hammer at 40% energy, followed by a one-minute wait period, then two subsequent 3-strike sets at 40% energy, with one-minute waiting periods, before initiating continuous impact driving."

3) Due to site conditions the standard cannot be met:

- a) Pre-existing depth conditions, CRMC required depth of 18" (1.3.1.D.11.z) are being mitigated by extending the proposed pier to 72.5' beyond mean low water maintaining the 18" depth standard, however the pier will have to cross the property line extension causing a variance request. The original 1938 subdivision did not consider this item.

4) Modification is minimum necessary:

- a) The proposed location will provide the water depths in accordance with 1.3.1.11.D.z of 18" providing for safe use of the facility.

5) Hardship is not the result of any action by the applicant or predecessor in title:

- a) Limiting water depths, within the area at the site are conditions the applicant has no effect on.



6) Due to conditions at the site, the standard will cause the applicant an undue hardship:

Applicant's request for a variance will provide a minimum water depth, and existing lot lines did not consider uses of the water area.

B): NA

C):

a) All other program requirements have been met.

D):

a) Local municipality requirements are not causing the relief requested.


Warren Hall, PE, PLS

