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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370

FAX: (401) 783-3767

ASSENT

BOOK

1082

PAGE

35

CRMC File No. 2003-04-030

CRMC Assent No. B2003-04-030

Whereas,

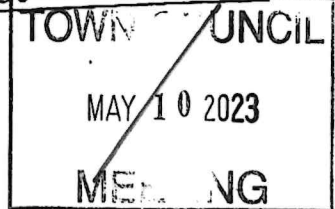
TOWN COUNCIL

JUN 21 2023

Of

MEETING

Bristol County Lodge Order of Elks
PO Box 226
Bristol, RI 02809



has applied to the Coastal Resources Management Council for assent to: construct and maintain a commercial boating facility to extend 45' > MLW, and 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 a commercial boating facility to extend 45' > MLW. Located at plat 10, lot 63, 1 Constitution Street, Bristol, RI**, in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before December 4, 2006 after which date this assent is null and void, (unless written application 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 applicant's property to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

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.

1

ADLER POLLOCK & SHEEHAN P.C.

2300 Financial Plaza
Providence, RI 02903
Telephone 401-747-2000
Fax 401-751-0604 351-4607

175 Federal Street
Boston, MA 02110
Telephone 617-482-0600
Fax 617-482-0604
www.apslaw.com

August 18, 2003

Grover J. Fugate, Executive Director
Mr. Kenneth Anderson
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

Re: Bristol County Lodge / Application No. 2003-04-030

Dear Messrs. Fugate and Anderson:

Now that the Army Corps of Engineers has seen fit to issue its permit, we are requesting, on behalf of our client, Robin Rug, Inc., a discussion on the issue of the proposal's infringement on the riparian area adjacent to our client's property. An informal meeting with the applicant and staff may be the best vehicle to discuss these issues. Absent that, we would renew our request to be heard before the full Council.

Very truly yours,



DENNIS H. ESPOSITO

DHE:af

cc: E. Hans Lundsten, Esq.

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Bristol County Lodge Order of Elks
CRMC Assent No. B2003-04-030
December 4, 2003
Page Two

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.

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.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

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

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

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

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

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 facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit.

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.

Permits, licenses or easements issued by the Council are valid only with the conditions and stipulation under which they are granted and imply no guarantee of renewal. The initial application or an application for renewal may be subject to denial or modification. If an application is granted, said

permit, license and easement may be subject to revocation and/or modification for failure to comply with the conditions and stipulations under which the same was issued or for other good cause.

ATTENTION: ALL STRUCTURES AND FILLED AREAS 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.

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. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.

SPECIFIC STIPULATIONS OF APPROVAL

General Stipulations

- A. The applicant shall record this assent in its entirety in the land evidence records of the Town of Bristol within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.
 - B. For the purpose of this permit, the coastal feature shall be the manmade seawall; and the inland edge of the coastal feature shall be the top of the seawall.
 - C. The approved dock plan shall be those twelve sheets entitled "New Dock construction...Bristol County Lodge #1860..." dated March 1, 2003 by Herbert J. Sirois, RPE and last revised 7/9/03. Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.
- 4

Bristol County Lodge Order of Elks
CRMC Assent No. B2003-04-030
December 4, 2003
Page Four

Earthwork Stipulations

- D. There shall be no stockpiling of construction materials, debris, etc., on the coastal feature, within 50 feet of the inland edge of the coastal feature, or in coastal waters.
- E. All excess excavated materials, excess soils, excess construction materials, and debris shall be removed from the site and disposed of at an inland landfill or a suitable and legal upland location outside of CRMC jurisdiction. No materials shall be deposited on the coastal feature, within 200 feet of the inland edge of the coastal feature, in coastal waters, or in any areas designated as a CRMC setback or coastal buffer zone.
- F. All materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.
- G. There shall be no discharge or disposal of hazardous wastes or hazardous materials which may be associated with construction machinery, etc. on the site or in the waterway. All used oil, lubricants, construction chemicals, etc. shall be disposed of in full compliance with applicable State and Federal regulations.

Pier/Float Stipulations

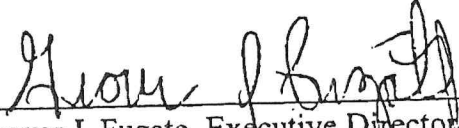
- H. As indicated on the approved plan, the size of the floating dockage shall be two (2) 10' x 12' floats and two (2) 6' x 24' floats, for a maximum of 528 sf.
- I. No creosote shall be applied to any portion of the structure.
- J. Floatation devices shall be securely contained.
- K. Floats, ramps, and other marine appurtenances or equipment shall not be stored on a coastal wetland, shoreline embankment, nor in any area designated as a buffer zone.
- L. No sewage, refuse, or waste of any kind may be discharged from this facility or from any vessel utilizing it.
- M. The owner is required to maintain this facility in good working condition. This facility may not be abandoned. The owner shall remove from tidal waters and coastal features any structure or portions of structures which are destroyed by any natural or man-induced manner.
- N. U. S. Army Corps of Engineers permit is required.
- O. This Assent authorized the construction, use and maintenance of a boating facility pursuant to the "Rules for Use of Elk's Lodge Dock & Mooring facilities" submitted by the applicant on 6/25/2003.

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P. Per Council approval, use of this facility is limited to transient vessels only.


Q. The applicant shall abide by all terms of the RIDEM's office of Water Resources Water Quality Certification dated June 26, 2003.

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this fourth day of December in the year two-thousand-three.



Grover J. Fugate, Executive Director
Coastal Resources Management Council

/pjc

Recorded DEC 17 2003 at 9:38 A.M.
 Town Clerk



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370
FAX: (401) 783-3767

Date: Monday, November 10, 2003
File Number: 2003-04-030

To Whom It May Concern:

Attention is invited to the provisions of Section 42-35-15 of the Administrative Procedures Act whereby a final decision in a contested case may be subject to judicial review provided a complaint is filed in the Superior Court of Providence County within thirty (30) days after the mailing of the decision. This thirty (30) day period for the _____

Bristol County Elks Lodge #1860

case expires on

December 10, 2003

Sincerely,


Grover J. Fugate, Executive Director
Coastal Resources Management Council

GJF/lam

STATE OF RHODE ISLAND
PROVIDENCE, SC.

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

DECISION

Petition Of: Bristol County Elks Lodge #1860

Docket No.: 2003-04-030

Applicant, Bristol County Elks Lodge #1860, filed with the Coastal Resources Management Council an application to construct a commercial boating facility.

A meeting was held by the Coastal Resources Management Council on October 28, 2003 in the Department of Administration, Providence, Rhode Island, pursuant to the Administrative Procedures Act. At that time, evidence was submitted on behalf of the applicant as well as other interested parties. Further evidence was submitted by staff members of the Coastal Resources Management Council and by other State agencies, all of which was incorporated into the record. Further, all evidence so submitted to the Council pursuant to this application whether it be by interested parties, through its staff members and other various State agencies has been and is available to all interested parties at the office of the Coastal Resources Management Council, Oliver H. Stedman Government Center, Tower Hill Road, Wakefield, Rhode Island, 02879.

At a meeting held on October 28, 2003 at the Department of Administration, Providence, Rhode Island, the entire Council took under consideration the record, the evidence therein and after careful consideration upon the same and after a vote and review of all of the evidence and records by the members of the Council, the entire Council finds as a matter of fact:

FINDINGS OF FACT:

1. The proposed project location is 1 Constitution Street, Bristol, RI.
2. The coastal feature is a man-made shoreline, Seawall.
3. The proposed project abuts Type 5 Waters, Commercial and Recreational Harbor, Bristol Harbor.
4. The applicable provisions of the CRMP are Sections 160, 200.5, 210.6, 220, 300.1, 300.3, 300.4 and 330.
5. The Council hereby adopts and incorporates the findings made by the CRMC staff engineer and biologist.

6. The Council finds that the applicant has met its burdens of proof under the applicable sections of the CRMP or SAM Plan.
7. Based on the foregoing, there is not a reasonable probability of conflict with a plan or program for management of the State's coastal resources as well as damage to the coastal environment of the State of Rhode Island.

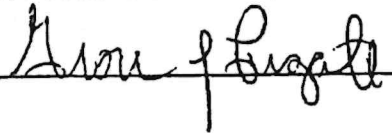
CONCLUSIONS OF LAW:

1. This Council has been granted jurisdiction over the above mentioned project by reason of Title 46, Chapter 23 of the General Laws of the State of Rhode Island, as amended.
2. The proposed alterations do not conflict with the management plan approved and adopted by this Council and in effect at the time the application was submitted.
3. The record reflects that the evidentiary burdens of proof as set forth in the Coastal Resources Management Program have been met for this project.

WHEREFORE, as a result of these Findings of Fact, it appears that the proposed activity does not have a reasonable probability of causing a detrimental impact upon the coastal resources of the State of Rhode Island. As a result of these Findings of Fact and Conclusions of Law, the Council hereby approves the application as submitted to the Coastal Resources Management Council with all staff stipulations.

Dated: November 10th, 2003

FOR THE COUNCIL,





STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

October 6, 2003

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370
FAX: (401) 783-3767

NOTICE

Town BRISTOL

RE: Construct and maintain a commercial boating facility extending 45' +/- beyond the cited MLW mark. The facility shall consist of a 3' x 25' aluminum ramp that leads to a set of floats that total 528 SF.

The application for State Assent of BRISTOL COUNTY LODGE #1860 File Number 2003-04-030 will be reviewed at the next meeting of the Coastal Resources Management Council. If you are the applicant, it is necessary that you be present at the meeting to answer any questions that may arise. Please be advised that a copy of the CRMC staff engineer and biologist reports may be obtained from the CRMC offices in Wakefield for the applicant or his/her attorney. Interested parties may attend and present *new evidence only* for or against, or for informational purposes.

The meeting is to be held at 6:00 p.m. on TUESDAY, October 14, 2003 in Conference Rooms B and C, 2nd Floor, Department of Administration Building, One Capitol Hill, Providence, RI. New evidence or testimony regarding this case may be submitted at the time of the meeting (see Management Procedures 1.11).

The CRMC office policy for public review of files scheduled for review by the full Council states that they are available to the public until 12:00 p.m. on the day of the meeting.

Individuals requesting interpreter services for the hearing impaired must notify the Council office at 783-3370 at least 72 hours in advance of the hearing date.

Sincerely yours,

William J. Mosunic

William J. Mosunic
Applications Coordinator
Coastal Resources Management Council

/lam

Wakefield, R.I. 02879 - 1900

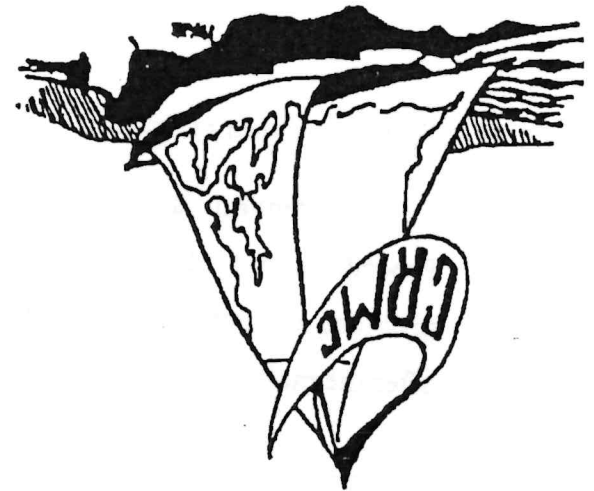
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OCT 17 2003
COASTAL RESOURCES
MANAGEMENT COUNCIL

CRM/C (2003-04-030)
O. S. Government Center
4808 Tower Hill Road
Wakefield, RI 02879

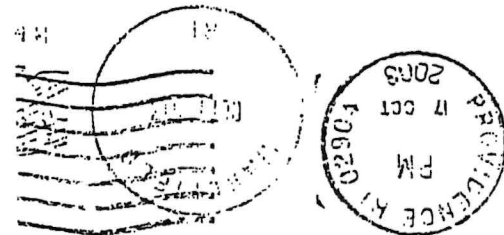


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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, R.I. 02879 - 1900



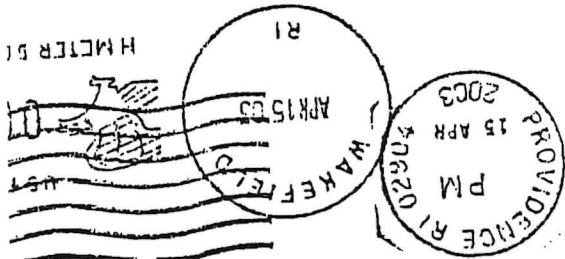
CRM/C (2003-04-030)
O. S. Government Center
4808 Tower Hill Road
Wakefield, RI 02879



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MANAGEMENT COUNCIL

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, R.I. 02879 - 1900



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CRM/C (2003-04-030)
O. S. Government Center
4808 Tower Hill Road
Wakefield, RI 02879

COASTAL RESOURCES
MANAGEMENT COUNCIL



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370
FAX: (401) 783-3767

Date: Monday, November 10, 2003
File Number: 2003-04-030

To Whom It May Concern:

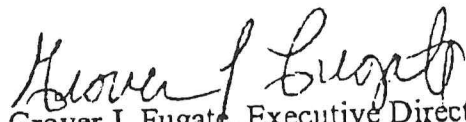
Attention is invited to the provisions of Section 42-35-15 of the Administrative Procedures Act whereby a final decision in a contested case may be subject to judicial review provided a complaint is filed in the Superior Court of Providence County within thirty (30) days after the mailing of the decision. This thirty (30) day period for the _____

Bristol County Elks Lodge #1860

case expires on _____

December 10, 2003

Sincerely,


Grover J. Fugate, Executive Director
Coastal Resources Management Council

GJF/lam

CRMC DECISION WORKSHEET

I). Hearing Date: _____ / Work at/or below MHW yes
Approved with/without stipulations _____ Denied / Vote: _____
X Contested _____ Uncontested _____ Uncontested but requires full decision

II). CRMC File No. 2003-04-030 Appl. Date 4/7/03 Date Compl. 7/14/03
Project Location 1 Constitution Street
Town Bristol Plat(s) 10 Lot(s) 63
Owner's Name and address: Bristol County Lodge #1860
Benevolent and Protective Order of Elks
P.O. Box 226, Bristol, RI 02809

III). Project: to construct a commercial boating facility

Engineer Thomas Medeiros Recommendation Approval
Biologist Tracy Silvia Recommendation Approval

IV). Coastal Feature(s): Man-made shoreline, Seawall

V). Type Water: Type 5, Commercial and Recreational Harbor / Bristol Harbor
CRMP 160, 200.5, 210.6, 220, 300.1, 300.3, 300.4, 330
SAMP NA

VI). Variances and/or Special Exception: none identified by staff.

VII). Comments/Council Requirements: _____

N/A
Engineering Supervisor Sign-off

David S. P...
Supervising Biologist Sign-off

[Signature]
Executive Director Sign-off

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL**

TO: Grover J. Fugate, Executive Director
DEPT: Coastal Resources Management Council
FROM: Thomas Medeiros, CRMC Staff Engineer; Tracy Silvia, CRMC Staff Environmental Scientist
DEPT: CRMC Permitting Section

Date: July 14, 2003

SUBJ: The following application, Category B X , Category A , Maintenance

CRMC File Number 2003-04-030 Name: Bristol County Lodge #1860 of the Benevolent and Protective Order of Elks

Location: 1 Constitution Street, AP10, Lot 63, Bristol

Water Type/Name: Type 5, Commercial and Recreational Harbor/ Bristol Harbor

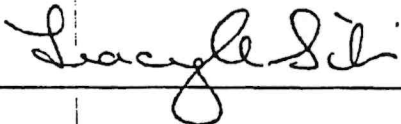
Coastal Feature: Man-Made shoreline, Stone Seawall

Project Description: The applicant proposes to construct a commercial boating facility that extends 45 ft. +/- seaward of the cited Mean Low Water mark. The proposed facility is to consist of a 3 ft. x 25 ft. ramp leading to a set of 4 floats arranged in a Tee, which total 528 SF.

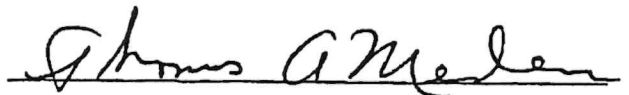
Recommendation & Comments:

- 1) The plans for this project are those entitled, "New Dock Construction, ... Constitution Street, Bristol... Bristol County Lodge #1860..." 12 sheets initially dated March 1, 2003, and as last revised 7/9/03 by Herbert J. Sirois, RPE.
- 2) The proposed facility is to be constructed to provide waterway access to the Lodge. In pre-application discussions with the CRMC staff, Mr. Robert White of the Elks stated that the intended use of the facility would be to provide transient dockage for no more than four boats, and that no boats were to be allowed to utilize the facility as permanent dockage. Based on the intended use, the undersigned staff advised the applicant that in their opinion the facility should be reviewed as a commercial structure in tidal waters, as the facility would not meet the RICRMP's criteria for a marina which specifies usage by five boats, nor for a residential boating facility as the Lodge is not a residential structure. The applicant was told that the RICRMP does not contain detailed standards for commercial structures, as it does for marinas and residential boating facilities, but that the applicant might want to refer to the standards for those types of facilities as listed in Section 300.4 of the RICRMP for general guidance in formulating their design.
- 3) Commercial structures are defined in Section 300.3.A.2 of the RICRMP which states, "Commercial and industrial structures and operations on a shoreline feature, its contiguous area, or within tidal waters include all buildings and alterations to such features related to manufacturing and exchange of goods or commodities, or any other business activity." Section 300.3.E.1.c requires that, "Commercial and Industrial docks, wharves and piers shall be designed and certified by a registered professional engineer." The Activity Matrices contained in Section 110 of the RICRMP designate that Commercial/ Industrial structures that are to be sited in Type 5 waters are to be subject to a Category B review which requires a 30 day Public Notice and review by the Coastal Council.

- 4) The project was sent to Public Notice on April 11, 2003. A letter of objection has been received from the abutting property owner to the north. A letter of non-objection has been received from the US Coast Guard which runs a buoy-tending station on AP 11, Lots 11 and 23. The Town of Bristol, which owns Constitution Street, did not respond during the Notice period. The applicant was asked to secure an opinion from the Town and was unable to secure a letter of non-objection, however the applicant has represented that the Town verbally has stated that it has no objection to the proposal.
- 5) On June 25, 2003, the applicant faxed a copy of proposed docking rules for the facility. These rules are contained in the Agenda package for the Council's review.
- 6) In the letter of objection received from the northern abutter, the point was made that the plans initially submitted for review contain conflicting information as to the width of the waterfront lying between the property line extensions. Page 3 of the initial plans calls the width 80 feet, while page 4 shows a width of 75 feet. The applicant has had a surveyor review the property lines and now contends that the correct width is 76.6 feet. This distance is shown on the revised sheets dated 7/9/03. The applicant now contends that the northernmost dock structure would be located 13.6 feet south of the northern property line extension. As the proposed structure is a commercial structure, it is the staff's opinion that it is not subject to the 25 foot property line extension offset standard contained in Section 300.4 of the RICRMP which applies only to residential boating facilities.
- 7) The Council should note that the staff did not ask the applicant to perform an SAV survey of the area as none was observed during the site inspection.
- 8) There is no engineering, or biological objection to the issuance of an Assent for this facility. Standard stipulations will be prepared to reflect the Council's decision should it find the issuance of an Assent is warranted.



Tracy Silvia, CRMC Biologist



Thomas Medeiros, CRMC Engineer



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Attn:

Tony

EMENT COUNCIL

(401) 783-3370
FAX: (401) 783-3767

**Please review
and return to me.**

**Thank you,
Rita Martini**

30 days
1/10/03

Date: Monday, November 10, 2003
File Number: 2003-04-030

... s of Section 42-35-15 of the Administrative
... contested case may be subject to judicial review
provided a complaint is filed in the Superior Court of Providence County within thirty (30) days
after the mailing of the decision. This thirty (30) day period for the _____

Bristol County Elks Lodge #1860

case expires on _____

December 10, 2003

Sincerely,

Grover J. Fugate
Grover J. Fugate, Executive Director
Coastal Resources Management Council

GJF/lam

COMBINATION RECOMMENDATION/STIPULATION FORM
FOR CRMC BIOLOGIST'S, ENGINEER'S AND GEOLOGIST'S REPORTS

Owner/Applicant's Name: Bristol County Lodge Order of Elks
Address: ~~1000 Main St.~~ P.O. Box 226
Also send to: Bristol, RI

Project: To c/m a commercial boating facility to extend 45' > M.L.W.

Location: 1 Constitution St. City/Town: Bristol
Plat: 10 Lot: 63

ACOE PGP CATEGORY 1 OR ~~2~~ N/A (CIRCLE ONE) IP

Staff review of the current proposal indicates that the following recommendations and/or stipulations are required to mitigate concerns in regard to the RICRMP. Provided that these stipulations are adhered to, there is no staff objection to this proposal.

See attached stipulation sheets. All initialed by either biologist, engineer or geologist, apply.

Biologist's Signature: Tracy Sil Date: 11/20/03 Initials: TS
Engineer's Signature: [Signature] Date: 11/24/03 Initials: VR
Geologist's Signature: _____ Date: _____ Initials: _____

Name: Br. County Elks Town: Bristol File No. 03-4-30

GENERAL STIPULATIONS (k:\crmc\dox\stips\g1, g2, g3, etc...)

AS 1. The applicant shall record this assent in its entirety in the land evidence records of the City/Town of Bristol within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.

AS 2. For the purpose of this permit, the coastal feature shall be The manmade seawall; and the inland edge of the coastal feature shall be the top of the seawall.

TS 3. The approved Dock plans shall be those ~~attached~~ twelve sheets entitled "New Dock Construction... Bristol County Lodge #1860..." dated March 1, 2003 by Herbert J. Sirois, RPE & last revised 7/ Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.

4. The applicant shall notify CRMC staff at least _____ in advance of the approximate date of the start of construction.

5. Prior to initiation of construction, the applicant is required to schedule a meeting between the contractor and the CRMC staff. This meeting will be held to clarify and stress the terms of the permit, and to discuss details of erosion and sedimentation controls, methods of construction, construction timing, dewatering, etc.

6. The setback line (Ref. CRMP Section 140) shall be delineated by the CRMC staff prior to any activities on the site

7. The coastal buffer zone (Ref. CRMP Section 150) shall be as shown on the approved plan.

8. The setback line (Ref. CRMP Section 140) shall be _____ as shown on the approved plan.

9. This assent requires a setback (Ref. CRMP Section 140) of _____ feet in width as measured landward from the inland edge of the coastal feature.

- ____ 10. This assent requires a coastal buffer zone (Ref. CRMP Sect. 150) of _____ feet in width as measured landward from the inland edge of the coastal feature.
- ____ 11. As of the date of assent issuance, all vegetation in the buffer zone is to remain in a permanently undisturbed condition. Any and all activities or alterations within the coastal buffer zone not specifically addressed herein, including mowing, pruning, trimming or thinning require written authorization from the CRMC.
- ____ 12. To access the shoreline, a four foot wide path through the coastal buffer zone may be allowed. The specific location of the path must be shown on a plan and receive written approval by CRMC staff.
- ____ 13. Minor pruning or planting of native vegetation may be allowed in the Buffer Zone provided a prior CRMC permit is obtained for coastal buffer zone management.
- ____ 14. Vegetation _____ shall remain in an undisturbed condition.
- ____ 15. Unless specifically approved as being within the accepted limits of disturbance, no alterations or activities shall be allowed in an area of beach grass; nor shall materials be stockpiled nor disposed of on the area of beach grass, nor shall any heavy machinery operate within this area.
- ____ 16. No alterations (vegetative or otherwise) or activities are allowed on the coastal feature(s) or in the waterway adjacent to the site.
- ____ 17. All driveway and parking areas shall have a permeable pavement and subbase consisting of gravel, crushed stone, shells, or similar highly permeable material.
- ____ 18. All roof drainage shall be discharged into dry wells filled with crushed stone or concrete galleys surrounded by crushed stone.
- ____ 19. All runoff of surface water into the stipulated coastal buffer zone shall be maintained as sheet flow. No concentrated sources of runoff flow (such as pipes or swales) shall be directed into the buffer zone.

- _____ 20. No earthwork is authorized by this permit.
- _____ 21. No changes in stormwater drainage are authorized by this permit.
- _____ 22. The structure shall be connected to and serviced by municipal sewers.

Name: _____ Staff: _____ File No. _____

Page _____ of _____

EARTHWORK STIPULATIONS (k:\crmcdox\stips\el, e2, e3, etc...)

1. No earthwork is authorized by this permit.
2. The approved soil erosion and sediment control plan(s) shall be that/those entitled _____.
3. The standards and specifications set forth in the most recent RI Soil Erosion and Sediment Control Handbook (RISESCH) shall be strictly adhered to.
4. No operations of heavy equipment shall occur on the coastal feature, within _____ feet of the inland edge of the coastal feature, in coastal waters, or in any areas designated as setback or coastal buffer zone in accordance with CRMP Sections 140 and 150.
5. Prior to initiation of any grading, construction, or earthwork activity, a line of staked haybales and/or silt fence in accordance with RISESCH Standard "ST" shall be placed along the downslope perimeter of the proposed area of construction or within _____ feet of the inland edge of the coastal feature. This line shall not be located on a coastal feature nor within a stipulated buffer zone. Bales and/or silt fence shall be "toed in" 4 inches to prevent the underwash of sediments. This line shall be maintained by the replacement of bales as needed and by the proper upland disposal of accumulated sediments until permanent site revegetation is established. No soils nor any other materials shall be allowed to enter beyond this line, neither temporarily nor permanently.
6. A line of haybales and/or silt fence (Ref. RISESCH Standard "ST") shall be staked _____ feet inland of the coastal feature.
7. Silt fences shall be constructed of woven (not extruded) materials, to minimize clogging and subsequent failure.
8. Upon successful stabilization of exposed soils all haybales and stakes shall be removed from site and disposed of at a suitable, legal upland location.
9. All catch basins and drains in the area, into which sediment laden waters may flow shall be ringed with haybales staked and toed in 4 inches or protected per Standard "SD" of the RISESCH. These controls shall be properly maintained by timely removal of accumulated sediment and replacement of bales as needed.

10. All discharges which result from dewatering operations, must flow into sediment traps consisting of staked haybale rings enclosing crushed stone to disperse inflow velocity in accordance with RISESCH Standard "FB". Haybales shall be "toed in" 4 to 6 inches into the ground to prevent underwash of sediments. These devices shall be maintained by removal and proper disposal of accumulated sediments and by replacement of bales and stone as needed. The devices shall not be located on any coastal feature nor in any designated coastal buffer zone. If necessary, a matting device shall be used below the traps. These devices must be completely removed upon completion of dewatering operations.
- TS 11. There shall be no stockpiling ~~or disposal of soils~~ construction materials, debris, etc., on the coastal feature, within 50' feet of the inland edge of the coastal feature ^{or} in coastal waters, ~~or in any areas designated as a CRMC setback or coastal buffer zone.~~
- TS 12. All excess excavated materials, excess soils, excess construction materials, and debris 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 200' feet of the inland edge of the coastal feature, in coastal waters, or in any areas designated as CRMC setback or buffer zone.
13. All excavated material shall be cast on the upslope side of the excavation so as to minimize sedimentation.
- TS 14. All ~~excavated~~ materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.
15. 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, jute mat netting or similar erosion control materials. Soil stabilization methods shall be employed during, as well as after, the construction phase to the maximum extent possible.

- ____ 16. The proposed fill shall have a maximum grade of 30 percent.
- ____ 17. Excavation and grading shall be limited to the area approved. Excess earthwork beyond that authorized by this assent is not permitted.
- TS 18. There shall be no discharge or disposal of hazardous wastes or hazardous materials which may be associated with construction machinery, etc. on the site or in the waterway. All used oil, lubricants, construction chemicals, etc. shall be disposed of in full compliance with applicable State and Federal regulations.

TS 25. This Assent authorizes the construction, use, & maintenance of a ~~boating~~ boating facility pursuant to the "Rules For Use of Elk's Lodge Dock & Mooring Facilities" submitted by the applicant on 6/25/2003.

TS 26. Per Council approval, use of ~~this~~ this facility is ~~restricted to transient vessels only~~ limited to transient vessels only.

TS 27. The applicant shall abide by all terms of the MCKM's Office of Water Resources Water Quality Certification dated June 26, 2003.

*add these 3 stip to Pier Stipulations Sec

PIER/FLOAT STIPULATIONS (k:\crmcdox\stips\p1, p2, p3, etc...)

1. The approved _____ plans shall be those entitled _____

Except as stipulated, all details and specifications thereon shall be strictly adhered to. Any and all changes in location or design must be submitted to CRMC for review prior to any construction.

2. Access to the pier/float structure shall be by way of a set of stairs elevated above the coastal feature and supported by posts. A path access is not permitted.

3. To allow public access along the shore, the proposed pier shall have a minimum clearance of 5 feet at the mean high water line, or shall have a stairway on each side of the structure at the mean high water line to provide pedestrian access over the structure.

4. To allow for the growth of coastal wetland vegetation, stringers associated with fixed piers shall be located at least three and one half (3½) feet above the grade of the coastal wetland.

5. Maximum width of the access pier, whether floating dock or fixed pier, shall not exceed four (4) feet.

6. The total area of the terminal float shall not exceed 150 square feet.

7. As indicated on the approved plan, the size of the floating dockage shall be two (2) 10' x 12' floats & two (2) 6' x 24' floats, for a maximum of 528 sf.

8. Fixed pier portions of residential docks (to be used for pedestrian access only) shall be capable of supporting 40 pounds per square foot live load as well as their own dead weight. Floating docks and terminal floats shall be capable of supporting a uniform 20 pounds per square foot live load or a concentrated load of 400 pounds.

Name: _____ Staff: _____ File No. 034-30

Page _____ of _____

9. All metal connection hardware shall be hot dipped galvanized. However, when utilizing dissimilar metals, caution must be used, as galvanic corrosion should be avoided.
10. Except for dock connection hardware, access ramps, and pilings used to restrain floating portions of docks, all materials used for the construction of residential boating facilities shall be limited to timber. Timber pilings or cribs (as specified on the approved plans) shall be utilized to support all fixed pier portions of residential docks.
11. No creosote shall be applied to any portion of the structure.
12. A minimum spacing of 3/4's of an inch shall be maintained between deck planking for drainage purposes and light penetration.
13. Floation devices shall be securely contained.
14. Each floating dock shall be secured by _____
15. Water jetting of piles is not allowed within coastal wetland.
16. For the pilings which must be placed within the coastal wetland, only the immediate area of piling penetration shall be disturbed.
17. Construction (other than pilings) in a coastal wetland shall be accomplished by working out from completed sections. No equipment shall traverse the wetland while the facility is under construction, nor shall a barge be grounded in an area of coastal wetland.
18. Floats, ramps, and other marine appurtenances or equipment shall not be stored on a coastal wetland, shoreline embankment, nor in any area designated as a buffer zone.
19. No more than four ~~conventional~~ boats shall be berthed at this ~~residential~~ boating facility.

Name _____

Staff: _____

File No. _____

03-4-30

Page _____ of _____

D.R.M.C. FILE ENTRY SHEET

2. Public Access Easement

3. Category "B" Approval

FILE NO: 2003-04-030 CATEGORY ~~D~~ PROJECT TYPE ~~17~~
GP CATEGORY 1 ~~IP~~ N/A Water Type: 5 Water Area: Bristol Harbor

FIRST NAME:
LAST NAME: Bristol County Lodge Order of Elks
PROJECT LOCATION ADDRESS: 1 Constitution Street
TOWN: Bristol
LAT(S): 10 LOT(S): 63

CRMC ACCEPTANCE DATE: 4/7/03 U.S.A.C.O.E. 1 2 DATE: IP
BIOLOGIST: TS DATE: 9-14-03 BIOLOGIST: DATE:
ENGINEER: DATE: 8-14-03 ENGINEER: DATE:
GEOLOGIST: DATE: OTHER: DATE:
WATER QUALITY: 6-30-03 DENIED: I.S.D.S:
HP.H.C.PENDING: H.P.H.C: 4-14-03

STAFF REPORTS MAILED TO APPLICANT: 1. 2.
PUBLIC NOTICE: 1. 4-11-03 2. 3.
SUBSTANTIVE OBJECTIONS: YES NO DATE:
S.M.O.HEARINGS: 1. 10-14-03 Cont'd 28 Oct 03 2. 3. 4.
PUBLIC HEARINGS: 1. 2. 3. 4.

DOCK SUB-COMMITTEE DECISION: DATE: APPROVED: YES NO
NOV:# DATE: 12-4-03 C&D:# Date:
ASSENT ISSUED: CANCELLATION:
MODIFICATION: 30 DAY COUNCIL DECISION:
DENIAL: 30 DAY TO CANCEL LETTER:
EXTENSIONS: FROM: FROM: FROM:
TO: TO: TO:

APPLICATION: ENCLOSURE CARD: 4, 9, 03
APPLICATION FEE: PROOF OF OWNERSHIP:
I.S.D.S.STAMPED PLAN: BUILDING PERMIT APPROVAL:
SITE PLANS rhm 8/20/02

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL**

4808 TOWER HILL ROAD; Suite 3,
WAKEFIELD, RI 02879 (401) 783-3370

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

Location No. / Street <u>CONSTITUTION ST</u> City/Town <u>BRISTOL</u>		<u>2003-04-030</u>
Owner's Name <u>BRISTOL TOWNY LODGE #1860</u> <u>ORDER OF ELKS</u>	Plat No. <u>10</u>	Lot No. <u>63</u>
Mailing Address <u>P.O. BOX 226</u>		Res. Tel. # <u>401-683-1890</u>
City/Town <u>BRISTOL</u> State <u>RI</u> Zip Code <u>02809</u>		Bus. Tel. # _____
Contractor RI Lic. # <u>LAYER</u>	Address _____	Tel. No. _____
Designer <u>FOSTER LOVE ENGR. INC.</u>	Address <u>75 KINGSTOWN ROAD</u>	Tel. No. <u>401-491-9065</u>
<u>H.T. SIRON</u>	<u>RICHMOND, RI 02881</u>	
Name of Waterway <u>BRISTOL HARBOR</u>	Est. Project Cost \$ <u>12000.</u>	Fee/Costs \$ <u>500.00</u>

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) _____

IS THIS APPLICATION BEING SUBMITTED IN RESPONSE TO A COASTAL VIOLATION?

YES _____ NO X

IF YES, YOU MUST INDICATE NOV OR C&D NUMBER _____

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

<u>A.P. 10</u> <u>RUSS-ROSS REALTY CO.</u>	<u>A.P. 11</u> <u>U.S. COAST GUARD FINANCE CENTER</u>
<u>LOT 60</u> <u>125 THAMES ST.</u>	<u>LOT 23</u> <u>P.O. BOX 4109</u>
<u>BRISTOL, RI 02809</u>	<u>CHESAPEAKE, VA 23327</u>

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

CONSTRUCT A COMMERCIAL BOATING FACILITY EXTENDING 45' ± BEYOND THE COASTAL
LINE AND INTO BRISTOL HARBOR. FACILITY SHALL CONSIST OF A 4' X 25' AL
DRUM RAMP, QTY=2 10' X 12' FLOATS, QTY=2 6' X 24' FLOATS ALL RESTRAINED BY
QTY=6 CLASS 'B' FLOAT RESTRAINT PILING. NO EELGRASS OBSERVED. VARIAN
TO CRMP SECTION 300.4.E.3 (J) OF 8' IS REQUESTED DUE TO SITE LIMITATIONS.
TOTAL FLOAT AREA = 528 FT²
WHICH IS NOT RESTRICTED FOR
COMMERCIAL FACILITIES

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. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof 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. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicants property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.

1/00


PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM

STATEMENT 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.


Signature

2/13/03
Date

BRISTOL COUNTY LODGE OF ELKS #1860 P.O. BOX 226 BRISTOL, RI 02809
Print Name and Mailing Address



TOWN OF BRISTOL, RHODE ISLAND

March 19, 2003

To Whom It May Concern:

This letter is to certify that Bristol County Lodge #1860 of the Benevolent and Protective Order of Elks of the United States of America is the owner of the property known as 1 Constitution Street, Bristol, Rhode Island (Assessor's Plat 10, Lot 63).

Should you have any questions please call me at (401) 253-7000.

Sincerely,

A handwritten signature in cursive script, reading "Evelyn A. Spagnolo".

Evelyn A. Spagnolo,
Tax Assessor



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HISTORICAL PRESERVATION & HERITAGE COMMISSION

Old State House • 150 Benefit Street • Providence, R.I. 02903-1209

Preservation (401) 222-2678
Heritage (401) 222-2669

FAX (401) 222-2968
TDD (401) 222-3700

Mr. Michael Tikoian
Chair/Coastal Resources Management Council
Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, Rhode Island 02879

RE: Applicant: *Bristol County Lodge # 1860*
 File Number: *03-04-30*
 Project Location: *Bristol*
 Response Date: *4/22/03*

Dear Mr. Tikoian:

This office has reviewed the above-referenced application in accordance with Section 220 of the Coastal Resources Management Plan. It is our determination that this project will have no effect on any significant historic or archaeological properties (those listed on or eligible for listing on the National Register of Historic Places).

If you have any questions, please contact Charlotte Taylor, Staff Archaeologist, or Richard E. Greenwood, Project Review Coordinator for this office.

Very truly yours,

Edward F. Sanderson
Executive Director
Deputy State Historic
Preservation Officer

Foster Cove Engineering, Inc.
75 Kingstown Road
Richmond, RI 02898
401-491-9065 tel
401-491-9066 fax
fce@fostercove.com

April 4, 2003

State of Rhode Island
Coastal Resources Management Council
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879

Subject: CRMC Application for State Assent to Construct a Commercial Boating Facility
Extending from 1 Constitution Street, Bristol, RI into Bristol Harbor

Gentlemen:

Please find the enclosed Subject Application including, location map, assessors map with abutters listed, design details, one letter of no objection from one of the three affected abutting property owners, and application fee of \$500.00. It is noted that this project is for an access platform, ramp and floats extending approximately 45' beyond the observed MLW and MHW lines. This project will have no additional effect on navigation since the proposed facility extends no further into Bristol Harbor than the Coast Guard Pier to the south of the subject proposed boating facility.

1. A variance to Section 300.4.E.3 (j) of the CRMP is requested. This section specifically deals with setbacks of docks from abutting property line extensions. For this facility, an 8' variance to 300.4.E.3 (j) is requested since it is necessary due to limitations of this site. It is noted that the owner was not successful in his attempted to obtain a letter of no objection from the owner of the property to the north (AP 10, Lot 60).

Section 120, Variances (Revision 2/4/02)

The owner proposes to construct a residential boating facility into Bristol Harbor and requests a variance to Section 300.4.E.3 (j) as stated above. In accordance with Section 120:

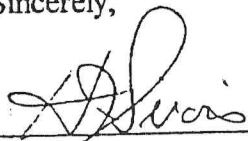
1. The proposed residential boating facility conforms to the applicable goals and policies of Parts Two and Three of the CRMP
2. The proposed residential boating facility will not result in significant adverse cumulative environmental impacts or use conflicts.
3. The proposed facility has been minimized for dockage of 4 small boats. Due to the frontage at the waterline, a variance to RI CRMP 300.4.E.3 (j) is required.
4. Extension into Bristol Harbor is intentionally minimized so as not to interfere with the use of the water by others. There are no federal channels in this area.

5. The requested variance to the CRMP is not due to any prior action of the applicant or the applicant's predecessors in title.
6. Due to conditions at the site, compliance with CRMP Sections 300.4.E.3 (j) will cause the applicant undue hardship since the boating facility, as proposed, could not be otherwise constructed. The owner requires a variance to Section 300.4.E.3 (j) in order to dock a quantity of four small boats.

It is specifically noted that this site has been reviewed and the proposed location of the dock results in minimal environmental impact and will not interfere with public use of the water. This project was discussed with the Town of Bristol Harbor Master and the Harbor Commission and was well received. The Town of Bristol will support this project when requested to comment by CRMC.

Please advise should further assistance be necessary.

Sincerely,



Foster Cove Engineering, Inc.
Herbert J. Sirois, P.E.

cc: Mr. Robert White/Bristol Elks Lodge #1860
Mr. Robert DeSista/COE

BristolElks-2003-11

Att:

Foster Cove Engineering, Inc.
75 Kingstown Road
Richmond, RI 02898
401-491-9065 tel
401-491-9066 fax
fce@fostercove.com

April 4, 2003

State of Rhode Island
Coastal Resources Management Council
Attn: T. Medeiros/T. Silvia
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879

Subject: CRMC Application for State Assent to Construct a Commercial Boating Facility
Extending from 1 Constitution Street, Bristol, RI into Bristol Harbor

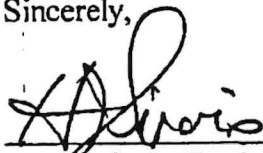
Gentlemen:

Please find the enclosed revised pages 2, 3, 4 and 6 of 12 to the Subject Application. These revisions reflect the results of a survey conducted by Mr. Stephen Murgu Sr., RI LS.

The distance along the waterfront is 76.6'+/- and is now shown on the revisions. The ramp is now consistently shown as 4' x 25' on applicable pages.

Please advise should further assistance be necessary.

Sincerely,



Foster Cove Engineering, Inc.
Herbert J. Sirois, P.E.

cc: Mr. Robert White/Bristol Elks Lodge #1860
Mr. Michael Elliott/COE

BristolElks-2003-16

Att:

U.S. Department of
Homeland Security

United States
Coast Guard



Aids to Navigation Team Bristol
United States Coast Guard

1 Thames street
Bristol, Rhode Island 02809
Staff Symbol:
Phone: (401) 253-9585
Fax: (401) 253-9047
Email:


11000
March 3, 2003

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
4804 Tower Hill Road
Wakefield, RI 02879

Gentlemen,

This is to advise that as the owner of property abutting or near the proposed dock construction project by the Bristol Elks Lodge, that we have no objection of the construction project at their facility located at 1 Constitution Street, Plat 10, Lot 63.

Sincerely,


BMC SEAN C. WALSH
Officer in Charge

Copy: File



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

June 26, 2003

Bristol County Lodge # 1860 - Benevolent Order of Elks
Attn: Mr. Robert White
1 Constitution Street
Bristol, RI 02809

RE: Water Quality Certificate - Commercial Boating Facility/Bristol Harbor
WQC File No. 03-028

Dear Mr. White,

The RIDEM-Office of Water Resources (OWR) has reviewed the above referenced project for 401 Water Quality Certification. The applicant proposes to construct a commercial boating facility extending 45' beyond the cited mean low water mark. The facility shall consist of a 3' x 25' aluminum ramp that leads to a set of floats that total 528 square feet.

We have reviewed the subject application and site plans entitled "New Dock Construction Constitution Street, Bristol, RI," sheets 1 through 12, dated March 1, 2003. The State water associated with this project is Bristol Harbor, Class SB1.

It is the opinion of the Water Quality Certification Program that said project is in compliance with the requirements of the State Water Quality regulations provided that the applicant complies with the above plans and the following conditions.

1. Material used for fill and construction is clean and free of matter that could cause pollution of the waters of the State. The use of creosote treated pilings may result in the introduction of pollutants to the waters of the State. Creosote treatment is prohibited on structures that have the potential to leach to State waters.
2. Proper erosion and sedimentation controls/procedures, as identified in the above referenced plans, are followed to prevent excessive turbidity during construction.
3. No sewage, refuse, or waste of any kind shall be discharged into waters of the State.
4. No more than four (4) boats are authorized to dock at this facility.
5. The applicant must obtain all other applicable local, state, and federal permits prior to commencing construction.
6. This Water Quality Certificate shall expire three (3) years from the date of issuance if project construction is not completed in that time.

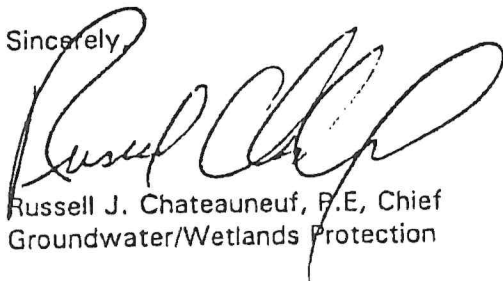
Mr. Robert White

June 26, 2003

Page 2

This is the State's Water Quality Certification. Violation of the terms and conditions of this Certification may result in violation of the State's Water Quality Regulations and appropriate enforcement action.

Sincerely,



Russell J. Chateaufneuf, P.E., Chief
Groundwater/Wetlands Protection

RJC/TJW

cc: ✓ Tracy Silvia, RI CRMC
Herbert J. Sirois

WQC 03-028/06-26-03

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

NOTICE

File Number: 2003-04-030 Date: April 11, 2003

This office has under consideration the application of:

Bristol County Lodge #1860
Order of Elks
PO Box 226
Bristol, RI 02809

for a State of Rhode Island Assent to construct and maintain: a commercial boating facility extending 45' +/- beyond the cited MLW mark. The facility shall consist of a 3' x 25' aluminum ramp that leads to a set of floats that total 528 SF.

Project Location: _____

Street & Number: 1 Constitution Street

Pole Number: _____ City/Town: Bristol

Plat Number: 10 Lot Number (s): 63

Waterway: Bristol Harbo

Plans of the proposed work may be seen at the CRMC office in Wakefield.

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

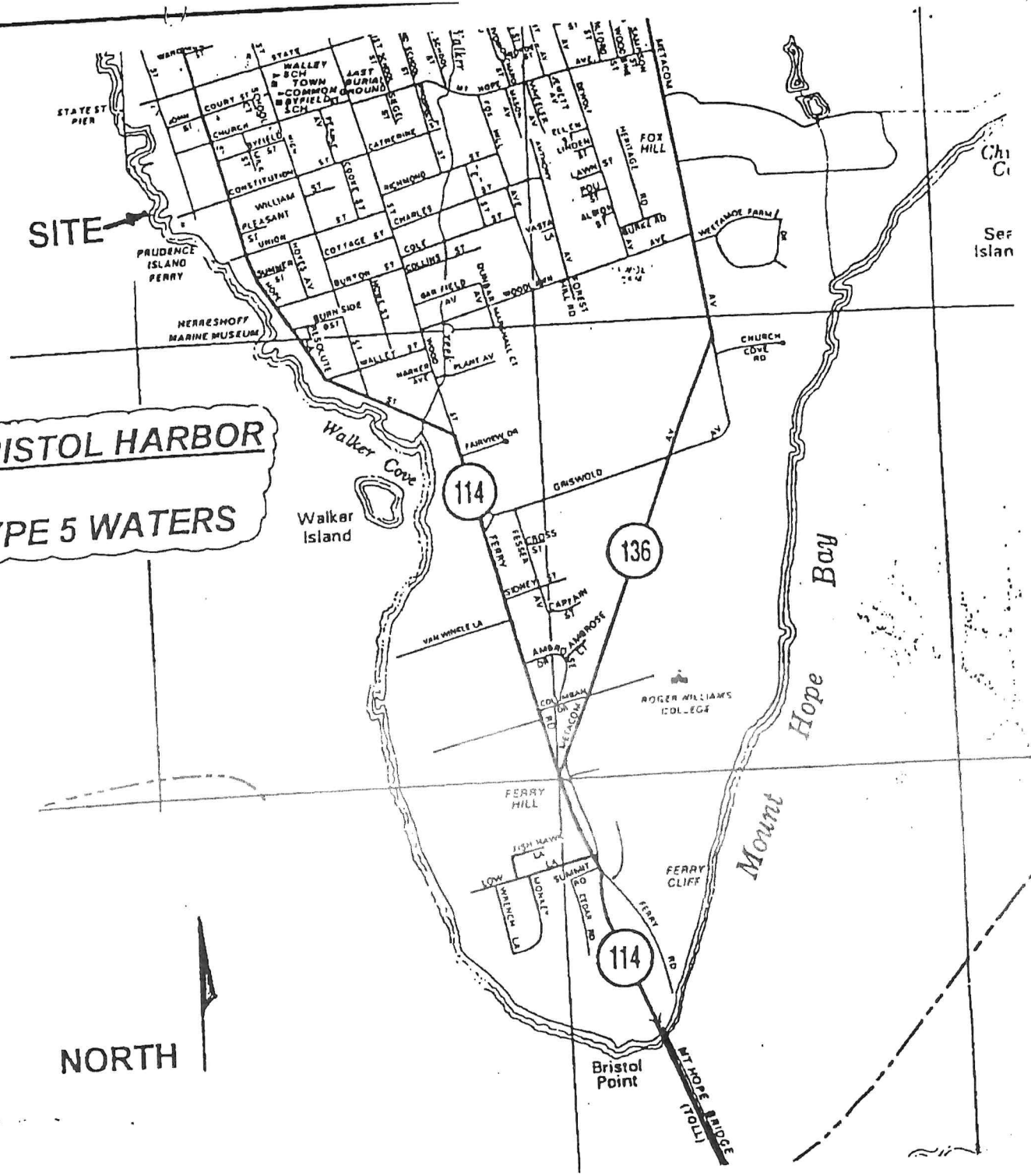
You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what 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 May 11, 2003.

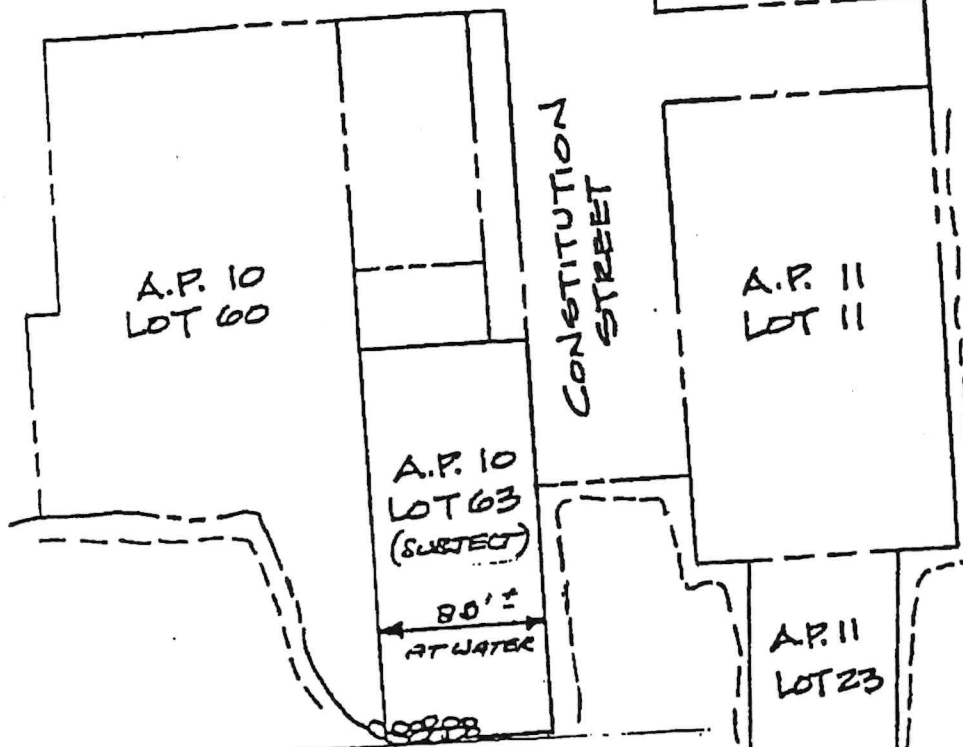
/pjc

BRISTOL HARBOR
TYPE 5 WATERS

NORTH

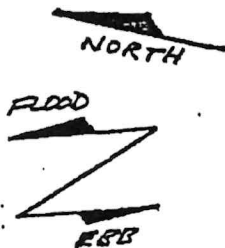


Project:	NEW DOCK CONSTRUCTION
Location:	Constitution Street Bristol, RI Bristol County
Waterway:	Bristol Harbor
Date:	March 1, 2003
Applicant:	Bristol County Lodge #1860
Engineer:	Herbert J. Sirois, RI P.E. 5303 18 Crystal Court Charlestown, RI 02813 401-364-3005(tel), 364-0148(fax)
Page / of 12	



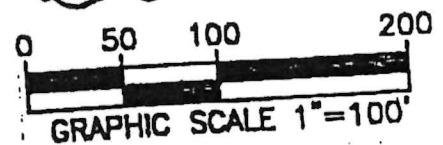
A.P. 10 RUSS-RWS REALTY Co.
LOT 60 125 THAMES ST.
BRISTOL, RI 02809

A.P. 11 U.S. COAST GUARD FINANCE CENTER
LOT 23 P.O. BOX 4109
CHESAPEAKE, VA 23327

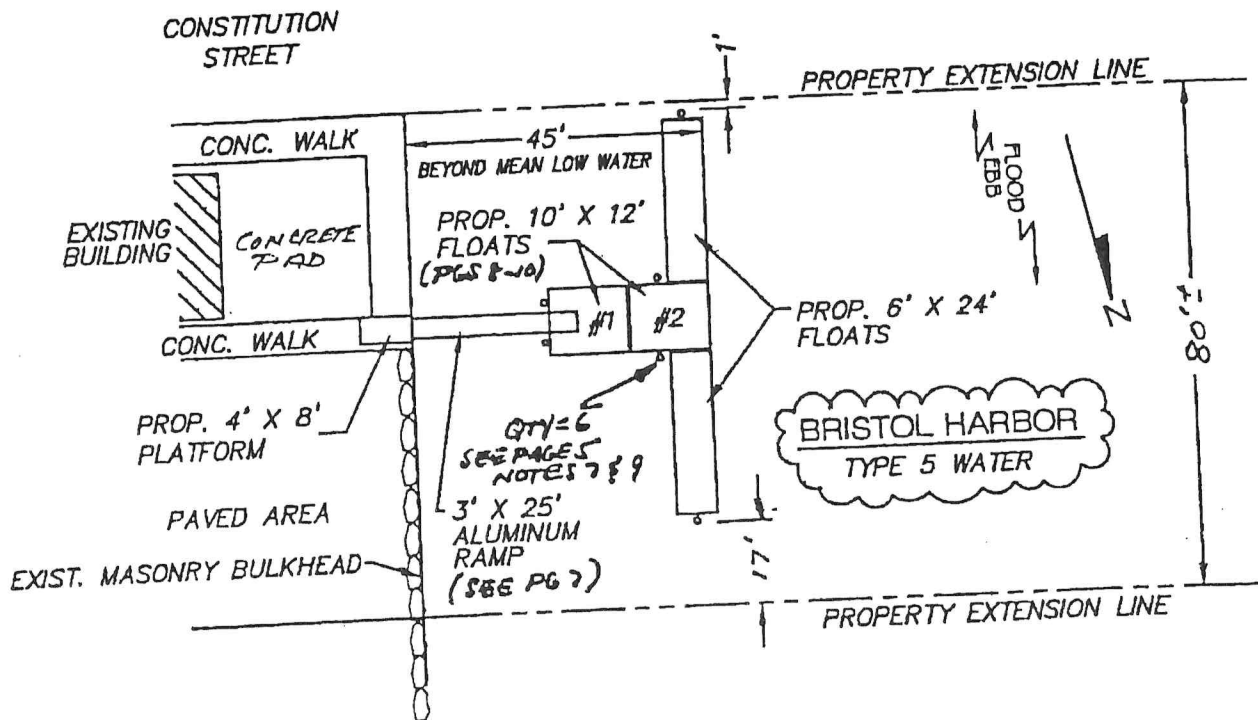


ABUTTER MAP

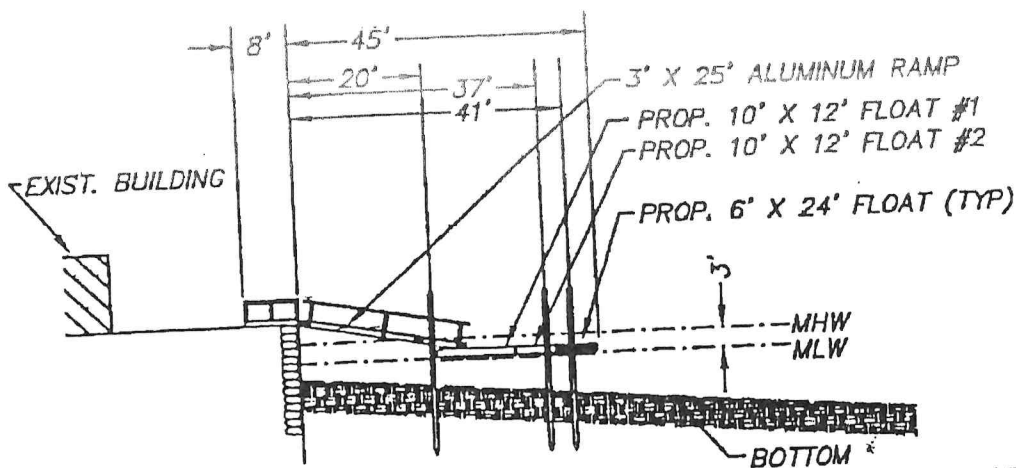
BRISTOL HARBOR
TYPE 5 WATER



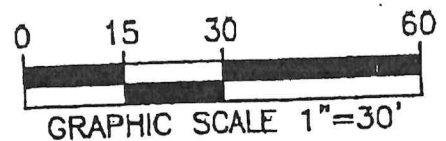
Project:	NEW DOCK CONSTRUCTION
Location:	Constitution Street Bristol, RI Bristol County Bristol Harbor
Waterway:	March 1, 2003
Date:	Bristol County Lodge #1860
Applicant:	Herbert J. Sirois, RI P.E. 5303
Engineer:	18 Crystal Court Charlestown, RI 02813 401-364-3005(tele), 364-0148(fax)



PLAN VIEW



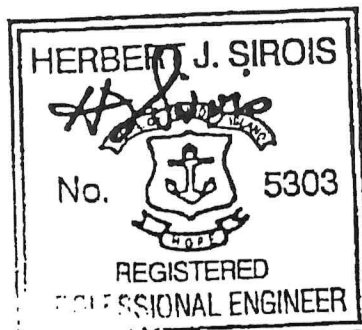
ELEVATION VIEW



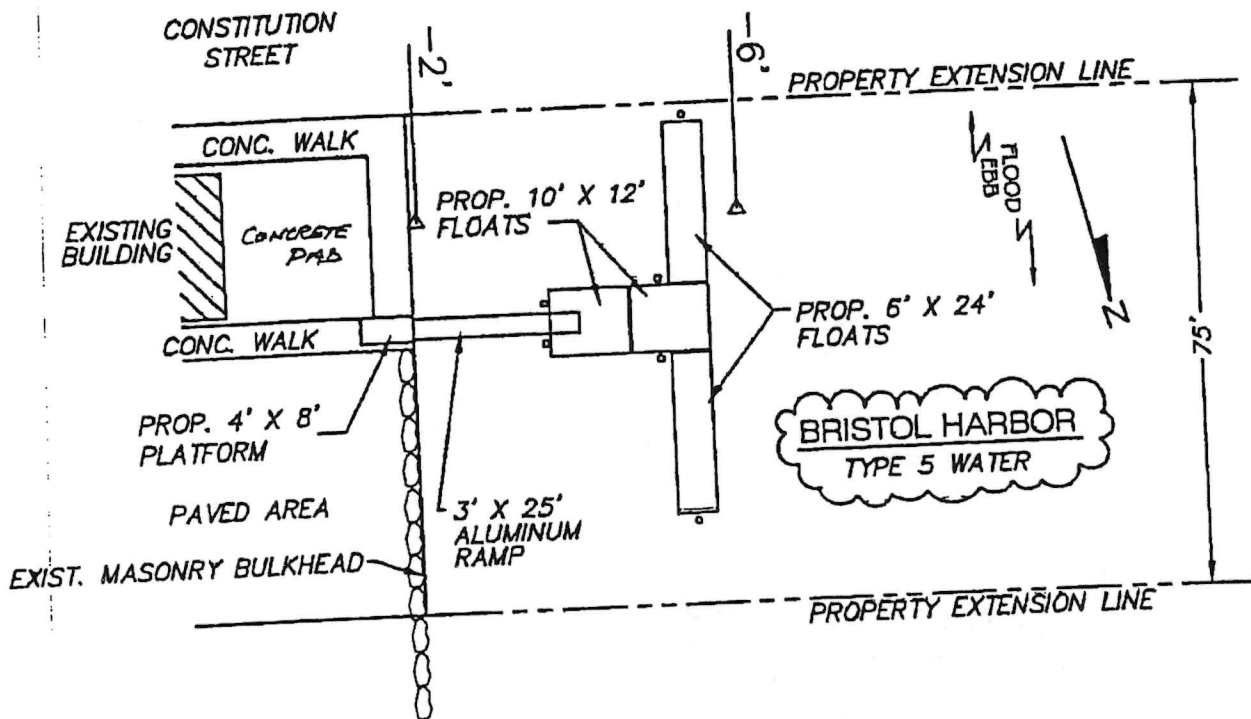
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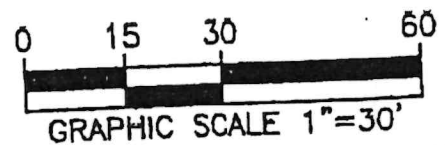
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Project: NEW DOCK CONSTRUCTION
Location: Constitution Street
Bristol, Rhode Island
Bristol County
Waterway: Bristol Harbor
Date: March 1, 2003
Applicant: Bristol County Elks Lodge #1860
Engineer: Herbert J. Sirois, RI P.E. 5303
75 Kingstown Road,
Richmond, R.I. 02898
401-491-9065 (Tel) 491-9066 (Fax)
Page 3 of 12



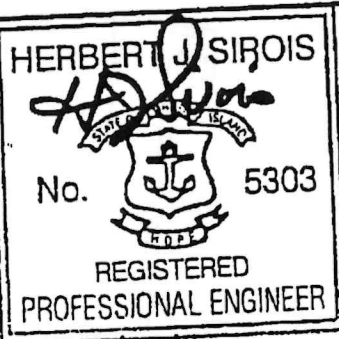
SOUNDINGS
 Δ = SOUNDING LOCATION



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Project: NEW DOCK CONSTRUCTION
 Location: Constitution Street
 Bristol, Rhode Island
 Bristol County
 Waterway: Bristol Harbor
 Date: March 1, 2003
 Applicant: Bristol County Elks Lodge #1860
 Engineer: Herbert J. Sirois, RI P.E. 530
 75 Kingstown Road,
 Richmond, R.I. 02898
 401-491-9065 (Tel) 491-9066 (F)
 Page 4 of 12

CONSTRUCTION PLAN: COMMERCIAL BOATING FACILITY

1. Elevations shown are based upon mean low water datum (MLW).
2. Tide lines are as observed.
3. All access to the site shall be from the owner's property or from Bristol Harbor in Bristol, RI.
4. Construct the fixed wood pier and ramp/float in accordance with the enclosed engineered plans. Piling seaward of the MHW line shall be set at high tide using a floating rig (shallow draft) pile driver. Land based posts/pilings will be machine or hand dug and backfilled with gravel.
5. Facility shall extend 45' beyond the observed MLW line into Bristol Harbor and consist of a 4' x 25' aluminum ramp landing on a 10' x 12' float, an additional 10' x 12' float and qty = 2 6' x 24' finger floats all restrained by qty = 6 float restraint pilings.
6. Design live load for floats is 20 PSF.
7. All water-based pilings shall be set to a depth of 15' minimum penetration or until refusal. The engineer shall review any piling penetration less than 15' before continuing.
8. Electric power and water shall be provided to the facility from the residence.
9. Pilings shall be Class "B" No. 2 S. Yellow Pine treated with 1.0 or 1.5 PCF CCA (depending on availability), pressure treated, 10" tip diameter. Decking and framing including stringers, cross-bracing and pile caps shall be similar material, grade No. 1 for decking and grade No. 1 or 2 for timbers, treated with .6 PCF CCA. All hardware shall be hot dipped galvanized or stainless steel for corrosion resistance.
10. No alteration to flora and fauna or other shoreline features shall be necessary except to facilitate (4).
11. The dock shall only be used for dockage of recreational boats.

GENERAL NOTE (S):

1. Hours of Construction: 7AM to 6PM
2. Estimated Time to Complete: 7 working days
3. Contact Person regarding this application:
4. Contact Person regarding project monitoring:

H. Sirois, P.E. 401-491-9065 (tel)
To be determined later

RECEIVED

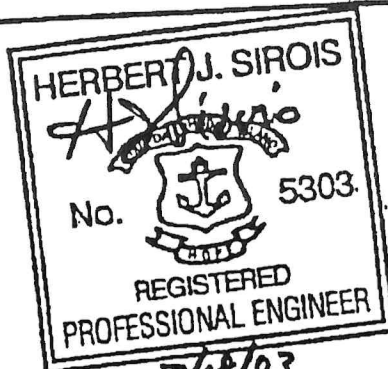
APR 16 2003

CONSERVATION RESOURCES
MANAGEMENT COUNCIL

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Project:
Location:

Waterway:
Date:
Applicant:
Engineer:

NEW DOCK CONSTRUCTION
Constitution Street
Bristol, RI
Bristol County
Bristol Harbor
March 1, 2003
Bristol County Lodge #1860
Herbert J. Sirois, RI P.E. 5303
18 Crystal Court
Charlestown, RI 02813
401-364-3005(tel), 364-0148(fax)
Page 5 of 12

Bristol County Lodge #1860
CRMC File No. 2003-04-030
Mailing List/CRMC Semimonthly Meeting 10-14-2003

Applicant: Bristol County Lodge #1860
Order of Elks
PO Box 226
Bristol, RI 02809

Abutters: Russ-Russ Realty Co.
125 Thames Street
Bristol, RI 02809

U.S. Coast Guard Finance Center
PO Box 4109
Chesapeake, VA 23327

General List—Bristol

Dennis H. Esposito
Adler Pollock & Sheehan, PC
2300 Financial Plaza
Providence, RI 02903

Bristol County Lodge #1860
CRMC File No. 2003-04-030
30 Public Notice Mailing List
April 11, 2003
Page One

Applicant: Bristol County Lodge #1860
Order of Elks
PO Box 226
Bristol, RI 02809

Abutters: Russ-Russ Realty Co.
125 Thames Street
Bristol, RI 02809

U.S. Coast Guard Finance Center
PO Box 4109
Chesapeake, VA 23327

General List-- Bristol

Bristol Order of E/K

File 2003-04-030

Please Send Notice to

1) Applicant: Bristol County Lodge #1860
Order of E/K
P.O. Box 226
Bristol, RI 02809

2) Attorney a) Russ-Russ Realty Co.
125 Thames St.
Bristol, RI 02809

b) U.S. Coast Guard Finance Center
P.O. Box 4109
Chesapeake, VA 23327

3) General List - Bristol

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
4808 TOWER HILL ROAD; Suite 3,
WAKEFIELD, RI 02879 (401) 783-3370

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

Location No. / Street <u>CONSTITUTION ST</u> City/Town <u>BRISTOL</u>		2003-04-030
Owner's Name <u>ORDER OF ELKS</u>	Plat No. <u>10</u>	Lot No. <u>63</u>
Mailing Address <u>P.O. BOX 226</u>	City/Town <u>BRISTOL</u> State <u>RI</u> Zip Code <u>02809</u>	Res. Tel. # <u>401-683-1890</u>
Contractor RI Lic. # <u>LATER</u>	Address <u>FOSTER LOVE ENGR. INC. 75 KINGSTOWN ROAD</u>	Bus. Tel. # <u></u>
Designer <u>H.T. SIREN</u>	Address <u>RICHMOND, RI 02888</u>	Tel. No. <u>401-491-9065</u>
Name of Waterway <u>BRISTOL HARBOR</u>	Est. Project Cost \$ <u>12000.</u>	Fee/Costs \$ <u>500.00</u>

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) _____

IS THIS APPLICATION BEING SUBMITTED IN RESPONSE TO A COASTAL VIOLATION?
YES _____ NO X

IF YES, YOU MUST INDICATE NOV OR C&D NUMBER _____

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

A.P. 10 RUSS-ROSS REALTY CO. A.P. 11 U.S. COAST GUARD FINANCE CENTER
LOT 60 125 THAMES ST. LOT 23 P.O. BOX 4109
BRISTOL, RI 02809 CHESAPEAKE, VA 23327

Describe accurately the work proposed. (Use additional sheets of paper if necessary and attach this form.)
CONSTRUCT A COMMERCIAL BOATING FACILITY EXTENDING 45' ± BEYOND THE OBSERVED
LINE AND INTO BRISTOL HARBOR. FACILITY SHALL CONSIST OF A 1/2" X 25' ALUM
MIN. RAMP DIV. 22 10' X 12' GRAFT DIV. 2 12' X 24' RAMP AL. RAMP

BRISTOL COUNTY LODGE
OF ELKS NO. 1860
1 CONSTITUTION STREET
P.O. BOX 226
BRISTOL, RI 02809



Bank of Newport

57-7454/21.15

4/4/2003

\$ 500.00

AY TO THE
ORDER OF Coastal Resources Management Council

Five Hundred and 00/100

DOLLARS

CHECK NOT CASHED WITHIN 60 DAYS IS VOID

Coastal Resources Management Council

Robert Holcar

MEMO: NEW DOCK APPLICATION
1 CONSTITUTION ST. BRISTOL

0002276 1:2115746421: 0120 01749



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center

Tower Hill Road

Wakefield, R.I. 02879

ENTRY OF APPEARANCE

Before the Rhode Island Coastal Resources Management Council

IN THE MATTER OF:

FILE NO.

Bristol County Lodge Order of Elks

2003-04-030

(Name of Applicant)

I, Kristen W. Sherman hereby enter my appearance as
attorney of record on behalf of Russ-Russ Realty Co., File No. 03-04-030

Withdrawal of appearance may only be granted by leave of the Chairman or
Executive Director.


(Signature)

Adler Pollock & Sheehan P.C.

(Business address)

2300 Financial Plaza

Providence, RI 02903

DATE: May 6, 2003

(401) 274-7200 (351-4607 fax)

(Phone number)

/brc

FAX FORM FAX FORM

DATE: October 24, 2003
TO: Tom Madeiros/Tracy Silvia
FAX NO.: 783-3767
FROM: HERB SIROIS

**FOSTER COVE
ENGINEERING, INC.**

WATERFRONT ENGINEERING

401-491-9065 tel
401-491-9066 fax
fco@fostercove.com
www.rldocks.com

Number of Pages Including This Cover Page: 3

Tom & Tracy,

With reference to CRMC File #2003-04-030, the Bristol Elks, Joe DeAngelis (their attorney) suggested sending the attached revisions to the subject application for CRMC consideration. Joe has discussed the application with Brian Goldman. The owner representative (Bob White) will attempt to obtain signed letters of no objection from the abutting property owners prior to the scheduled CRMC Hearing on October 28.

Thanks,

Herb Sirois
Foster Cove Engineering, Inc.

Fin
10/24/03

Staff says
Re notice required
per past precedence - TS/TM
told eng. / OK'd by JW
but need BGoldman decision.

Per DR, not meet S day prior either,
precedence set @ Sept. CC mtg?

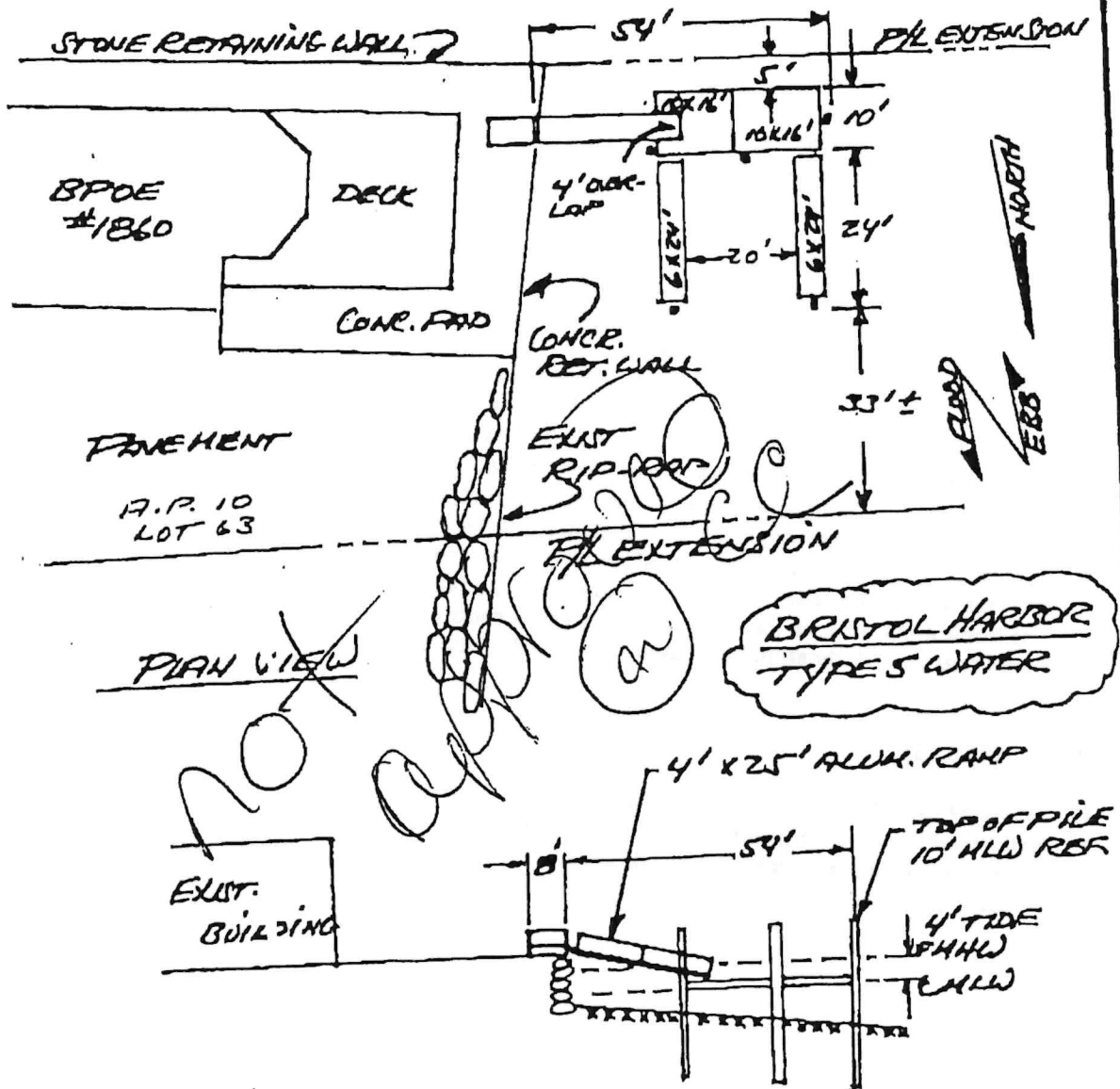
Mon.
10/27/03
TS/TM

Per DR, Per JW (10/27) :- notice not required (why not?)
- what about S day rule?
(no answer)

Tues.
10/28/03

Town called - why not re-notice, hear @ 11/3
town mtg of harbor commission. Heard closed to
Town, no new plans seen, not happy to sign off,
without Commission (Don Franco) - TS

CONSTITUTION STREET



ELEVATION VIEW



REF: SURVEY BY STEPHEN MURGO SR 6/03

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Project:
Location:

Waterway:
Date:
Applicant:
Engineer:

NEW DOCK CONSTRUCTION
Constitution Street
Bristol, RI
Bristol County
Bristol Harbor
October 23, 2003
Bristol County Lodge #1860
Herbert J. Sloas, RI P.E. 5303
75 Kingstown Road
Richmond, RI 02898
401-491-9065(tel), 491-9066(fax)

Page of

CONSTRUCTION PLAN: COMMERCIAL BOATING FACILITY

1. Elevations shown are based upon mean low water datum (MLW).
2. Tide lines are as observed.
3. All access to the site shall be from the owner's property or from Bristol Harbor in Bristol, RI.
4. Construct the fixed wood pier and ramp/float in accordance with the enclosed engineered plans. Piling seaward of the MHW line shall be set at high tide using a floating rig (shallow draft) pile driver. Land based posts/pilings will be machine or hand dug and backfilled with gravel.
5. Facility shall extend 64' beyond the observed MLW line into Bristol Harbor and consist of a 4' x 25' aluminum ramp landing on a 10' x 16' float, an additional 10' x 16' float and (qty = 2) 6' x 24' finger floats all restrained by qty = 6 float restraint pilings.
6. Design live load for floats is 10 PSF.
7. All water-based pilings shall be set to a depth of 15' minimum penetration or until refusal. The engineer shall review any piling penetration less than 15' before continuing.
8. Electric power and water shall be provided to the facility from the residence.
9. Pilings shall be Class "A" Greenheart material with 10" tip diameter and minimum 14" butt. Decking and framing including stringers, cross-bracing and pile caps shall be similar material, grade No. 1 for decking and grade No. 1 or 2 for timbers, treated with .6 PCF CCA. All hardware shall be hot dipped galvanized or stainless steel for corrosion resistance.
10. No alteration to flora and fauna or other shoreline features shall be necessary except to facilitate (4).
11. The dock shall only be used for dockage of recreational boats.
12. Water and electricity shall be provided to the facility from the owners property.

GENERAL NOTE (3):

1. Hours of Construction: 7AM to 6PM
2. Estimated Time to Complete: 7 working days
3. Contact Person regarding this application:
4. Contact Person regarding project monitoring:

H. Sirols, P.E. 401-481-9085 (tel)
To be determined later

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Project:	NEW DOCK CONSTRUCTION
Location:	Constitution Street Bristol, RI Bristol County Bristol Harbor
Waterway:	
Date:	October 23, 2003
Applicant:	Bristol County Lodge #1860
Engineer:	Herbert J. Sirols, RI P.E. 5303 75 Kingstown Road Richmond, RI 02898 401-481-9085(tel), 491-9086(fax)
Page	of

TILLINGHAST LIGHT PERKINS SMITH & COHEN, LLP

Joseph DeAngelis
(401) 456-1257
E-mail: jdcangelis@tllslaw.com

Attorneys At Law
TEN WEYBOSSET STREET
PROVIDENCE, RI 02903-2818
401 456 1200 FAX 401.456.1210
www.tllslaw.com

October 14, 2003

Hand-Delivery

Michael Tikoian
Chairman
Coastal Resources Management Council
c/o Piccerelli Gilstein & Co., LLP
144 Westminster Street
Providence, RI 02903

Re: Bristol County Lodge #1860
CRMC File No.: 2003-04-030

Dear Mr. Chairman:

I represent the Bristol Elks with respect to their pending application for a dock. We are in receipt of a request from the abutting property owner seeking a continuance for the hearing scheduled for tonight for purposes of scheduling a meeting to determine if a compromise can be achieved.

On behalf of my clients, we have no objection to this matter being continued to the next meeting of CRMC which I understand to be Wednesday, November 12, 2003.

Very truly yours,


Joseph DeAngelis

JDA/ljn

cc (via facsimile): G. Fugate
B. Goldman, Esq.
K. Sherman, Esq.

@PFDesktop:ODMA/MHODMA/192.168.200.15;image;378683:1

FAX FORM FAX FORM

**FOSTER COVE
ENGINEERING, INC.**

WATERFRONT ENGINEERING

DATE: June 2, 2003

TO: Tracy Silvia/CRMC

FAX NO.: 783-3767

FROM: HERB SIROIS

401-491-9065 tel
401-491-9066 fax
fca@fostercove.com
www.ridocks.com

Number of Pages Including This Cover Page: 1

Tracy,

CRMC File 2003-04-030

This is in reference to the Bristol Elks application for a dock (CRMC File 2003-04-030) and specifically to the May 6, 2003 letter from Kristen W. Sherman of Adler Pollock & Sheehan representing Russ-Russ Realty Co. ("Robin Rug").

The Bristol Elks desire to construct a boating facility extending from their property (A.P. 10, Lot 63) and into Bristol Harbor (Type 5 Water classification). The facility has been designed as a commercial facility which is allowed by CRMC regulations for Type 5 Water. The facility will serve the Bristol Elks membership by providing dockage for up to four small boats and access to the water. The facility has been designed to intentionally minimize the impact on the environmental and water use by others including Russ-Russ Realty Co. Regarding the setback of the facility with the north side property line extension, although there is no standard for this feature in the CRMC Program for commercial facilities, the owner has located the proposed facility as far as possible to the south (within 1' of the south property line extension) so as to reduce the impact on the north side property. The owner will survey his property to confirm dimensions of the property and property line extensions. Pages 3 and 4 of the application do show inconsistent waterfront dimensions and facility setbacks. This will be corrected for consistency upon completion of the survey.

Regarding inventory of SAV's and specifically eelgrass, it is noted that we did not observe the presence of eelgrass during our site review. CRMC staff did not request a detailed survey of SAV's as part of this application.

The last item of concern is parking. This facility is for the beneficial use of the Bristol Elks membership and no additional parking is required.

I will provide revisions to pages 3 and/or 4 of the application after completion of the property survey by a RI Land Surveyor, however, this should not result in encroachment on the north side property line greater than that shown on page 4 which shows 75' frontage on the west side waterfront and 12' setback to the property line extension.

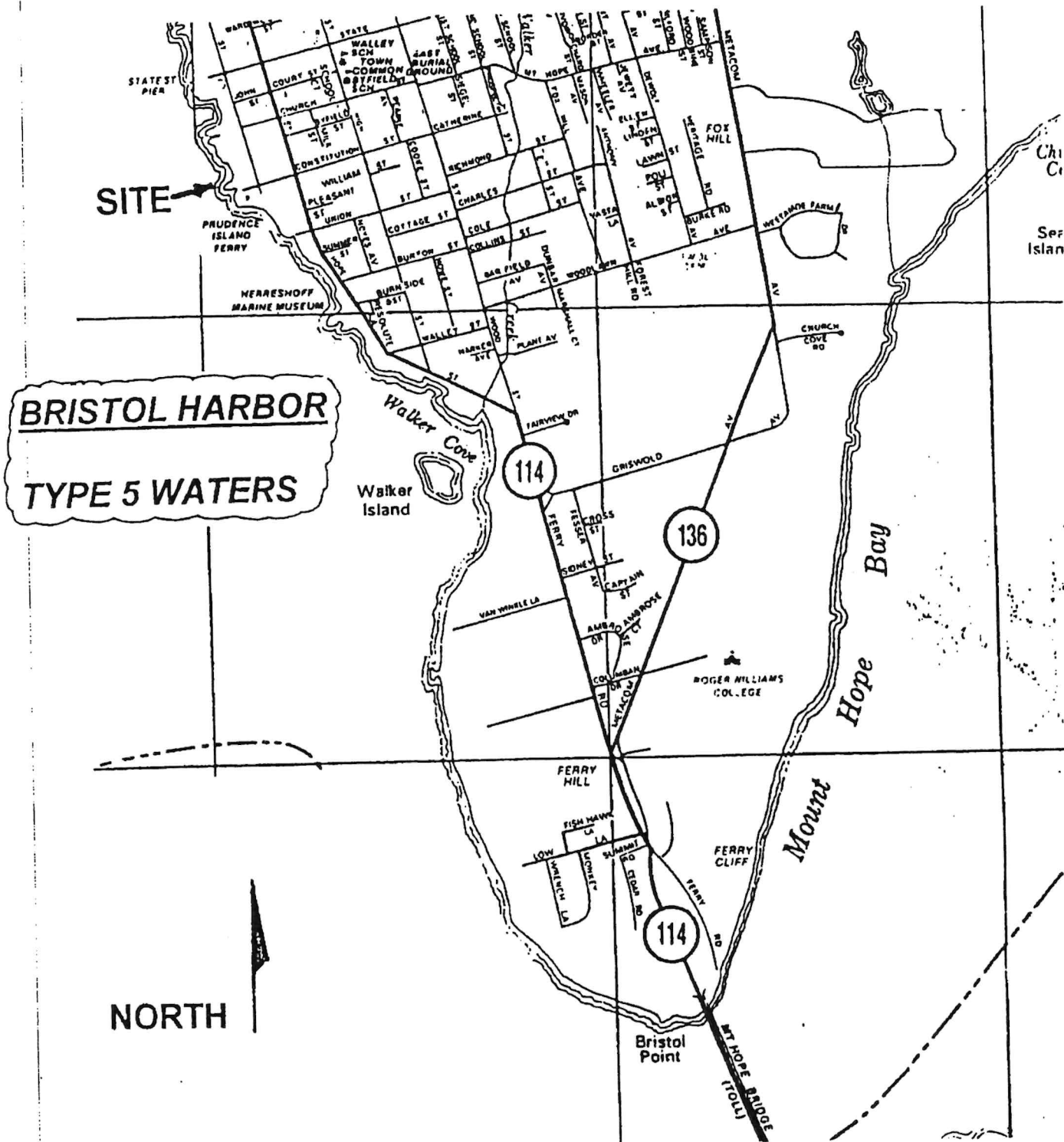
Please advise if further assistance is required.

Sincerely,



Herbert J. Sirois, P.E.
Foster Cove Engineering, Inc.

cc: Robert White/Bristol Elks



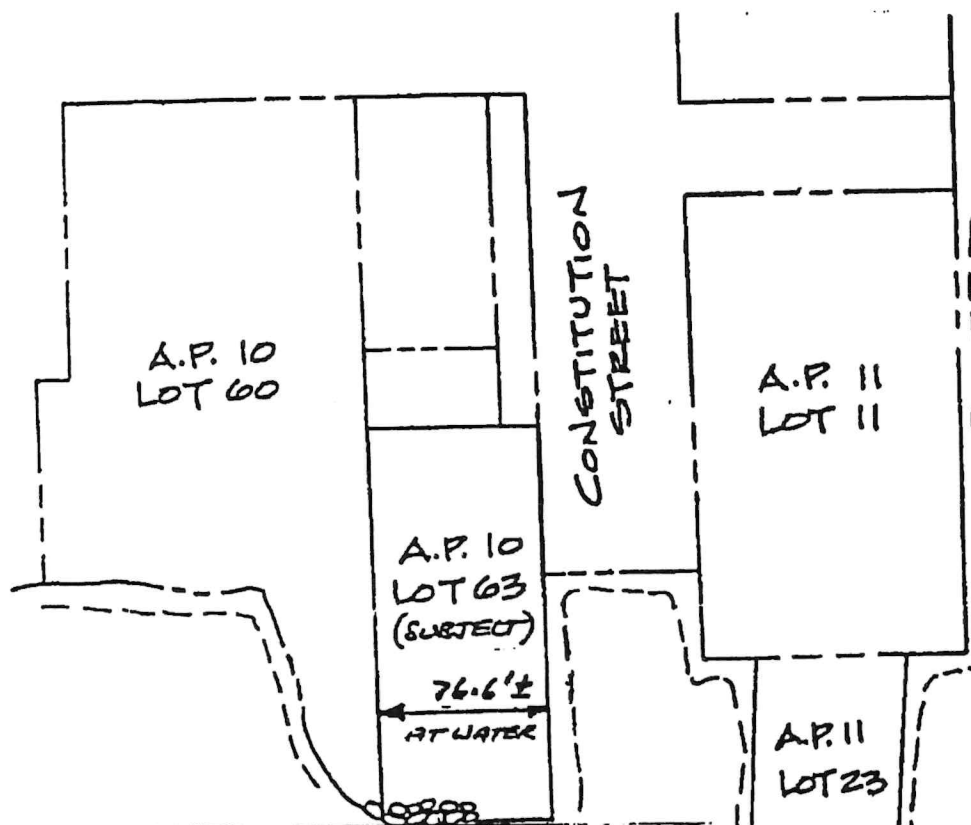
COASTAL RESOURCES MANAGEMENT COUNCIL
 APPROVED PLANS
 DATE 11/19/03
 STAFF MEMBER JS/TM
 SUBJECT TO STIPULATIONS CONTAINED IN
 ASSENT NUMBER 2003-04-30
total 12 sheets

Project: NEW DOCK CONSTRUCTION
 Location: Constitution Street
 Bristol, RI
 Bristol County
 Bristol Harbor
 Waterway: March 1, 2003
 Date: Bristol County Lodge #1860
 Applicant: Herbert J. Sirois, RI P.E. 5303
 Engineer: 18 Crystal Court
 Charlestown, RI 02813
 401-364-3005(tel), 364-0148(fax)
 Page 1 of 12

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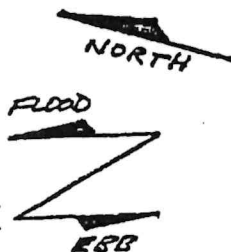
APR 04 2003

**COASTAL RESOURCES
MANAGEMENT COUNCIL**

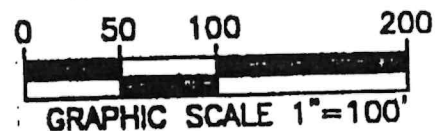


A.P. 10 RUSS-RUS REALTY Co.
 LOT 60 125 THAMES ST
 BRISTOL, RI 02809

A.P. 11 U.S. COAST GUARD FINANCE CENTER
 LOT 23 P.O. BOX 4109
 CHESAPEAKE, VA 23327

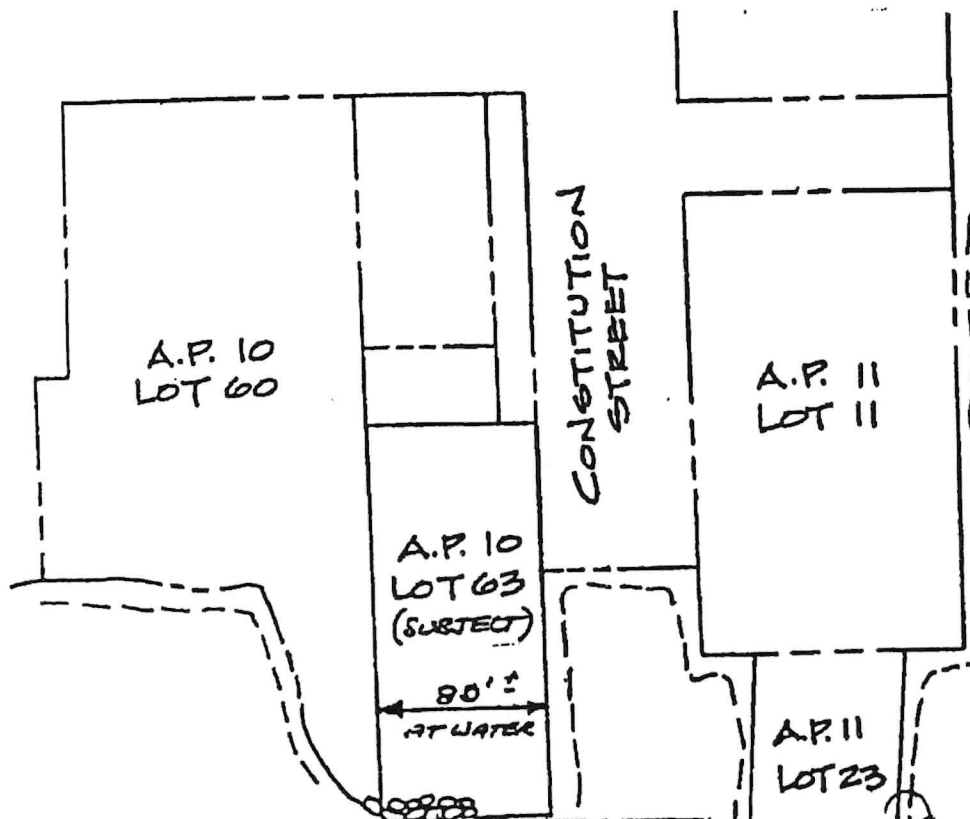


ABUTTER MAP



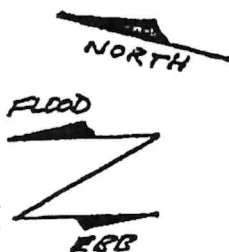
Project:	NEW DOCK CONSTRUCTION
Location:	Constitution Street Bristol, RI Bristol County Bristol Harbor
Waterway:	Bristol Harbor
Date:	March 1, 2003 REV 7/9/03
Applicant:	Bristol County Lodge #1860
Engineer:	Herbert J. Sirois, RI P.E. 5303 18 Crystal Court Charlestown, RI 02813 401-364-3005(tel), 364-0148(fax)
	Page 2 of 12





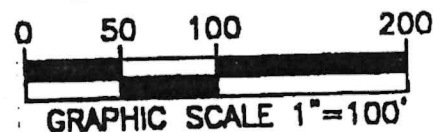
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 LOT 60 125 THAMES ST.
 BRISTOL, RI 02809

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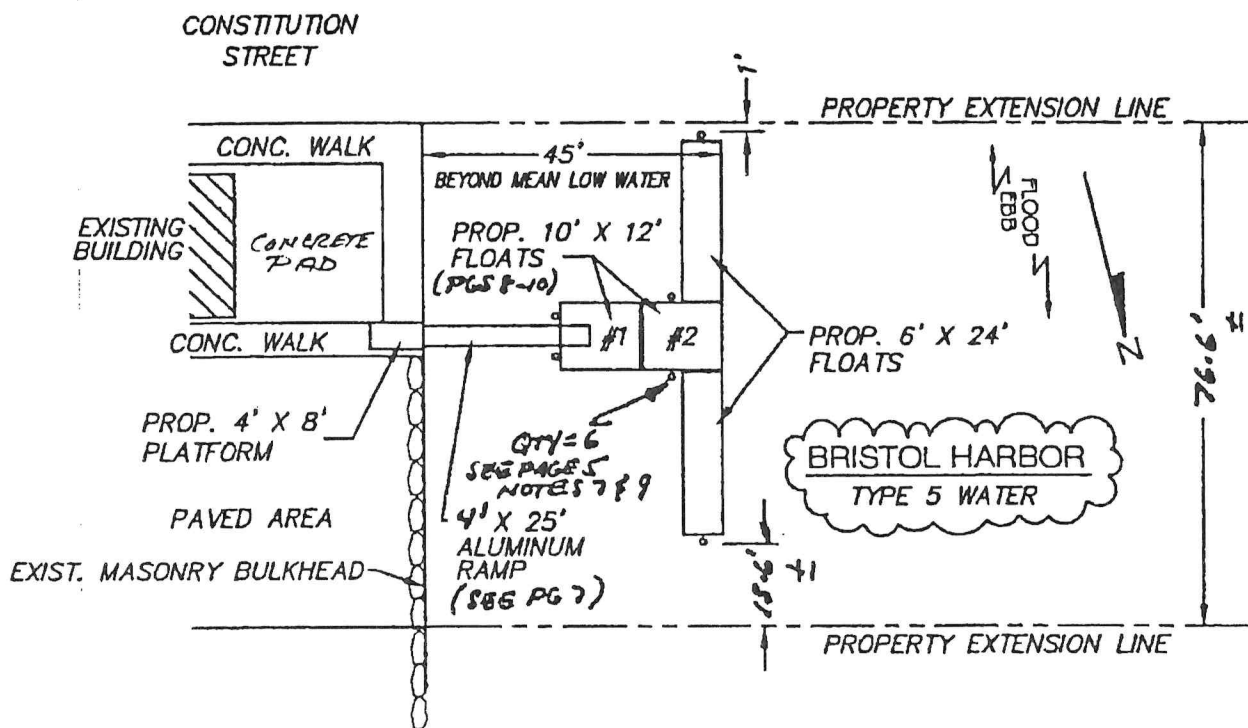


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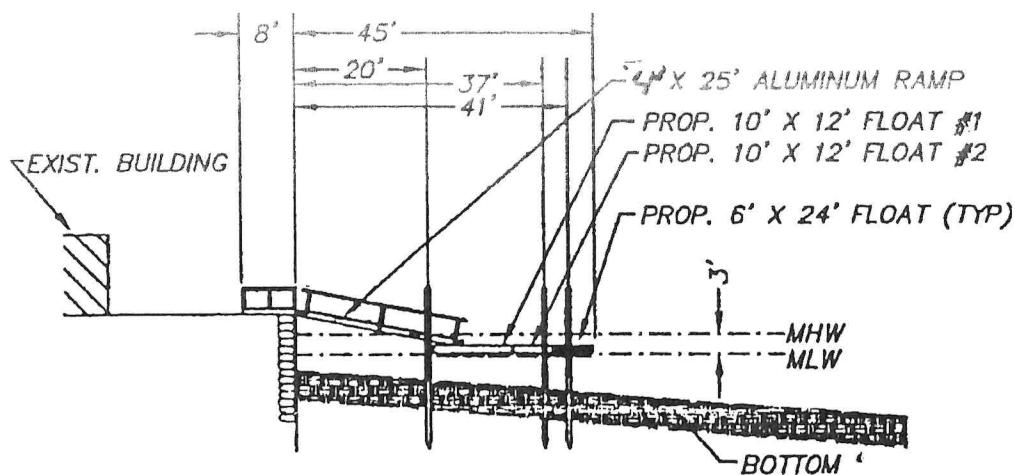
BRISTOL HARBOR
 TYPE 5 WATER



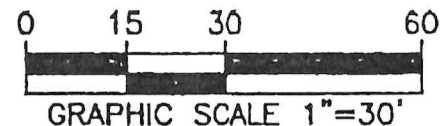
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Page 2 of 12	



PLAN VIEW



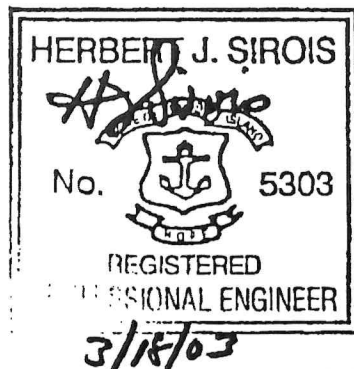
ELEVATION VIEW



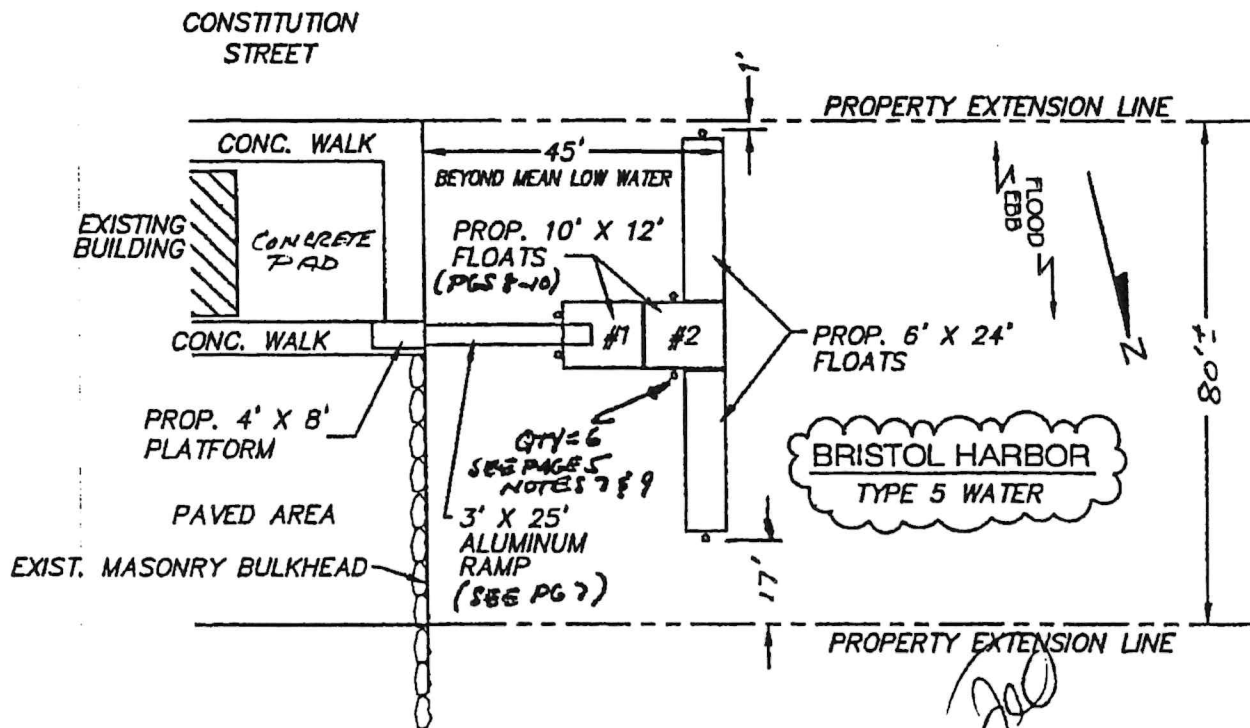
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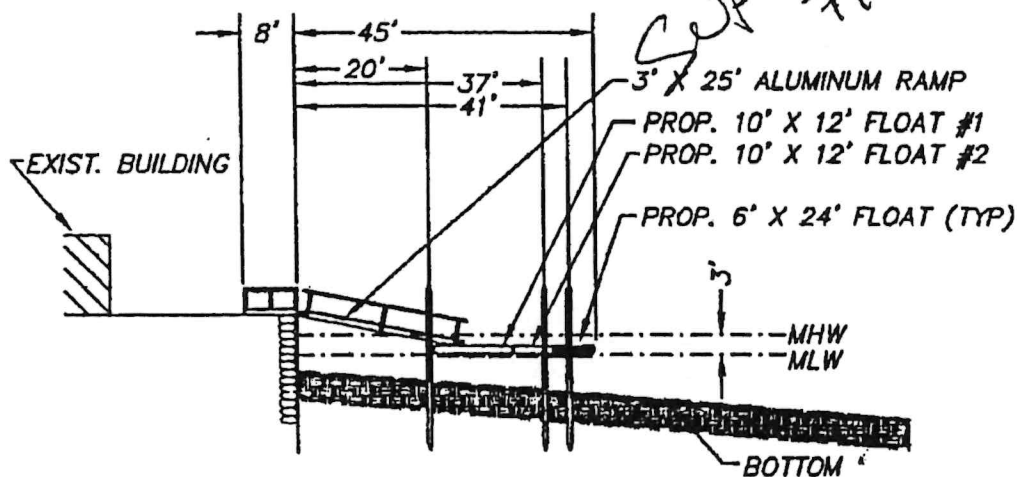
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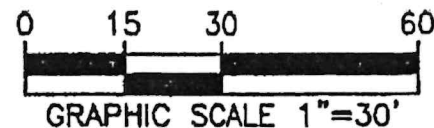
Project: NEW DOCK CONSTRUCTION
Location: Constitution Street
Bristol, Rhode Island
Bristol County
Waterway: Bristol Harbor
Date: ~~March 1, 2003~~ REV. 1 7/9/03
Applicant: Bristol County Elks Lodge #1860
Engineer: Herbert J. Sirois, RI P.E. 5303
75 Kingstown Road,
Richmond, R.I. 02898
401-491-9065 (Tel) 491-9066 (Fax)



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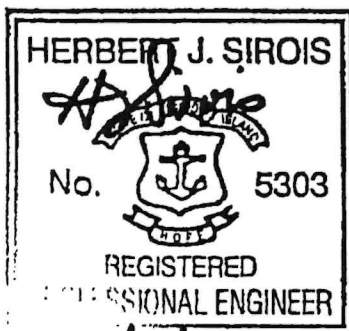
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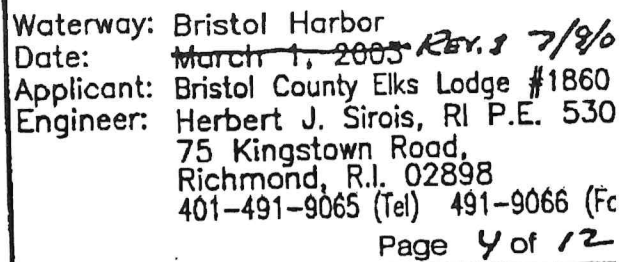
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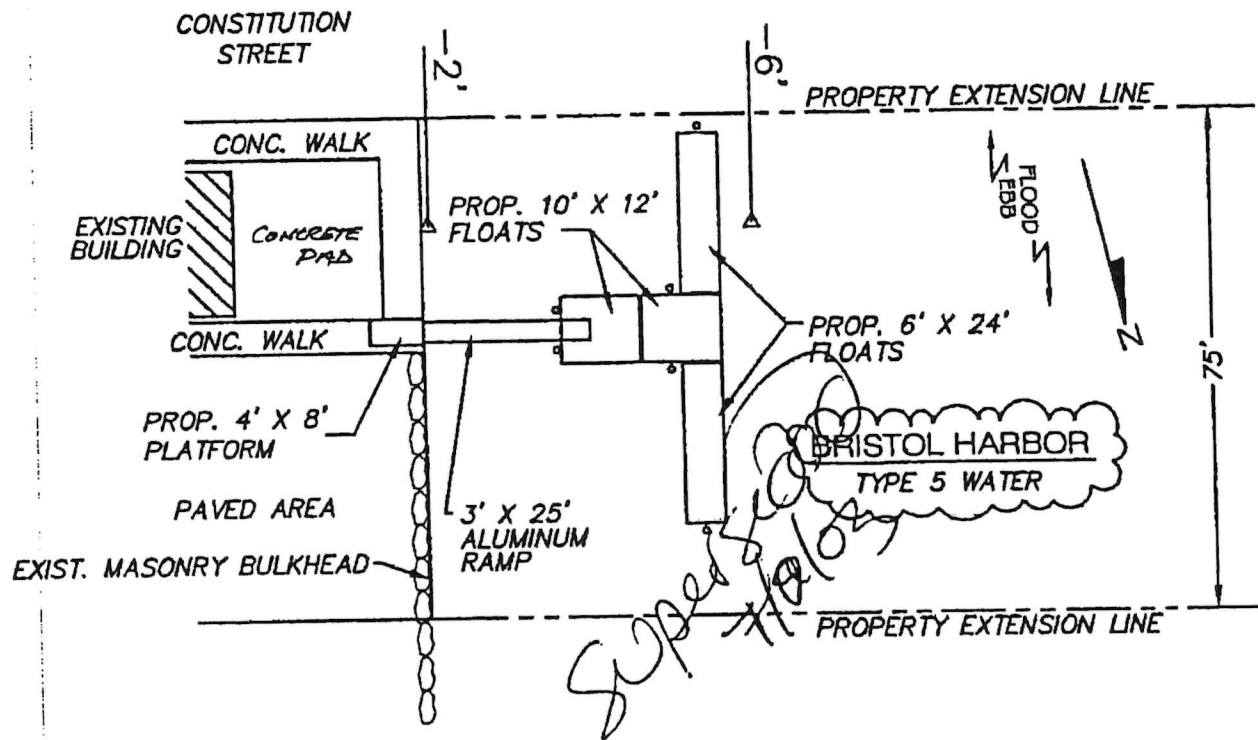
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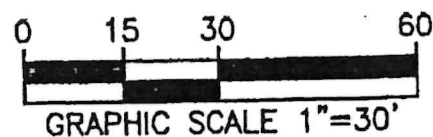
Project: NEW DOCK CONSTRUCTION
Location: Constitution Street
Bristol, Rhode Island
Bristol County
Waterway: Bristol Harbor
Date: March 1, 2003
Applicant: Bristol County Elks Lodge #1860
Engineer: Herbert J. Sirois, RI P.E. 5303
75 Kingstown Road,
Richmond, R.I. 02898
401-491-9065 (Tel) 491-9066 (Fax)





SOUNDINGS

△ = SOUNDING LOCATION



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HERBERT J. SIROIS

No. 5303

REGISTERED
PROFESSIONAL ENGINEER

3/16/03

Project: NEW DOCK CONSTRUCTION
Location: Constitution Street
Bristol, Rhode Island
Bristol County

Waterway: Bristol Harbor
Date: March 1, 2003
Applicant: Bristol County Elks Lodge #1860
Engineer: Herbert J. Sirois, RI P.E. 530
75 Kingstown Road,
Richmond, R.I. 02898
401-491-9065 (Tel) 491-9066 (Fa)

Page 4 of 12

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APR 04 2003

**COASTAL RESOURCES
MANAGEMENT COUNCIL**

CONSTRUCTION PLAN: COMMERCIAL BOATING FACILITY

1. Elevations shown are based upon mean low water datum (MLW).
2. Tide lines are as observed.
3. All access to the site shall be from the owner's property or from Bristol Harbor in Bristol, RI.
4. Construct the fixed wood pier and ramp/float in accordance with the enclosed engineered plans. Pilings seaward of the MHW line shall be set at high tide using a floating rig (shallow draft) pile driver. Land based posts/pilings will be machine or hand dug and backfilled with gravel.
5. Facility shall extend 45' beyond the observed MLW line into Bristol Harbor and consist of a 4' x 25' aluminum ramp landing on a 10' x 12' float, an additional 10' x 12' float and qty = 2 6' x 24' finger floats all restrained by qty = 6 float restraint pilings.
6. Design live load for floats is 20 PSF.
7. All water-based pilings shall be set to a depth of 15' minimum penetration or until refusal. The engineer shall review any piling penetration less than 15' before continuing.
8. Electric power and water shall be provided to the facility from the residence.
9. Pilings shall be Class "B" No. 2 S. Yellow Pine treated with 1.0 or 1.5 PCF CCA (depending on availability), pressure treated, 10" tip diameter. Decking and framing including stringers, cross-bracing and pile caps shall be similar material, grade No. 1 for decking and grade No. 1 or 2 for timbers, treated with .6 PCF CCA. All hardware shall be hot dipped galvanized or stainless steel for corrosion resistance.
10. No alteration to flora and fauna or other shoreline features shall be necessary except to facilitate (4).
11. The dock shall only be used for dockage of recreational boats.

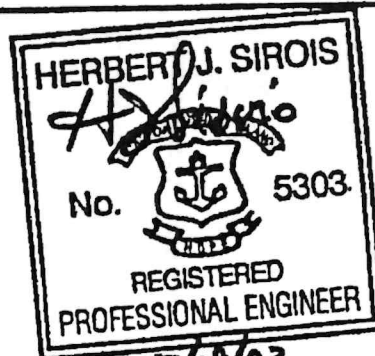
GENERAL NOTE (S):

1. Hours of Construction: 7AM to 6PM
2. Estimated Time to Complete: 7 working days
3. Contact Person regarding this application: H. Sirois, P.E. 401-491-9065 (tel)
4. Contact Person regarding project monitoring: To be determined later

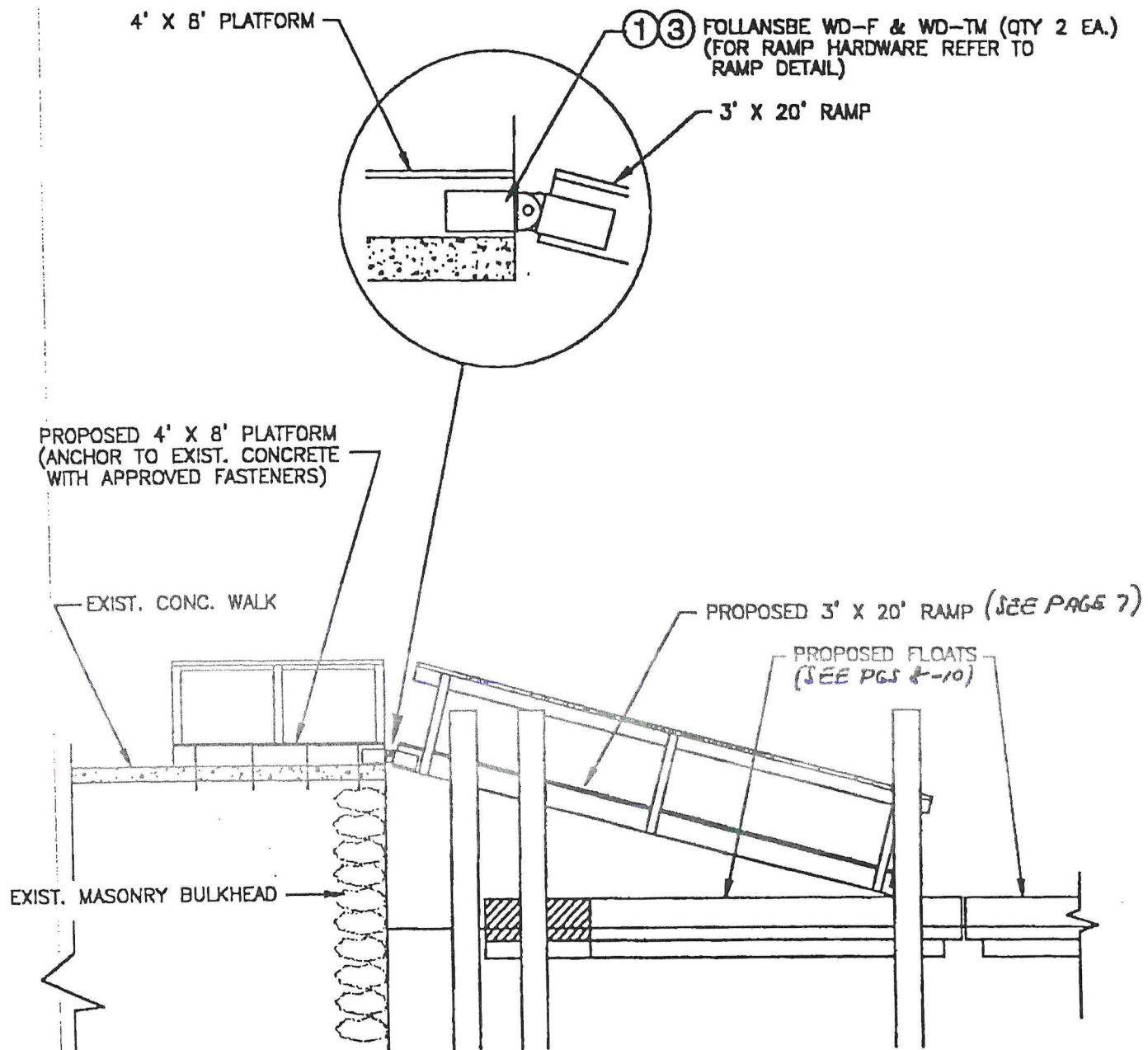
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Project: NEW DOCK CONSTRUCTION
Location: Constitution Street
Bristol, RI
Bristol County
Bristol Harbor
Waterway: March 1, 2003
Date: Bristol County Lodge #1860
Applicant: Herbert J. Sirois, RI P.E. 5303
Engineer: 18 Crystal Court
Charlestown, RI 02813
401-364-3005(tel), 364-0148(fax)
Page 5 of 12

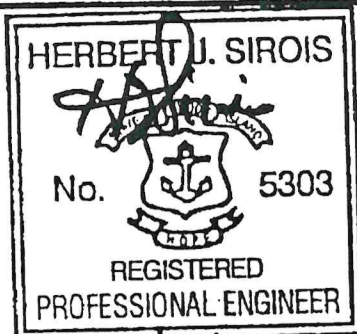


RAMP CONNECTION DETAIL ELEVATION VIEW

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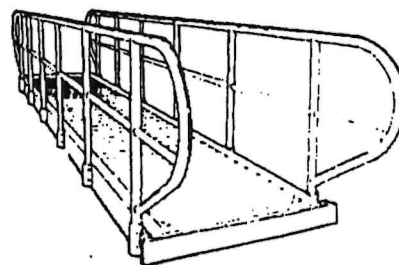
Project:
Location:

Waterway:
Date:
Applicant:
Engineer:

NEW DOCK CONSTRUCTION
Constitution Street
Bristol, RI
Bristol County
Bristol Harbor
March 1, 2003
Bristol County Lodge #1860
Herbert J. Sirols, RI P.E. 5303
18 Crystal Court
Charlestown, RI 02813
401-364-3005(tel), 364-0148(fax)
Page 6 of 12

Follansbee's all aluminum gangways are non-corrosive and lightweight for easy in and out as the seasons change. The high quality, aluminum construction means no rust, no repair and no salt water damage. These first rate gangways will provide safe and dependable access to your dock system. The unique extruded non-skid, ribbed decking provides safe footing during reasonable angulation. The ramps come complete with aluminum handrail on both sides, hinged handicap ramp on one end and a segmented roller system on the other end.

3' WIDE ALUMINUM GANGWAYS		
CODE	DESCRIPTION	WT/LBS.
AR-315T	3' x 15' RAMP, REMOVABLE HANDRAIL	390
AR-320T	3' x 20' RAMP, REMOVABLE HANDRAIL	515
AR-325T	3' x 25' RAMP, REMOVABLE HANDRAIL	680
AR-330T	3' x 30' RAMP, REMOVABLE HANDRAIL	855
AR-340T	3' x 40' RAMP, NON-REMOVABLE HANDRAIL	1,115



4' WIDE ALUMINUM GANGWAYS		
CODE	DESCRIPTION	WT/LBS.
AR-415T	4' x 15' RAMP, REMOVABLE HANDRAIL	450
AR-420T	4' x 20' RAMP, REMOVABLE HANDRAIL	606
AR-425T	4' x 25' RAMP, REMOVABLE HANDRAIL	770
AR-430T	4' x 30' RAMP, REMOVABLE HANDRAIL	950
AR-440T	4' x 40' RAMP, NON-REMOVABLE HANDRAIL	1,240

GENERAL SPECIFICATIONS

SIDE MEMBERS: 10.188" extruded 6061-T6 side members with floor interlock.

DECK: 8.625" x 1.625" 6061-T6 extruded ribbed decking, welded to outer rail and longitudinal stringer (in widths over 5').

HANDRAIL: 6061-T6 extruded 1 1/2" schedule 40 pipe (typ) bolted or welded to side members.

DOCK ROLLERS: Full width UHMW black, 2 1/2" diameter, 1/8" stainless steel axle.

LIVE LOAD: 50 PSF

HANDICAP RAMP: 1/4" treadplate, 6061-T6, 36" long, hinged to the dock end.

ADDITIONAL SIZES AND STYLES AVAILABLE.

Need Help? Call 1-800-292-2986 or Fax (304) 527-5321 for Technical, Layout & Design Assistance.

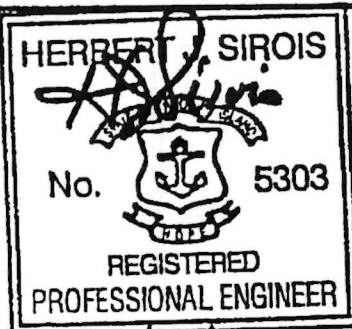
Phone: 1-800-223-3444 • Fax: (304) 527-4507 • www.follansbeedocks.com

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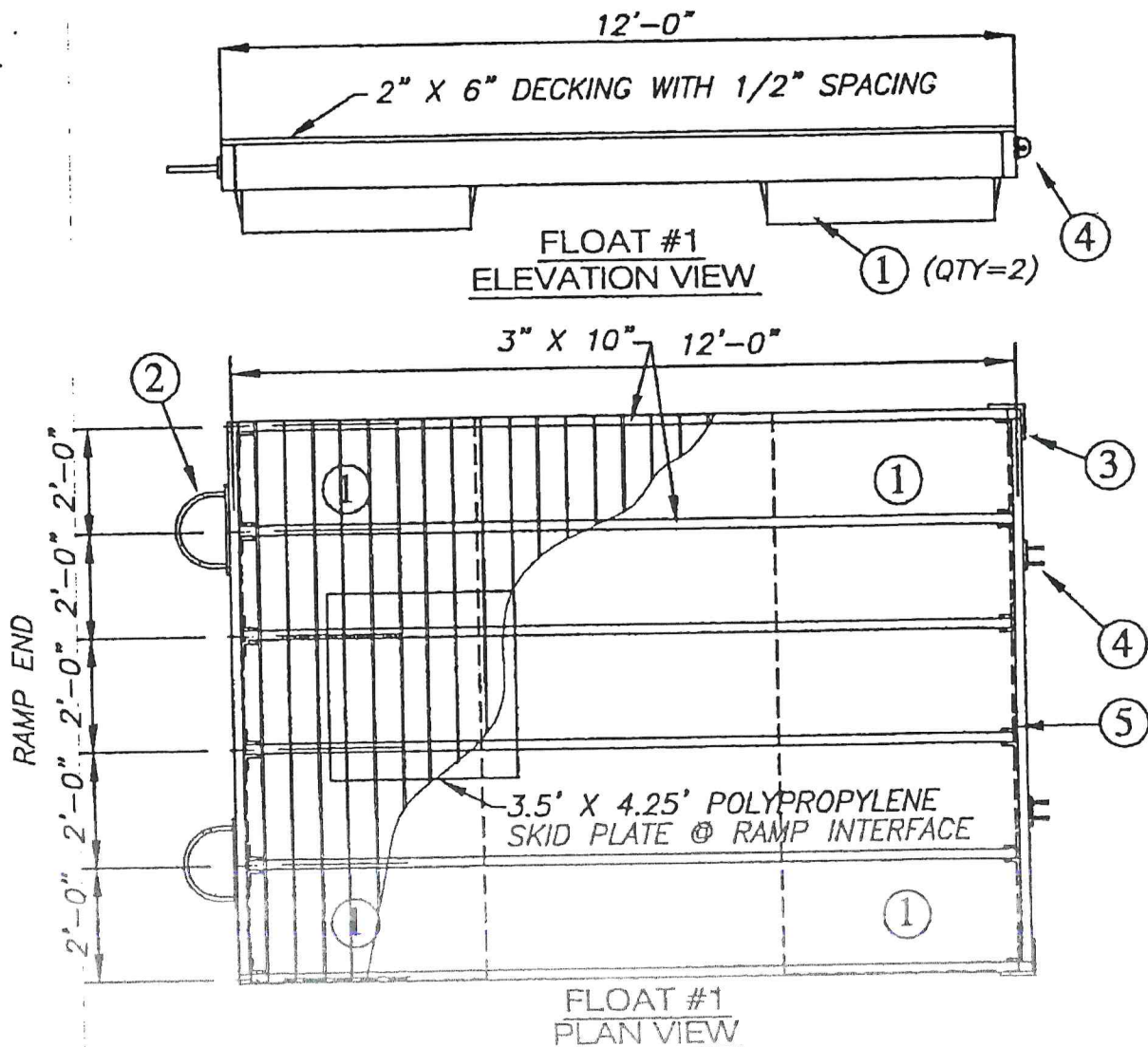


Project:
Location:

Waterway:
Date:
Applicant:
Engineer:

NEW DOCK CONSTRUCTION
Constitution Street
Bristol, RI
Bristol County
Bristol Harbor
March 1, 2003
Bristol County Lodge #1860
Herbert J. Sirois, RI P.E. 5303
18 Crystal Court
Charlestown, RI 02813
401-364-3005(tel), 364-0148(fax)

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BOUYANCY CALCULATIONS:

CAPACITY OF DRUMS = 7312 LBS.

FLOAT WEIGHT (a):

LUMBER (b)= 1000 LBS.

HARDWARE (b)= 50 LBS.

TOTAL (a+b)= 1050 LBS.

LIVE LOAD REQ'D
(20#/FT² X 120 FT²)(C) 2400 LBS.

LOAD RESERVE (a-(b+c)) 3862 LBS. (OK)

BILL OF MATERIALS:

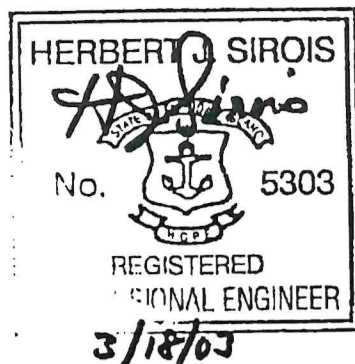
<u>LUMBER: PTW</u>	QTY.
3" X 10"	92 LF
<u>DECKING: PTW</u>	
2" X 6"	240 LF
<u>FLOATATION: (FOLLANSBEE OR EQUAL)</u>	
(ITEM #1) CP-4616T	4 EA.
<u>HARDWARE (FOLLANSBEE OR EQUAL)</u>	
WD-A (ITEM #3)	4 EA.
WD-F (ITEM #2)	2 EA.
WD-M (ITEM #4)	4 EA.
WD-W (ITEM #5)	20 EA.

GALVANIZED AND/OR STAINLESS FASTENERS AS REQ'D.

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Project: NEW DOCK CONSTRUCTION

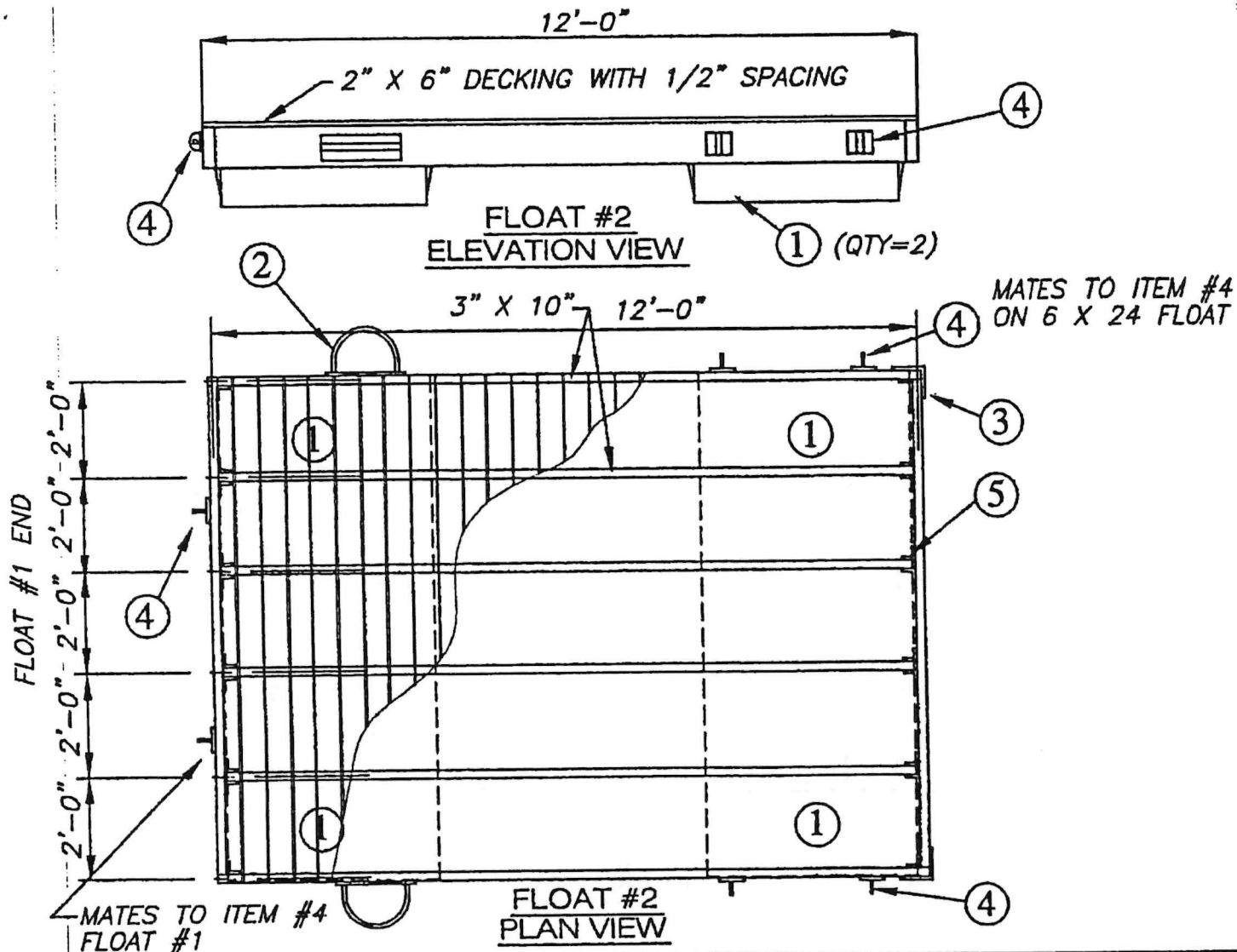
Location: Constitution Street
Bristol, Rhode Island
Bristol County

Waterway: Bristol Harbor

Date: March 1, 2003

Applicant: Bristol County Elks Lodge #1860

Engineer: Herbert J. Sirois, RI P.E. 5303
75 Kingstown Road,
Richmond, R.I. 02898
401-491-9065 (Tel) 491-9066 (Fax)



BOUYANCY CALCULATIONS:

CAPACITY OF DRUMS = 7312 LBS.

FLOAT WEIGHT (a):

LUMBER (b)= 1000 LBS.

HARDWARE (b)= 50 LBS.

TOTAL (a+b)= 1050 LBS.

LIVE LOAD REQ'D
(20#/FT² X 120 FT²)(C) 2400 LBS.

LOAD RESERVE (a-(b+c)) 3862 LBS. (OK)

BILL OF MATERIALS:

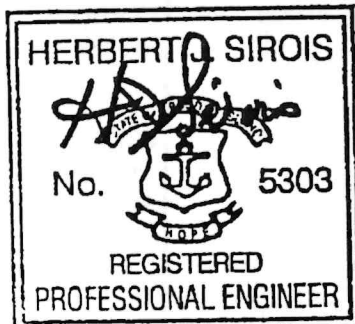
LUMBER: PTW	QTY.
3" X 10"	92 LF
DECKING: PTW	
2" X 6"	240 LF
FLOATATION: (FOLLANSBEE OR EQUAL)	
(ITEM #1) CP-4616T	4 EA.
HARDWARE (FOLLANSBEE OR EQUAL)	
WD-A (ITEM #3)	4 EA.
WD-W (ITEM #2)	2 EA.
WD-F (ITEM #4)	6 EA.
WD-F (ITEM #5)	20 EA.

GALVANIZED AND/OR STAINLESS FASTENERS AS REQ'D.

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3/18/03

Project: NEW DOCK CONSTRUCTION

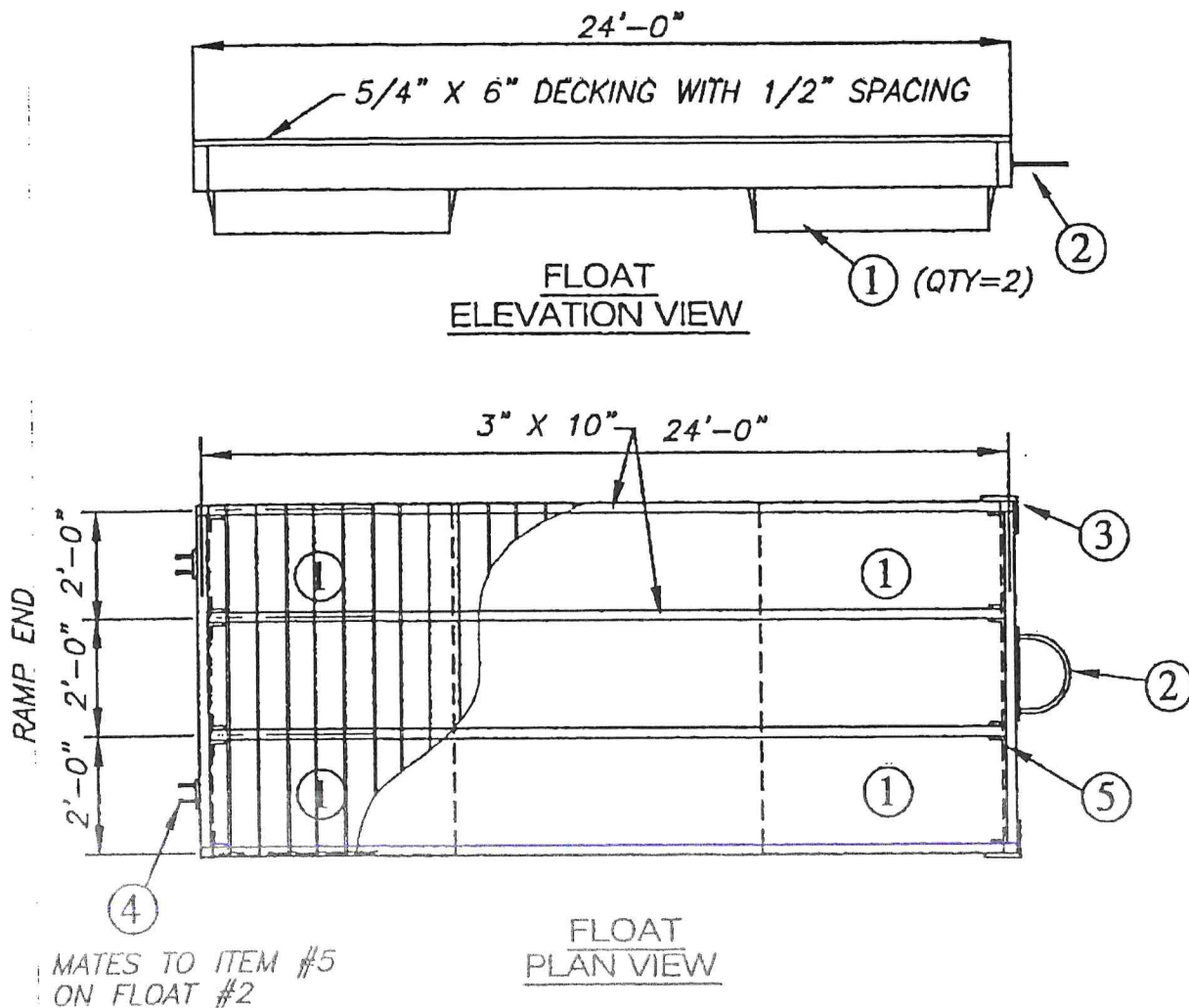
Location: Constitution Street
Bristol, Rhode Island
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Waterway: Bristol Harbor

Date: March 1, 2003

Applicant: Bristol County Elks Lodge #1860

Engineer: Herbert J. Sirois, RI P.E. 5303
75 Kingstown Road,
Richmond, R.I. 02898
401-491-9065 (Tel) 491-9066 (Fax)



BOUYANCY CALCULATIONS:

CAPACITY OF DRUMS = 4140 LBS.

FLOAT WEIGHT:

LUMBER = 1500 LBS.

HARDWARE = 40 LBS.

TOTAL (b) = 1540 LBS.

LIVE LOAD REQ'D

(20#/FT² X 120 FT²)(C) 2400 LBS.

LOAD RESERVE (a-(b+c)) 200 LBS. (OK)

BILL OF MATERIALS:

LUMBER: PTW QTY.
3" X 10" 92 LF

DECKING: PTW
5/4" X 6" 240 LF

FLOATATION: (MERCO MARINE OR EQUAL)
(ITEM #1) F 3612 2

HARDWARE (FOLLANSBEE OR EQUAL)

WD-M (ITEM #3) 4 EA.
(CHAIN TYPE) PH-H16R (ITEM #2) 1 EA.

WD-F (ITEM #4) 2 EA.

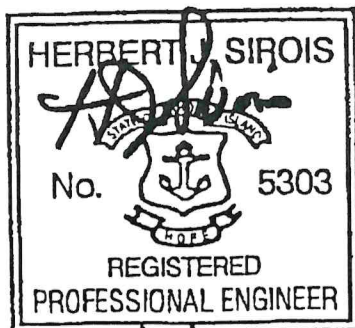
WD-W (ITEM #5) 12 EA

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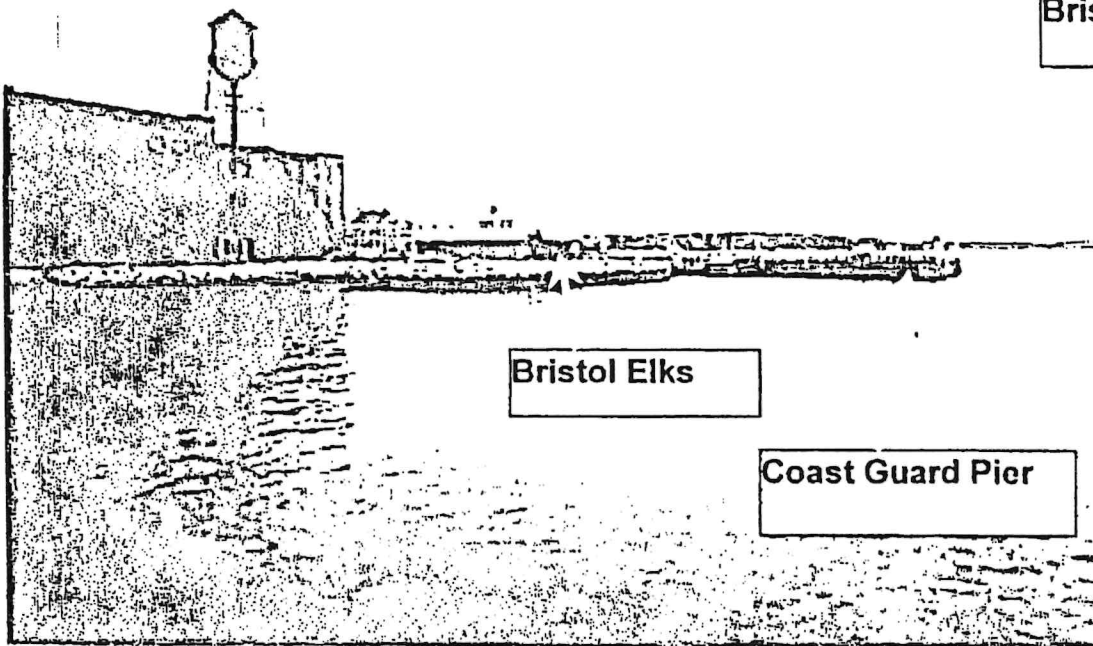


3/18/03

Project: NEW DOCK CONSTRUCTION
Location: Constitution Street
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Bristol County
Waterway: Bristol Harbor
Date: March 1, 2003
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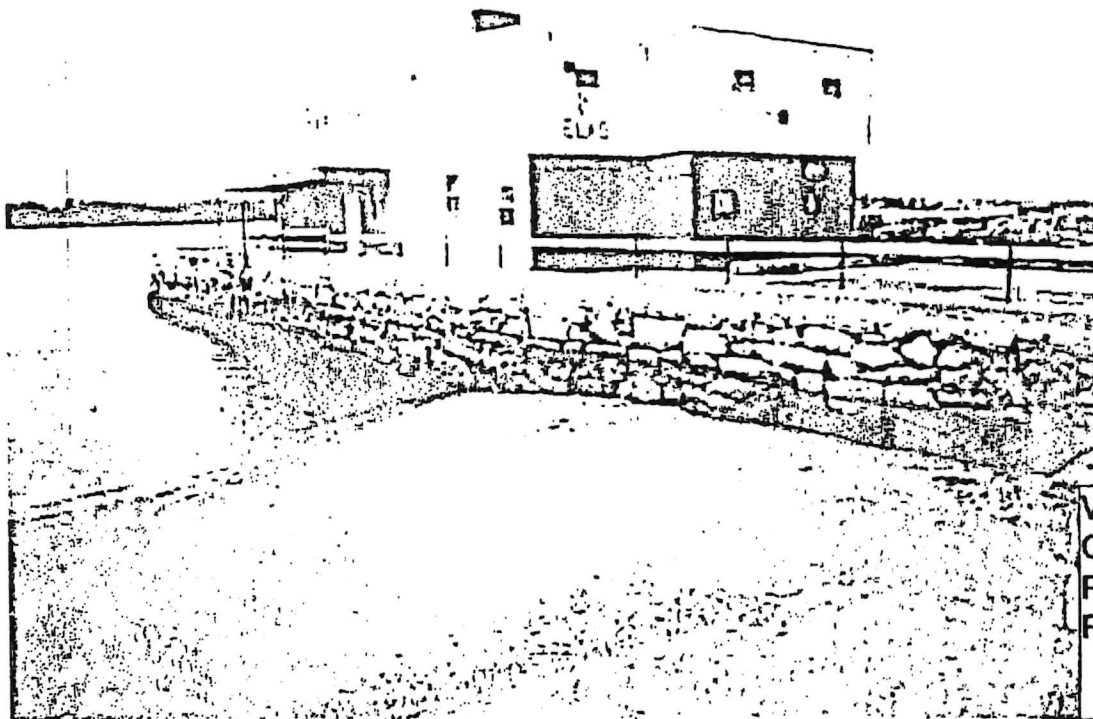
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View Southeast from
Bristol Harbor



Bristol Elks

Coast Guard Pier



View West from
Constitution Street.
Property Line is the
Retaining Wall.

Project:	NEW DOCK CONSTRUCTION
Location:	Constitution Street Bristol, RI Bristol County
Waterway:	Bristol Harbor
Date:	March 1, 2003
Applicant:	Bristol County Lodge #1860
Engineer:	Herbert J. Sirois, RI P.E. 5303 18 Crystal Court Charlestown, RI 02813 401-364-3005(tel), 364-0148(fax)
Page 11 of 12	



Coast Guard Pier

Proposed Location of
Commercial Boating
Facility

Rip-Rap Revetment

Project:	NEW DOCK CONSTRUCTION
Location:	Constitution Street Bristol, RI Bristol County
Waterway:	Bristol Harbor
Date:	March 1, 2003
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Page 12 of 12	

FAX COVER SHEET

COASTAL RESOURCES MANAGEMENT COUNCIL

APPROVED PLANS

DATE 11/14/03

STAFF MEMBER TS/TH

SUBJECT TO STIPULATIONS CONTAINED IN

NUMBER 2003-4-30

To: Tom Medeiros - CRMC

Fm: Bob White - Bristol Elks Lodge #1860 (Tele # 683-4820)

Subj: CRMC File 2003-04-030

Tom,

The following is an update to info provided via fax by Herb Sirois:

- a. The purpose of the proposed Elks Lodge boating facility is to provide docking facilities to our members on a transient basis. Only under unusual circumstances will a member be allowed to leave his boat overnight at the dock. Attached is a set of rules, which will cover use of the dock once it is constructed.
- b. The lodge has retained a surveyor for purposes of establishing the property line between the Elks Lodge property and the adjacent lots owned by Russ-Russ realty. The survey will commence this week with a final report due no later than 3 July. Results of the survey will be conveyed immediately to you and revised drawings reflecting the results of the survey will be forwarded immediately thereafter.
- c. I have discussed our plans for construction of the Elks boating facility with officials of the Town of Bristol. I have been told that the Harbor Commission has reviewed the application and has no objections to the proposed facility. I also discussed the matter with the Town Administrator's Office. I was informed that normal practice for the Town is to send a letter only if they have objections to what is being proposed. Since they have none a letter will not be forwarded.

Please call me if you need any additional info relative to our application.

Sincerely,

Robert White
Chairman, Elks Lodge #1860
Dock Committee

cc: Herb Sirois
Foster Cove Engineering

RULES FOR USE OF ELK'S LODGE DOCK & MOORING FACILITIES 2003-4-30

1. USE OF MOORINGS AND DOCKS IS RESTRICTED TO MEMBERS, VISITING BROTHERS AND GUESTS OF MEMBERS.
2. NO BEVERAGES SHALL BE TAKEN ON SHORE FROM ANY BOAT TIED TO A MOORING OR DOCK
3. IMMEDIATELY UPON ARRIVING AT A MOORING OR DOCK THE CAPTAIN MUST SEE THE BARTENDER AND SIGN A USE AGREEMENT.
4. OVERNIGHT STAYS AT THE DOCK ARE NOT PERMITTED. EXCEPTIONS CAN ONLY BE GRANTED BY THE CHAIRMAN OF THE BOARD OF TRUSTEES, THE EXALTED RULER OR AN INDIVIDUAL DESIGNATED BY THE ER OR CHAIRMAN OF THE BOARD OF TRUSTEES. OVERNIGHT STAYS ON A MOORING ARE PERMITTED.
5. DISCHARGE OF HEADS OR HOLDING TANKS WITHIN BRISTOL HARBOR OR WHILE DOCKED OR MOORED IS STRICTLY ILLEGAL. ANY INFRACTION OF THIS RULE WILL BE REPORTED TO RESPONSIBLE AUTHORITIES FOR APPROPRIATE ACTION AND THE OWNER/OPERATOR OF THE OFFENDING VESSEL WILL BE ASKED TO REMOVE HIS BOAT IMMEDIATELY.
6. DOGS MUST BE LEASHED AT ALL TIMES AND THE OWNER/OPERATOR WILL BE RESPONSIBLE FOR CLEANING UP ANY MESSES.
7. ONCE PERMISSION IS OBTAINED FOR USE OF A MOORING OR DOCK SPACE, THIS PRIVILEGE IS NOT TRANSFERRABLE.
8. LINES FOR SECURING BOATS TO MOORINGS OR DOCK SPACES MUST BE OF SUFFICIENT SIZE AND QUANTITY TO

SECURE THE BOAT FOR PROTECTION OF OTHERS. IN THE CASE OF A SEVERE STORM THE BOAT OWNER/OPERATOR IS RESPONSIBLE FOR TAKING ANY AND ALL- PRECAUTIONARY MEASURES TO ENSURE THE SAFETY OF THEIR BOAT AND SURROUNDING CRAFT AND FACILITIES. THE BRISTOL COUNTY ELKS LODGE ASSUMES NO RESPONSIBILITY FOR DAMAGES TO, OR CAUSED BY THE OWNER'S BOAT.

- 9. CHILDREN UNDER 12 MUST WEAR LIFE JACKETS WHEN ON THE FLOATING DOCKS. THEIR SAFETY IS THE RESPONSIBILITY OF THE BOAT OWNER/OPERATOR.**
- 10. THE BRISTOL COUNTY ELK's LODGE ASSUMES NO RESPONSIBILITY FOR ANY INJURIES TO BOAT OWNERS/OPERATORS; THEIR FAMILY, OR GUESTS, WHILE AT A MOORING OR DOCK.**
- 11. THE BRISTOL COUNTY ELKS LODGE WILL NOT BE LIABLE FOR ANY LOSS OF, DAMAGE TO, THE BOAT OR PROPERTY OF THE OWNER/OPERATOR, HIS FAMILY, GUESTS OR AGENTS FROM ANY CAUSE WHATSOEVER INCLUDING: FIRE, THEFT, VANDALISM, DETERIORATION, PART FAILURE, STORM OR ICE DAMAGE, WIND, SEA OR OTHER ACTS OF GOD.**
- 12. MAINTENANCE OF APPROPRIATE INSURANCE IS THE RESPONSIBILITY OF THE BOAT OWNER.**
- 13. NO MAJOR REPAIRS, EXCEPT EMERGENCY REPAIRS, SHALL BE MADE WHILE TIED UP TO A MOORING OR DOCK SPACE. ROUTINE MAINTENANCE IS PERMITTED AS LONG AS NO MESS OR DAMAGE TO LODGE FACILITIES OCCURS. THE LODGE SHALL BE NOTIFIED OF ANY MAJOR REPAIR WORK BEFORE IT IS UNDERTAKEN.**
- 14. BOAT OWNERS/OPERATORS MUST KEEP THE AREA AROUND THEIR BOATS NEAT AT ALL TIMES. AT NO TIME SHALL STOVES, HABACHIS OR GRILLS OF ANY KIND BE**

**ALLOWED ON DOCKS OR FLOATS DUE TO THE EXTREME
FIRE HAZARD.**

- 15. RAFTING OF DINGIES IN THE DESIGNATED AREA IS
AUTHORIZED. STORING OF DINGIES ON THE SURFACE OF
THE FLOATING DOCKS IS NOT PERMITTED.**

ADLER POLLOCK & SHEEHAN P.C.

2300 Financial Plaza
Providence, RI 02903
Telephone 401-274-7200
Fax 401-751-0604 • 351-4607

175 Federal Street
Boston, MA 02110
Telephone 617-487-0600
Fax 617-482-0604
www.apslaw.com

May 6, 2003

Mr. Grover Fugate
Executive Director
Coastal Resources Management Council
4804 Tower Hill Road, Suite 3
Wakefield, RI 02879

Re: *Bristol County Lodge (Application No. 2003-04-030)*

Dear Mr. Fugate:

I am writing in connection with the above-referenced application by the Bristol County Lodge Order of Elks (the "Applicant") for a commercial boating facility (the "Project") at A.P. 10, Lot 63 in Bristol, Rhode Island. This office represents Russ-Russ Realty Co. ("Robin Rug"), the owner of A.P. 10, Lot 60 (the "Robin Rug Property"), which abuts the Property to the north. Having reviewed the Coastal Resources Management Council ("CRMC") file, talked to CRMC staff and conducted a site visit, we submit the following objections to the Project on behalf of Robin Rug

As a preliminary matter, Robin Rug is concerned about the Project's failure to adhere to any particular standards. Robin Rug has been informed that, because the Project does not specifically meet the definition of either a marina or a residential boating facility under Section 300.4 of the Coastal Resources Management Plan ("CRMP"), it is being reviewed as a commercial structure in tidal waters for which there are no published standards. As a result, CRMC is not requiring the Project to adhere to either set of regulations. Instead, the Applicant has been directed to use its best efforts to meet the residential boating facility standards in Section 300.4. Robin Rug submits that the failure to subject the Project to any standards undermines the goals and policies of the CRMP and sets a dangerous precedent. If staff and the Council determine that commercial "touch and go" facilities should be regulated differently than a residential boating facility or a marina, CRMC should do so pursuant to

ADLER POLLOCK & SHEEHAN

Mr. Grover Fugate
May 6, 2003
Page 2

regulations promulgated in accordance with the Administrative Procedures Act. However, in the absence of such regulations, the Project should be reviewed under the residential boating facility standards in Section 300.4.

If viewed under these rules, the Project does not even approximate compliance with the standards for residential boating facilities in Sections 300.4 and 300.18 of the CRMP. For example, the proposed facility does not meet the 25-foot setback requirements in Section 300.4.E.3.j of the CRMP. As Section 200.5 of the CRMP acknowledges, "[c]ompetition for space is intense" in Type 5 waters such as those at issue. Nevertheless, the edge of the Applicant's northernmost float is, under any measurement,¹ less than 25 feet from the Robin Rug property. Siting the facility less than 25 feet from the Robin Rug Property line threatens to limit Robin Rug's use of its property in the future. Indeed, because the Town dock to the north is extremely close as well, Robin Rug could be unjustly limited (or even foreclosed) in its ability to obtain approval for a residential or commercial dock from CRMC in the future.

Similarly, the proposed dock far exceeds the float size limitations in Section 300.4.F.3.d. of the CRMP. The plans state that the facility will serve no more than four boats. CRMC staff has also informed us that the Project entails only a "touch and go" dock for members of the lodge. However, the plans show a set of floats totaling 528 square feet – 378 square feet more than allowed for residential boating facilities under the CRMP. Robin Rug submits that construction of such a large facility is inconsistent with the proposal to serve only four small boats. Therefore, any

¹ Page three of the plans filed with the application shows the Property as being approximately 80 feet wide with the proposed dock approximately 17 feet from the Robin Rug Property. However, page 4 of the application plans again shows a width of only 75 feet. It is noteworthy that, before filing the application, the Applicant approached Robin Rug and asked the company to sign a letter of no objection. When Robin Rug questioned the nature of the Project, the Applicant provided the enclosed draft plans. A comparison of the enclosed plans to those filed shows that the two sets are virtually identical except that the enclosed plans show the Property as being 75 feet wide and only 12 feet from the Robin Rug. In any event, there is no evidence that the Applicant's measurements are based on a valid survey. Nor is it clear why there are two sets of plans in circulation that are identical other than describing the width of the Applicant's property. Robin Rug submits that the proposed facility is not only closer than 17 feet to its property line, but may well extend onto the Robin Rug Property. Although this is a matter that Applicant should have addressed, Robin Rug has commissioned a survey, which will hopefully help clarify this issue.

ADLER POLLOCK & SHEEHAN

Mr. Grover Fugate

May 6, 2003

Page 3

Assent issued should contain a condition or stipulation limiting the use of the dock to four small recreational boats on a "touch and go" basis.²

Finally, there is also no evidence that the Project complies with the requirement in Section 300.18.D.1 of the CRMP relating to eelgrass. Under that provision, applicants for residential boating facilities must submit a detailed inventory of the SAV resources present. The Applicant summarily states that no SAV is present. However, it is not apparent that the Applicant has had a professional assess the extent of the eelgrass, if any, in the area. In fact, Robin Rug is advised that a proper eelgrass survey cannot be performed until the summer months.

Based on the foregoing, Robin Rug submits that the Project should be held to the requirements for residential boating facilities contained in the CRMP. To the extent that it fails to meet those requirements, the Project should be conditioned or denied. At a minimum, Robin Rug requests that CRMC assign the matter to a hearing before the full Council and reserves its right to supplement this objection prior to the hearing.

I enclose for the file an executed entry of appearance. Please feel free to contact me directly should you have any questions. Furthermore, kindly add my name to the file mailing list as the attorney of record for Robin Rug.

Very truly yours,



KRISTEN W. SHERMAN

KWS:af

Enclosures

cc: E. Hans Lundsten, Esq. (w/out encl.)
256511_1

² This limitation on the number of boats and the temporary use of the dock is also necessary in light of the severely limited amount of parking in the area. Allowing anything more than a small temporary use facility will necessarily implicate the need for associated parking. There is extremely limited on-street parking and the Applicant is already in the position of having to lease property from Robin Rug to support the lodge. It is quite likely that this lease, which expires within the year, will not be renewed.

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October 10, 2003

VIA FACSIMILE

Grover J. Fugate
Executive Director
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

Re: Bristol County Lodge (Application No. 2003-04-030)

Dear Mr. Fugate:

In advance of next week's hearing in the above-referenced matter, I am writing on behalf of Robin Rug to reiterate the objections identified in its letter to the Council dated May 6, 2003. In addition, Robin Rug respectfully requests that the hearing be continued. Having reviewed the file and the CRMC staff report, Robin Rug remains concerned about the absence of specific and identifiable standards guiding the Council's review of facilities such as the one being proposed. As a matter of policy, permitting such facilities on an ad hoc basis sets a dangerous precedent. Moreover, notwithstanding the deference accorded to an agency's decision making, an assent issued in the absence of any clearly applicable standards is subject to challenge as arbitrary and capricious. Therefore, the Council should refrain from rendering a decision on the application until such standards are in place.

Alternatively, the Council should consider continuing the hearing to permit the engineers for both parties to discuss a compromise solution. Robin Rug is extremely concerned about both the lack of parking in the area to support such a facility and the close proximity of the proposed facility to its riparian line. With respect to parking, there is very limited on-street parking in the area. In fact, the applicant currently relies on space leased from Robin Rug to support its operations. That lease expires in less than twelve months, and Robin Rug is under no obligation to extend that lease or

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otherwise make that space available to the applicant. As a result, the proposed facility could in the future further strain competition for on-street parking and only exacerbate congestion in the area.

As for the setback, Robin Rug continues to submit that the applicant should be held to the same 25-foot setback that applies to residential boating facilities. However, there may be a lesser setback that assuages the concerns of all parties involved. Having consulted its own engineers, Robin Rug believes that there are modifications to the proposed dock's configuration that would result in a greater setback than that being proposed without compromising the functionality of the dock. Granting a limited continuance to encourage such discussions will not prejudice the applicant and may lead to an agreement that allows Robin Rug to withdraw its objection.

In the event that the applicant is unwilling to agree to a continuance and/or the Council declines Robin Rug's instant request, we will appear at the hearing next week to press Robin Rug's objections and ask for the opportunity to be heard on the same. In the interim, should you have any questions, please feel free to contact me directly at (401) 274-7200 ext. 211.

Thank you for your attention to this matter.

Very truly yours,


KRISTEN W. SHERMAN

KWS:af

cc: Brian A. Goldman, Esq. *(via fax)*
Russell Karian *(via fax)*
E. Hans Lundsten, Esq.

