



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

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 Tuesday, December 20, 2011 at the offices of the RICRMC, Stedman Government Center, 4808 Tower Hill Rd, Wakefield, RI.

MEMBERS PRESENT

Anne Livingston, Chair
Paul Lemont, Vice Chair
Bruce Dawson
Don Gomez
Russ Chateaufneuf

STAFF PRESENT

Grover Fugate, Executive Director
Jeff Willis, Deputy Director
Jim Boyd, Coastal Policy Analyst
Dan Goulet, Marine Infrastructure Coordinator

Brian Goldman, Legal Counsel

OTHERS PRESENT

Doug Groff

Call to Order. Ms. Livingston called the meeting to order at 8:36 a.m.

Ms. Livingston called for a motion to approve the minutes of the November 16, 2011 subcommittee meeting.

Mr. Gomez seconded by Mr. Dawson moved to approve the meeting minutes of November 16, 2011. All voted in favor of the motion with Mr. Lemont abstaining.

Item 4.A. – Management Procedures Section 4.3.1 Schedule of Fees/Determination Request:

Coastal Feature Edge Verification. J. Willis presented issue of a local requirement from the Town of Narragansett that an applicant for a local permit first receive an edge verification of the coastal feature on their property from the CRMC. The town requires this information for a number of activities it regulates through its zoning regulations. The CRMC does not necessarily provide the service of coastal feature edge verifications and often does not need to know where/what the coastal feature is for certain proposed activities, such as second-story additions or street-side activities. J. Willis explained how he and staff have had numerous conversations and correspondence with the town over the issue to explain the agency's requirements; often the CRMC can process applications without this level of detail for certain maintenance-type activities. The town however is asking the agency to offer such a service to fulfill a municipal need to have the coastal feature not only identified but verified; a requirement in their coastal overlay district regulations. The town will explain to its applicants that it is requiring this for local zoning purposes and not the CRMC. The information needed to verify the edge of a coastal feature may require a professional to flag it. Staff will then verify that work. The proposed regulation is to create a fee schedule for such service and is consistent with the fee for freshwater wetland edge verifications. Mr. Dawson asked how many times this has been/can be an issue. J. Willis answered that while it is not burdensome, it does happen at least a couple of times each month. Mr. Chateaufneuf explained how the freshwater wetland act allows for the state to set an edge for freshwater wetlands. Mr. Lemont offered that there be a time limitation to any verification. He noted that a storm or erosion event more than likely will alter certain coastal features and that a one year limitation be set for such verification. He also

offered that a caveat be placed on the time limitation for erosion or storm events in that the coastal feature will require a subsequent verification after such weather events.

Mr. Lemont seconded by Mr. Dawson moved to approve the fee schedule as presented and require that any coastal feature edge verification carry a one-year limitation with a caveat on edge verifications requiring subsequent redefinition after storm/erosion events. All voted in favor of the motion as presented.

Item 4.B. – Table 1 (Water Type Matrices) - Footnotes/Type 6 Waters. J. Boyd explained the need to clarify that the matrix for Type 6 waters should include a footnote that corresponds with the Type 6 water policy of prohibiting activities that substantially detract from or interfere with the priority uses of said waters. Mr. Lemont asked about communities that are changing their zoning designations and how water type changes correspond to that. B. Goldman explained how the Council would need to make factual findings on the record. G. Fugate explained how the Council would go about a change to the water type. Subcommittee members directed staff to revise Figure 1 such that it presents current information. Mr. Gomez suggested using a similar figure from the Ocean SAMP that has current information and a description of the Geographic Location Designation. J. Boyd will work with URI's Environmental Data Center to have said figure revised for inclusion in this regulation.

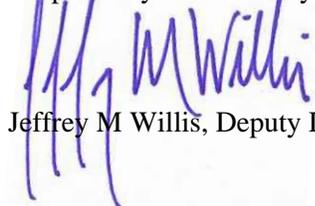
Mr. Lemont seconded by Mr. Gomez moved to approve the revisions as presented and revising Figure 1 to be consistent with the similar figure of the Ocean SAMP. All voted in favor of the motion.

Item 5.A – Town of South Kingstown Petition for Rule Change – Shoreline at Matunuck. G. Fugate and J. Boyd explained that the Town of South Kingstown filed a petition with the Council to formally designate a portion of the Matunuck shoreline as a “manmade shoreline.” As stated from their petition, the purpose of the Town’s request is to “accurately reflect the historic character of portions of the Matunuck shoreline, given the preponderance of manmade structures presently and formerly existing along the subject area.” B. Goldman explained the APA and Management Procedures processes on how to address these types of petitions and if the subcommittee agreed on allowing the rule-making process to proceed, he would prepare a letter to the Town explaining such. The subcommittee discussed that with its consent the only thing that it is doing is allowing the rule-making process to begin. B. Goldman agreed and reiterated that a positive vote of this subcommittee to begin rule-making does not in any way suggest support of the merits of the petition. Mr. Chateaufeuf asked that this position of the subcommittee be made clear in the letter to be written to the Town.

Mr. Lemont seconded by Mr. Dawson moved to begin the rule-making process and send said letter to the Town of South Kingstown. All voted in favor of the motion.

ADJOURNMENT. Mr. Lemont, seconded by Mr. Dawson, moved to adjourn the subcommittee meeting. All voted in favor of the motion and the meeting was adjourned at 9:55 a.m.

Respectfully submitted by



Jeffrey M Willis, Deputy Director