

Section 300.14

Maintenance of Structures

A. Definition

1. Maintenance of structures includes rebuilding, reconstructing, repairing or re-establishing to previously approved conditions and dimensions a damaged or deteriorated structure or facility. Maintenance includes only those activities that do not significantly alter the assented design, purpose and size of the structure. Maintenance provisions for marina in-water facilities and residential boating facilities are found at Section 300.4.E.

B. Policies

1. Persons proposing to maintain dredged channels and mooring areas (Section 300.9) and mosquito control ditches in coastal wetlands (Section 300.12) are in all cases required to obtain a new Council Assent.

2. Maintenance of structures and facilities for which a Council Assent has been issued is permitted upon obtaining a Certification of Maintenance from the Executive Director of the CRMC. This Certification shall establish that all applicable standards for the construction and operation of the permitted structure or facility, and any stipulations that were conditioned by the Council's Assent have been met, and are continued. Further, the Certification of Maintenance may contain additional measures to minimize the environmental impact of the activity, to promote the restoration of coastal resources, or to otherwise further the objectives and goals of this program, as may be required by staff recommendations to the Executive Director, consistent with the standards of the RICRMP.

3. Persons proposing to maintain or repair structural shoreline protection facilities shall do so in a manner consistent with Section 300.7.G.

4. Persons proposing to maintain previously assented structures (other than piers and docks associated with marinas) which have physically been destroyed 50 percent or more by storms, waves, or other natural coastal processes shall, upon the determination of the Executive Director, be required to obtain a new Council Assent. Such activities requiring a new Council Assent shall be reviewed according to the most current applicable programmatic requirements of the Coastal Resources Management Program, its Special Area Management Plans, and/or any other appropriate CRMC-approved management plans.

5. Many structures under Council jurisdiction predate the Council and were not permitted by Council Assent when originally constructed. Persons proposing maintenance or repair activities on such structures shall be required to obtain a Certification of Maintenance, meet relevant standards of this program, or obtain a Council Assent, as determined by the Council's Executive Director.

(A) Persons proposing to (i) demolish structures, (ii) repair structures which have been physically destroyed 50 percent or more as a result of storm induced flooding, wave, or wind damage, and (iii) repair structures which have been destroyed 50 percent or more by fire shall be required to submit an application and meet the current programmatic requirements.

(B) Persons proposing to maintain any structure, including utilities, in or adjacent to Type 4, 5 or 6 waters that predate the Council's jurisdiction (circa 1971) may be required to perform a fitness for purpose analysis and certification. Applicants are referred to the Council's program document *Guidelines for Fitness of Purpose Investigations and Certifications* for direction.

6. All activities, except those noted in Section B.5, for which a Certification of Maintenance is requested, shall have a valid Council Assent.

7. It is the Council's intent to allow for the continued maintenance and viability of marina operations

that exist in and adjacent to the coastal waters of the state. In Type 3, 4, 5 and 6 Waters maintenance dredging, dock reconfiguration, activities such as travel lift operations and other best available technologies, and other ancillary activities necessary to maintain the operational viability of the facility should be expected to occur. The Council has detailed this policy in its handout entitled "Marina Certification Program." (Pre-existing marinas in Type 2 Waters are covered at 200.2.) The Marina Certification Program allows for certain maintenance activities to occur at marina facilities with approved marina perimeters. In order to be eligible for this policy, applications for marina certification must be submitted to the CRMC before October 1, 1994.

8. Minor repairs to boating facilities registered in accordance with the Council's Dock Registration Program and authorized by the Council are permitted without further review provided that the repairs will not alter the previously authorized design, capacity, purpose, or use of the facility. Minor repairs shall only include the repair or replacement of: decking (does not include stringers); handrails; ladders; and, electrical wiring and fixtures.

9. See Table 4a for maintenance provisions for dwelling additions and rebuilds within the 50 foot setback zone on developed, moderately developed, and undeveloped barriers.

C. Prerequisites

1. All applicants for a Certification of Maintenance shall submit for review a valid Council Assent, dimension and/or site plans, photographs, or other information as required to make a proper determination of the nature of the request.

Table 4a. Dwelling Rebuilds and Additions for Maintenance Activities under Section 300.14

Section 210.7 (Dunes): Existing Structures			
DEVELOPED BARRIERS			MODERATELY DEVELOPED AND UNDEVELOPED BARRIERS*
All Structural Alterations other than Maintenance will be Required to: Move Beyond the 50 foot Setback Area and Meet RI State Building Code Requirements			
Structural Alteration	Within 50 foot setback	Landward of 50 foot setback	
Cantilever Decks	Allowed: Maximum 25 sq.ft. at a minimum of 8 feet above grade (in 50 foot setback area only)	Allowed	Prohibited*
If Foundation is NOT FEMA Compliant and:		Allowed provided RI State Building Code and all other RICRMP requirements are met	
1. Rebuild In-kind	Prohibited		Prohibited*
2. Other	Prohibited		Prohibited
If Foundation IS FEMA Compliant and:		Allowed provided RI State Building Code and all other RICRMP requirements are met.	
1. Rebuild In-kind	Allowed (as Maintenance ¹)		Allowed*
2. Add 2 nd Floor	Prohibited		Prohibited
3. Demolition and Add 2 nd Floor	Prohibited		Prohibited
4. Other	Prohibited		Prohibited

*On Moderately Developed and Undeveloped Barriers, only in-kind maintenance is allowed. If a lot can support it, the structure may be moved back and elevated in accordance with RI State Building Code requirements. However, in-kind rebuild is still only allowance.

These are for typical maintenance activity reviews, however, a variance may be required if erosion setbacks are farther landward than the 50-foot dune setback. In unusual circumstances, the Executive Director may invoke the maintenance provision allowances of Section 300.14. This table is for residential structures which are intact and functional at the time of application. It shall not be applicable for structures which have been destroyed 50% or more by coastal storms. Structures which have been destroyed 50% or more by coastal storms will be processed as new applications under the appropriate sections of the RICRMP and applicable SAMPs. Relief from this table requires a Special Exception. Where an activity is indicated as “allowed” it must also meet all other applicable RICRMP requirements.

¹ If structure is within the 50 foot setback area, and cannot relocate beyond 50 foot setback area, application will be determined to be a Maintenance activity and the structure will be allowed to be rebuilt in-kind provided it meets current RI State Building Code and all other applicable RICRMP requirements.