

In accordance with notice to members of the Rhode Island Coastal Resources Management Council's Planning and Procedures subcommittee, a meeting of the subcommittee was held on Wednesday, February 22, 2006 at 5 p.m. at the office of Piccerelli Gilstein & Co., 144 Westminster St., Providence, RI.

MEMBERS PRESENT

Michael M. Tikoian, Chairman

Paul Lemont, Vice Chair

STAFF PRESENT

Grover Fugate, Executive Director

Jeff Willis, Deputy Director

Laura Ricketson, Public Outreach & Education Coordinator

John Longo, Legal Counsel

Call to order. Mr. Tikoian called the meeting to order at 5:03 p.m.

Mr. Tikoian opened the meeting with a brief statement of the subcommittee's function and purpose. The Planning and Procedures subcommittee meeting is an open public meeting; it is not a public hearing. Therefore, discussion is available to the Council members themselves, and to all else at the allowance of the Chairman. Mr. Tikoian further explained that the subcommittee is the program and policy development arm of the Council, and that any programmatic

decisions made by this group must ultimately be approved by the full Council in accordance with all proper procedures.

Mr. Tikoian asked for a motion to approve the subcommittee's meeting minutes of December 20, 2005.

Mr. Lemont, seconded by Mr. Tikoian, moved to approved the December 20, 2005 meeting minutes. All voted in favor of the motion.

Mr. Tikoian asked for a motion to approve the subcommittee's meeting minutes of January 17, 2006.

Mr. Lemont, seconded by Mr. Tikoian, moved to approved the January 17, 2006 meeting minutes. All voted in favor of the motion.

Mr. Tikoian made a statement as to why the subcommittee meetings are held at his offices, Piccerilli Gilstein & Company. Mr. Tikoian stated that the meetings are held at Piccerilli Gilstein & Company to facilitate a number of issues: ease of transition from the previous location (CRMC's Providence office at 40 Fountain Street) which had to be changed because the Council's downtown office was closed due to budget cuts; accommodation of subcommittee members whose work locations and/or residences are in or near to Providence; and, it's cost to the agency: free. Mr. Lemont reiterated the fact that the accommodation of members is a key issue for participation in any

work of the Council; and, the wear and tear on personal vehicles is high enough and that by holding the meetings in Providence, costs can be kept to a minimum. Also, Mr. Lemont wanted the record to reflect that the Chairman should be congratulated for letting the subcommittee use his company's office space for these meetings because it addresses the many concerns raised above.

Item 3.A. Section 300.4 - Outhauls. J. Willis presented and explained that these are back in front of the subcommittee as directed from the last meeting. Staff revised the proposed language as discussed at the last meeting. The subcommittee discussed and suggested additional revisions that reflect what type of information should be demonstrated by a municipality seeking to issue permits for outhauls under the Council's regulatory authority. J. Willis and J. Longo developed revised language to address the subcommittee's concerns as follows:

Outhauls are subject to the regulatory jurisdiction of the Council. The Council may authorize a municipality to administer an annual permit for such provided said municipality has a Council approved and active harbor management plan and ordinance which contains the following:

- a. municipal documentation that demonstrates that**
 - i. an outhaul(s) is/are to be permitted to the contiguous waterfront property owner; and,**

- ii. up to four (4) outhauls may be allowed per waterfront property; and,**
- iii. outhauls are not permitted on properties which contain a recreational boating facility; and,**
- iv. procedures have been adopted to ensure that permits are issued only consistent with the RICRMP, including the provisions of 300.18; and,**
- v. their procedures acknowledge that the CRMC retains the authority to revoke any permits issued by the municipality if it finds that such permit conflicts with the RICRMP; and**
- vi. from November 15 to April 15, when a boat is not being secured by the device, the outhaul cabling system shall be removed.**

The subcommittee discussed the revised proposed changes.

Mr. Lemont seconded by Mr. Tikoian, moved to approve the revised proposed language as above. All voted in favor of the motion.

Item 4.A. Section 4.3. Schedule of Fees. G. Fugate explained that these proposed changes address those instances when applicants – on their own and without staff asking for such – submit re-designed and/or new site plans that negate any review undertaken by staff to that point in the review process, and essentially require staff to start anew the review process. The subcommittee discussed these proposed changes and made revisions that reflect that an applicant

will not be charged when site plan revisions are the result of staff-requested changes.

Mr. Lemont seconded by Mr. Tikoian moved to approve the revised proposed language. All voted in favor of the motion.

Item 7.A. Staff Report – Metro Bay SAMP. G. Fugate explained to the subcommittee the latest iterations of the development of the Urban Coastal Greenways policy work and how staff has been meeting with numerous public groups and individuals through workshops and one-on-one meetings. It is hoped that staff can finish its review of the UCG such that rule-making could begin soon and the Council can seek public comments. Additionally, G. Fugate explained how the Metro Bay SAMP development is generally being revised first with the UCG component, to be followed by the more traditional planning approach where updated issue chapters will be developed for discussion and hopeful incorporation. While staff is working on these issues for SAMP update, the UCG is commanding the most time and attention.

Item 7.B. Staff Report – ISDS and Erosion Issues. J. Willis explained that due to severe erosion along segments of the south coastal areas of the state, the agency has seen multiple ISDS exposed, and are now located on the active beach because of the landward movement of the shore. Many of these have been condemned by the local building official as well. Homeowners are seeking permits from both the

Council and DEM to address the issue. However, because DEM would consider the subsequent application request a “repair” to the ISDS, the Council’s requirement for a nitrogen-removal system (a SAMP requirement for this area) would not be invoked because the actual activity is considered to be a repair. To rectify this conundrum, the staffs of DEM and CRMC met to address this issue and developed DEM guidance that adequately addresses the Council concerns. J. Willis explained the DEM Guidance to the subcommittee. A question was asked if the Council needed to revise its requirements to be consistent with the guidance that the staffs developed. J. Willis explained that that would not be necessary, as applicants need to go through the DEM application prior to the Council’s, and with this guidance, all Council requirements would be addressed by the time an application is submitted to the Council for the same. To help with the administration of this issue, applications can be submitted concurrently, but ultimately, an ISDS permit will be issued prior to a Council assent. Mr. Tikoian thanked the staffs of DEM and the Council for recognizing the importance of addressing the issue as to the health and safety of the public as well as the state’s coastal resources, and he also praised the staffs for their expediency in accomplishing this work.

ADJOURN. Mr. Lemont seconded by Mr. Tikoian moved to adjourn at 6:26 p.m. All voted in favor of the motion.

Respectfully submitted February 24, 2006 by

Jeffrey M. Willis

Deputy Director