

CRMC DECISION WORKSHEET

2026-05-006

Westerly Municipal Land Trust

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

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2026-05-006	Westerly	32 Harbor Drive		A	☐	☐
		Plat	154			
		Owner Name and Address				
Date Accepted	5/01/2026	Westerly Municipal Land Trust		Work at or Below MHW		☐
Date Completed	9/24/2026	45 Broad Street Westerly, RI 02891		Lease Required		☐

PROJECT DESCRIPTION

Contract two parking spaces and walking path terminating at wetland edge; mark Buffer Zone

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal Pond backed by Coastal Wetland

Water Type: Type 2, Winnapaug Pond

Red Book: 1.1.6(G); 1.1.11; 1.2.1(C); 1.2.2(C); 1.3.1(C)

SAMP: Salt Pond SAMP

Variances and/or Special Exception Details: N/A

Additional Comments and/or Council Requirements: N/A

Specific Staff Stipulations (beyond Standard stipulations): N/A

STAFF RECOMMENDATION(S)

Engineer	_____	Recommendation:	_____
Biologist	ALS	Recommendation:	Approval
Other Staff	_____	Recommendation:	_____

Engineering Supervisor Sign-Off _____ date _____

Executive Director Sign-Off _____ date _____

 **9/24/26**
Supervising Biologist Sign-off _____ date _____
Staff Sign off on Hearing Packet (Eng/Bio) _____ date _____



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

DATE: September 24, 2026
TO: Jeffrey M. Willis, Executive Director
FROM: Amy Silva

Applicant's Name:	Westerly Municipal Land Trust
CRMC File Number:	2026-05-006
Project:	Construct a parking space and walking path terminating at wetland edge; mark Buffer Zone
Location:	32 Harbor Drive; Westerly: Plat(s): 154; Lot(s): 22
Water Type/Name:	Type 2, Winnapaug Pond
Coastal Feature:	Coastal Pond backed by Coastal Wetland
Plans Reviewed:	"32 Harbor Drive, Westerly... Site Plan..." one sheet by Al DiOrio dated April 30, 2014 and last revised 9/3/2026

INTRODUCTION:

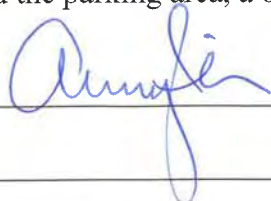
The application requests Assent to construct a small parking area (single space) and path on an undeveloped lot. There are two structures located on the lot, both situated within the identified wetland. Neither structure is proposed to be altered, maintained, or changed as part of this application.

The original submission was for Maintenance and utilized an aerial photograph. Staff notified the Town that the work required an Assent, and requested a more detailed plan set depicting the wetland edge, required Buffer Zone, and the proposed work.

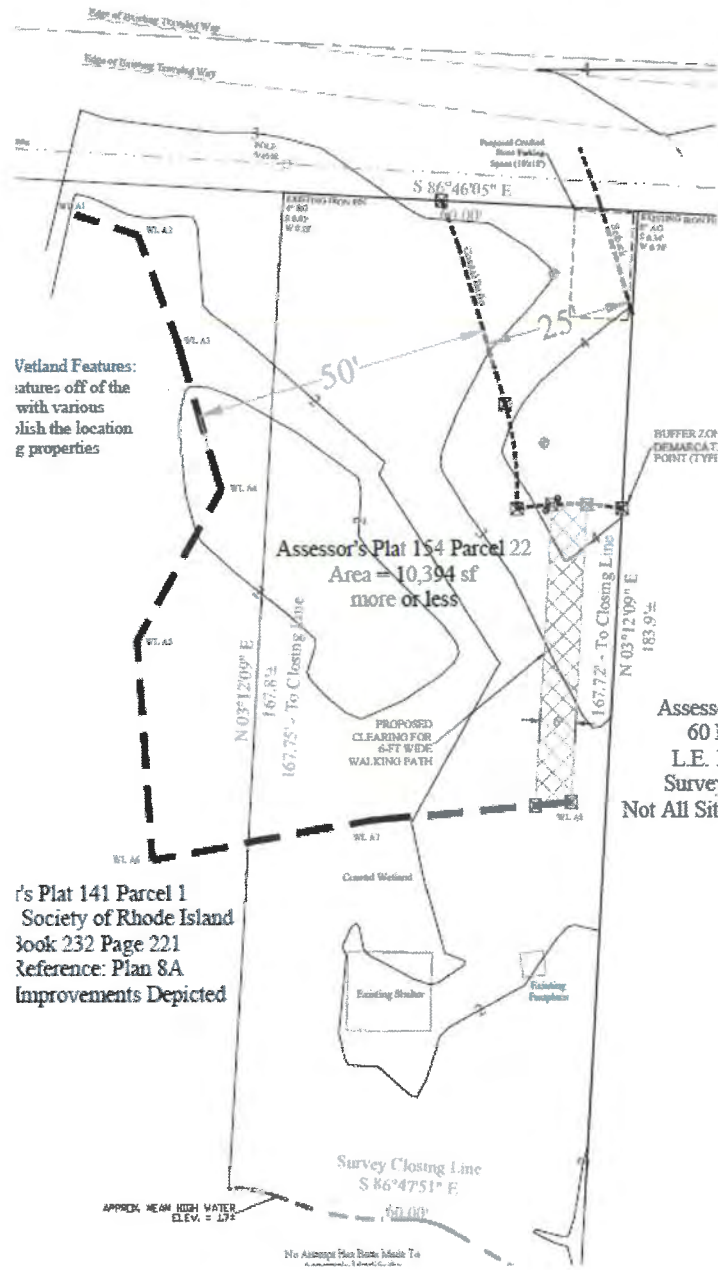
While awaiting better plans, objections from a neighbor were submitted, as well as copies of objections to the Town.

The town then submitted plans from 2014 which included a wooden boardwalk over the wetland. The submitted building official form did not reference construction of the boardwalk, and one of the proposed parking spaces was within the Buffer, so staff requested Building official sign-off as well as a Variance request for the minor intrusion into the Buffer. Town engineer responded that the boardwalk was not being requested at this time, and staff asked for a clean plan depicting only what was being requested currently.

The revised plan removed a path entirely, and staff questioned if the proposal still included a walking path, which would be required to terminate at the wetland edge. The Town responded yes, and provided a new plan that depicted the parking area, a 6' path terminating at the wetland edge, and permanent Buffer Zone markers.

Signed:  _____ Staff Biologist

Signed: _____ Staff Engineer



Above: Portion of plan showing proposed work

During the course of this back and forth with the Town, multiple correspondences with a neighbor were received, as well as a single objection from another abuttor was received. Just as the report was being completed, a late objection was submitted. Concerns raised will be discussed later in this report. If not for the objections, this application would be eligible for, and approved by, the administrative review process.

Signed: _____
 Signed: _____

Staff Biologist
 Staff Engineer



Above: DEM Aerial imagery (Nov 2025) showing Harbor Drive. Subject lot in red. Primary objector lot is located far left at end of road. Second objector is located immediately east of subject lot.

CRMC PERMIT HISTORY:

- 1990-02-048: Preliminary Determination-Feasibility of residential dwelling
- 1997-039-1846: Enforcement- Mowing of vegetation and disposal within Coastal Wetland (cleared)
- 2014-05-005: Preliminary Determination -Feasibility of parking spaces, path and boardwalk
- 23-070: Enforcement- Unauthorized clearing of vegetation within 200' (clear)

COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:

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

1.1.6(G)	Substantive Objections	See below
1.1.11	Coastal Buffer Zones	The full 50' required Buffer has been provided; activities proposed are consistent with Buffer Management guidelines.
1.2.1(C)	Type 2 Water	This project- providing for public access is consistent with the priority uses of Type 2 water.
1.2.2(C)	Coastal Wetlands	No alteration of wetland is proposed. This project is consistent with the goals and policies for protection of Coastal Wetlands
1.3.1(C)	Residential... and Recreational Structures	The proposed parking spot and mown walkway are not considered structures. No alterations to the existing structures are proposed. The application is consistent with the goals and policies for recreational structures.

COMMENTS ON OBJECTIONS:

During the course of the review, several letters of objection came from one neighbor, and one letter from another. A late objection was submitted after the notice period ended and the report was being completed. Objections cite concern for use of the road as well as concern for protecting the wetland and Buffer and several other issues. Staff offers the following comments on objections raised:

Signed:  Staff Biologist

Signed: _____ Staff Engineer

Road Usage/Public vs. Private Status:

The use of the Road is not subject to CRMC Regulatory Review. All work proposed in this application is located on Lot 22, and the application has been submitted by the documented owner.

Buffer Zone/Vegetation Impacts:

Concerns have been raised about removal of vegetation. A lot of this size on Type 2 Water requires a 50 foot Buffer Zone (Section 1.1.11 Table 4). The entire 50 foot Buffer Zone shall be retained and marked with permanent markers. Areas outside the Buffer may be cut with CRMC Assent.

Public safety/Liability/Litter:

Several of the concerns relate to usage of the lot and the responsibility for maintaining the property as well as liability. This is a privately owned property, and all responsibility lies with the property owner. This is not a CRMC Regulatory review issue.

Inconsistency in Regulatory Application:

The Red Book Regulations have been applied the same way that they would be applied on any other property. The wetland edge has been identified, the Buffer has been identified, and all proposed work is consistent with CRMC Regulations.

Inconsistency with Town Zoning Rules:

This is not a CRMC Regulatory review issue. However, as it is a criteria for substantive objection, staff contacted the Town to address this concern. On September 16, Town Engineer responded stating "*The Zoning Department has researched the below concern from CRMC and find that Mr. Reynolds cites § 260-17. Permitted uses; but is not interpreting to its entirety and has overlooked the District Use Table that is included in our zoning ordinance*". Within the email response, passive recreation and shoreline access are cited as approved uses and the proposal is in accordance with Town Zoning ordinances.

Another objection notes that the zoning board has not met on the matter. Staff cannot speak to Town Hearings, but notes that an appropriately completed and signed "Building Official Form" has been submitted for this project.

Appropriate Signatory:

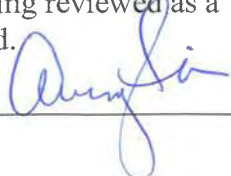
The signature on the application has been questioned, as the property is listed to be owned by the Westerly Municipal Land Trust, and the chair of the Trust did not sign the application. Staff requested clarification on this and the Town Manager obtained an opinion from the Town Attorney stating that the Town Manager has signatory authority.

Additional Parking:

The original 2014 plan showed multiple parking spots, which would have required a small reduction in the 50 foot Buffer. Staff noted this to the Town and suggested that Buffer Markers and a Variance request be submitted. The Town revised the plan to eliminate all Variances.

Emergency Access:

One objection notes that a 6' path does not allow for proper emergency access. A 6' foot path is standard with for all paths within Buffer Zones, and is frequently the width of public ROW access paths as well. The subject property is being reviewed as a "residential property" and has all residential Buffer Zone regulations and guidelines applied.

Signed:  _____ Staff Biologist

Signed: _____ Staff Engineer

Removal of remnant structures:

The removal of the firepit and “shelter” are not proposed within this request. No changes to either is proposed. These structures are located within the wetland, and should the Town decide to remove them, an application and permit from CRMC would be required.

Abandonment of this site for the former “Water Wizz” site:

Several times the large site on Atlantic Avenue has been raised as a “better” public access location and staff were urged to encourage the Town to abandon this site. This is not part of the CRMC Regulatory review process. The proposal for this site is consistent with all CRMC Regulations and there is no regulatory reason for staff to dissuade the applicant from the proposal as submitted.

Section 1.1.6(G) Substantive Review Comments:

In order to be considered a substantive objection, comments received must demonstrate one of the following:

- “a. threat of direct loss of property of the objector(s) at the site in question;*
- b. direct evidence that the proposed alteration or activity does not meet all of the policies, prerequisites, and standards contained in applicable sections of this document;*
- c. evidence is presented which demonstrates that the proposed activity or alteration has a potential for significant adverse impacts on one or more of the following descriptors of the coastal environment:*
 - (1) Circulation and/or flushing patterns;*
 - (2) Sediment deposition and erosion;*
 - (3) Biological communities, including vegetation, shellfish and finfish resources, and wildlife habitat;*
 - (4) Areas of historic and archaeological significance;*
 - (5) Scenic and/or recreation values;*
 - (6) Water quality;*
 - (7) Public access to and along the shore;*
 - (8) Shoreline erosion and flood hazards; or*
 - (9) Evidence that the proposed activity or alteration does not conform to state or duly adopted municipal development plans, ordinances, or regulations.”*

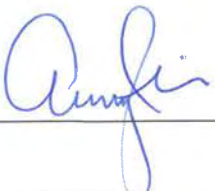
In reviewing all correspondence from the objectors, it is the opinion of the reviewing staff that concerns raised do not meet the criteria to be considered substantive objection.

COMMENTS ON APPLICANT’S OBJECTION RESPONSE:

The Town of Westerly has responded to the concerns raised about the public/private status of Harbor Drive, and the Town manager has stated that Harbor Drive “*is a paper road owned by the Town*” (ref email from Shawn Lacey dated July 20, 2026).

That same email goes on to state that the “*parcel is owned by the town and has been used as a public access point for several years and is supported by our Harbor Management Commission as well as the Town Council.*” Further, CRMC contacted the Town to ensure that the proposal is consistent with Zoning regulations, as that was a concern raised by an objector, and is a criteria to be considered a substantive objection. As noted above, the Town has confirmed that the proposal is consistent with Town Zoning ordinances.

SUMMARY AND RECOMMENDATION:

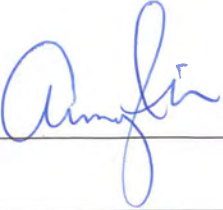
Signed:  _____ Staff Biologist

Signed: _____ Staff Engineer

The application for a small parking area, Buffer Zone demarcation, and path to the wetland edge is consistent with all CRMC Regulations and Guidelines. This application would have been reviewed and approved administratively if not for the objections received.

It is the opinion of the reviewing staff that this project will have minimal impact on Coastal process and that the concerns raised by objectors do not rise to the level of substantive objection as defined by Section 1.1.6(G). Staff supports the approval of the application, should the Council determine that the objections are not substantive.

Should the Council approve this application, standard Assent stipulations will be prepared.

Signed:  _____ Staff Biologist

Signed: _____ Staff Engineer

DATE:	7/8/2026
DRAWN	KTZ
CHECKED:	
APPROVED:	SML

REVISIONS		
Date	Description	Approved
9/3/26	WALKING PATH & BUFFER ZONE USDA66-111-N-7815	KTZ

File No. 324ARBOR.DWG

Drawing No. C-1

Sheet 1 of 1