In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, July 24, 2007 at 6:00 PM at the Narragansett Bay Commission Boardroom – One Service Road, Providence, RI.

MEMBERS

Paul Lemont, Vice Chair
Ray Coia
Jerry Zarrella
Bruce Dawson
Dave Abedon
Michael Sullivan
Donald Gomez
Neill Gray
Joe Shekarchi

MEMBERS ABSENT

Mike Tikoian, Chair
Tom Ricci

STAFF PRESENT

Grover Fugate, CRMC Executive Director

David Alves, CRMC Aquaculture Coordinator
Dave Reis, CRMC Environmental Scientist
Dan Goulet, CRMC Dredge Coordinator

Brian Goldman, Legal Counsel

1. Vice Chair Lemont called the meeting to order at 6:00 p.m.

2. READING OF THE MINUTES OF THE PREVIOUS MEETING:

Mr. Coia, seconded by Mr. Shekarchi moved that the council dispense with the reading of the meeting of the July 2, 2007 minutes and accept the minutes as distributed. Vice Chair Lemont commented under item 11 of the minutes where he announced that Director Sullivan, Mr. Shekarchi, Mr. Dawson and himself were going to serve on the subcommittee. Vice Chair Lemont stated that Mr. Shekarchi had a conflict and had moved off the subcommittee and that it will now be himself, Director Sullivan and Mr. Dawson as the Chairman. Vice Chair Lemont explained that the reason he requested that the Rocco D'Angelo matter go to a subcommittee was because it would be a lengthy process and he did not want to tie up the council that evening. Mr. Shekarchi noted that he did not have a conflict with the parties of the D'Angelo matter and planned to vote on the matter when it comes before the body. The motion was carried on a unanimous voice vote.

3. SUBCOMMITTEE REPORTS

Vice Chair Lemont reported that the Policy and Planning Subcommittee meet on July 17th and the following program revisions were approved: Section 4.3.2.T – Schedule of Fees, Cad cells disposal fees would differentiate between marinas, residential docks and commercial facilities; Section 5.16 – Notification Procures; RICRMP Section 110, Category A & B Applications –

remove the word seawalls and replace with structural shoreline protection; and Section 300.9.D.C. – Dredging, to address prohibitions on types of removal systems for bottom sediments. Vice Chair Lemont requested that they be received and sent out to 30 days public notice and placed on the next agenda.

4. STAFF REPORTS

Mr. Fugate noted that a brief excerpt on the climate change and what it means to the council and sea level rise and how to deal with sea level rise in the state had been passed out to council members.

Mr. Fugate stated that memo on staff recommendations had been put in each council member's packet so that they know what each staff recommendation means.

Mr. Fugate also announced that a contest had been held to come up with a public access sign design for the Metro Bay region and the new public access points that are being created through July 31st and the hearings are open to the public and the signage will accompany them. Mr. Fugate stated that the signed was designed by a landscape architect from URI and there will be an award ceremony for the posting of the first sign on a public right-of-way at the American Locomotive.

Mr. Zarrella stated that he had attended a meeting on Block Island and they are amending their regulations and saying they have to be a co-applicant on CRMC applications. He said at the hearing they were challenging where the Supreme Court ruled that CRMC had rights over the pond. Mr. Zarrella stated that he had mentioned this to Mr. Fugate and he was aware of this. Mr. Zarrella wanted to know what the council's position was on this whether they were supporting this or not. Vice Chair Lemont replied that the council could address this later in the agenda.

5. Vice Chair Lemont stated that they were going to change things up a bit and hold off on Mr. Goulet's presentation on dredging, which is part of the CRMC educational series as Mr. Shekarchi had to leave at 7:00 p.m. to attend a Warwick Board of Public Safety Meeting.

Vice Chair Lemont introduced the council members present.

Vice Chair Lemont read through the agenda to see, which applicants/attorneys were present.

Ms. Field read a brief statement of clarification on the council' permitting process into the record.

6. APPLICATION WHICH HAVE BEEN OUT TO NOTICE FOR 30 DAYS AND IS BEFORE THE FULL COUNCIL FOR DECISION:

2007-02-068 ROBERT KRAUSE -- Establish and maintain a 2 acre aquaculture farm to cultivate the American oyster, utilizing no gear. Located in Ninigret Pond, Charlestown.

Robert Krause, the applicant was present. Mr. Alves gave council members a brief summary on the application. Mr. Alves stated that this is an application for a proposed 2-acre aquaculture lease in Ninigret Pond to culture American oyster. Mr. Alves stated that the lease would be bottom planting and there would be no equipment on the bottom. Mr. Alves noted that the applicant has been operating a CRMC approved aquaculture to the northeast of this site since 2004. Mr. Alves stated that the pond has been in existence since 1977. Mr. Alves noted that DEM Division of Fish & Wildlife issued a letter of no support on this application and said he would address those issues. Mr. Alves said the Marine Fisheries Council declined to give an opinion on application to the council. Mr. Alves stated that the Marine Fisheries had approved

three other leases at its meeting but not this lease. Mr. Alves noted that he is bringing the application before the council tonight. Mr. Alves stated that the applicant's current lease space is full and he needs the additional space. Mr. Alves said part of the opposition by the Fish & Wildlife which he commented on in his May 30th memo and three letters from outside experts from URI and Roger Williams University were in the packet. Vice Chair Lemont asked Mr. Alves to explain further as DEM has not stepped up to the plate to endorse the lease and there is another party missing on the application. Mr. Fugate explained that most of the objection is because both parties would like to see the Council do an overall plan for aquaculture. Mr. Fugate said what they are looking to see where aquacultures might be and how much aquaculture is in those areas. Mr. Fugate said basically what they are looking for is a sort of upper limit as to which aquaculture can expand in certain areas then that area would be closed off. Mr. Fugate stated that the working group is started and will look at an outline of an end plan, what will be necessary to develop that plan and also develop a budget for it. Mr. Fugate said they were also looking at biological concerns and what nature they are, etc… Mr. Alves stated that the working group did come up with a plan and how to address the construction of an overall comprehensive plan and the Marine Fisheries Council was satisfied with that. Vice Chair Lemont asked if he should be suspect because three applications that came in after this one had been approved and this was not. Mr. Alves replied no that he thinks it's just a matter of parliamentary procedure and that at the last meeting of MSC the chair of the council, Mr. Gibson, also the deputy chief of the DEM Division of Fish and Wildlife stated that he needed to figure out how this was going to be brought up again. Director Sullivan took exception to the term "DEM stepping up to the plate". Director Sullivan noted that they have asked repeatedly for a plan looking for an assessment of what were the milestones, what were the areas specific to suitable, what were the metrics used in evaluating products or processes as they came through. Director Sullivan addressed the issue of the other three leases approved and stated that they are still sitting on his desk as he is looking at the Council endorsement as they were not overwhelmingly endorsed. Director Sullivan stated that he has requested that his staff participate on the development of the plan and bring it to the Council. Director Sullivan addressed the application and said he was less concerned with this lease as there was no gear or equipment to be removed and said he could support the application. Vice Chair Lemont asked if the applicant had anything to add to the application. Mr. Krause stated that he was basically looking to expand. Mr. Krause stated that he is filled to the max, his gear has tripled the normal density and needed more space so he can maintain his crop and not have a major die-off. Mr. Krause noted that there is low oxygen to the site which can choke out the oysters. He said his goal is to get those oysters from the bottom of this site that has the dissolved oxygen levels. Mr. Krause said he has one acre and is looking for two more acres. Mr. Krause also said he has a ¼-acre lease site which he is willing to give up for the 2-acre site. Mr. Shekarchi, seconded by Mr. Zarrella and Director Sullivan moved approval of the application with all staff stipulations. The motion was carried on a unanimous voice vote.

7. APPLICATIONS REQUESTING SPECIAL EXCEPTION BEFORE THE FULL COUNCIL:

2006-09-001 ESSEX RICHMOND, LLC – Construct and maintain a residential development project at 281 Pitman Street in Providence, consisting of 41 dwelling units, public access amenities, landscaping and stormwater management. The project includes construction on the Seekonk River shoreline. Work on the Seekonk River shoreline includes the construction of 530 linear feet of riprap revetment. A fringe salt marsh will be established along the shoreline to compensate for wetland filled for revetment construction. Included with the project is the construction and establishment of a 50' wide shoreline greenway which will include a public access pathway. The project is being considered under CRMC's Urban Coastal Greenway Policy for the Metro Bay Region. A Special Exception is required for the filling of coastal wetlands bordering the Type 4 waters of the Seekonk River (340 square feet to be mitigated by a 13:1 replacement). Located at plat 15, lot 451 and Lot 6; Pitman Street, Providence, RI.

Kristen Sherman, attorney for the applicant was present on behalf of the applicant. Vice Chair Lemont stated that this was an application for a special exception. Mr. Fugate explained that the next two applications were fairly similar and that both applications are up on the Seekonk River, in the Providence and East Providence area. Mr. Fugate said both applications are Brownfield sites and were contaminated sites that are being cleaned up. Mr. Fugate noted that they were both industrial sites and they are looking to put in mixed unit developments and to clean up the areas. Mr. Fugate said both projects have been approved for the upland portions administratively through the UCG process and meet all the standards. Mr. Fugate said both projects could be approved administratively except for the shoreline work and proposed filling in some areas, some fringe marsh which require a special exception and evokes the council's compensation policy. Mr. Reis gave council members a brief summary on the application. Mr. Reis stated that the application consists of construction of two buildings having 41 dwelling units. Mr. Reis said one building would have four stories and the other building would have six stories. Mr. Reis stated that the project also includes public access amenities, landscaping and stormwater management. Mr. Reis said the work on the Seekonk River would include a construction of a riprap revetment which will result in some filling of spring marsh that exists at the toes of the existing bank and some filling of tidal waters. Mr. Reis corrected a typo and said the project was to establish a 25-foot wide greenway not a 50 foot. Mr. Reis said the setback is 50 feet and the greenway within that setback is 25 feet. Mr. Reis said the project is being considered under the CRMC's urban coastal greenway policy for the Metro Bay region. Mr. Reis stated that a special exception is needed for the filling of tidal waters and the coastal wetland. Mr. Reis noted that the staff engineer recommendation deferred to the council and that the biologist had no objection to the project. Mr. Reis stated that application falls under the Metro Bay SAMP and could have been approved administratively except for the filling of the wetland and tidal waters. Mr. Reis said the revetment structure was not as close to the shoreline as possible. Mr. Reis said the application meets the 15% vegetative coverage and has approximately 34% vegetative coverage. Mr. Reis noted that the application does provide public access by an 8' pathway through the greenway and this would be made an easement as part of the staff stipulations. Mr. Fugate said both projects have had substantial revisions and that the original proposals do not look anything like what is being proposed at this point. Mr. Fugate explained that this project could have had a smaller greenway but has a larger setback of 50' instead of 25'. Mr. Fugate also noted that the applicant went back to the town and pushed the buildings back as far as they can. Mr. Gomez asked them to address the compensation issue. Mr. Fugate explained that the greenway policy has four principles: provide both perpendicular and lateral access; agree to a 15% minimum revegetation of the site; 100% management of stormwater volume on the site; and the compensation based on the land value of what they would have to give up. Mr. Fugate noted that the applicant was giving up 50' requirement and going down to 25' so the land is valued at 25'. Mr. Fugate said there was a bill before the general assembly to create a fund for this but that it has been held off until next session. Mr. Fugate said they are trying to ask developers to put additional amenities on the site to make up for the compensation. Mr. Gomez asked who maintained the amenities. Mr. Fugate replied the developer maintains their costs. Mr. Gomez asked what happens if they are not maintained and if there was any enforcement. Mr. Fugate replied yes and they are done by association documents with standard enforcement. Mr. Gomez noted that Mr. Reis indicated if the Council determined additional compensation was required, the staff biologist thought the site could benefit from a small fishing pier on the north end of the site and wanted to know if this was being considered. Mr. Reis replied the applicant would address the compensation issue. Ms Sherman stated that they have been working with staff on the application since 2005 on the design of the revetment, the shoreline revetment, the planting bed and the proposed breakwaters which is the topic of the special exception. Ms. Sherman rested on the administrative record but wanted to address some issues raised in the staff reports. Ms. Sherman addressed whether or not they needed to place the fill for the shoreline revetment which necessitated the special exception, the issue of parking and the issue of compensation. Sue

Moberg, a Senior Project Manager and Environmental Scientist from Vanessee, Hangen & Brustlin Engineering, explained her role in the project. Ms. Moberg stated that the revetment was originally intended to protect the shoreline from ongoing erosion. Ms. Moberg said as the review process continued it became evident that they needed to fill in some tidal waters at the base of the revetment and that they would also be impacting a small area of salt marsh grass. Ms. Moberg stated that the revetment design was modified to include the salt marsh mitigation area which is about a bench about 10' wide along the base of the revetment. Ms. Moberg referred to the plan which showed where the filling and plantings would take place on the site. Ms. Moberg stated that max slope would be a 40 to 1 revetment and they would use a silk fence during construction to minimize the environmental concerns. Ms. Moberg addressed the amenities along the walking path and stated that there would be three benches placed along the path and a small bridge structure over the overflow from the stormwater management area. Ms. Moberg said there would parallel parking for 16 cars along the frontage of Pittman Street for public access and additional parking within the immediate vicinity for a total of 40 public parking spaces along the street. Ms. Sherman submitted a breakdown of the Richmond Square UCG Compensation Calculation to the council as an exhibit. Ms. Moberg explained that under the UCG compensation, the applicant is required to compute 50 percent of the value of the land and then calculate a per square foot value based on the 50 percent evaluation. Ms. Moberg stated that the site is 1.68 acres (73,300 s.f.) and valued at approximately $1,000,000 and is valued at $13.64 per square foot or $594.270 per acre. Ms. Moberg gave a breakdown of the compensation noted that the compensation required was $77,633.02 and that they provided $137,300.00 compensation and they overcompensated by $73,817.00. Mr. Fugate noted that the salt marsh construction is used to meet a regulatory requirement and cannot be used for compensation. Mr. Reis stated that he did address the salt marsh compensation in his report and that the applicant has a 13 to1 replace so if you subtract $21,000 from the $171,000 in the salt marsh construction you end up with a figure of about $116,000 for the salt marsh construction which is over compensation. Ms. Sherman addressed a couple of stipulations in the staff report and noted that Mr. Anderson's report stated that the stone green roofs should be deleted from consideration and they have. Ms. Sherman said that the staff report mentioned the parking requirements under the UCG which require 5 parking on site parallel parking and they only have 2 parking spaces and wanted the council to let them have 2 parking spaces as there are 16 parking spaces available on Pittman Street. Vice Chair Lemont noted that he has seen a lot of cars parked down Pittman Street when he drives by and asked if there was a way to open the project so the public can park there. Ms. Sherman replied no the lot is fairly constrained with the greenway and they have downsized the buildings and cannot find a way to put in any additional public parking, except for the two spaces they have on the actual site. Vice Chair Lemont asked Ms. Sherman to address Mr. Gomez request about a fishing dock on the site. Ms. Sherman felt they met the compensation requirements and would not consider a fishing pier on the site. Mr. Gomez noted that they are looking at a trade-off on the parking spaces they want to disallow. Mr. Fugate clarified that the regulations require 7 parking spaces and the applicant is providing 2 parking spaces and asking for relief on the other 5 parking spaces. Mr. Gomez did not consider the bridge as part of the compensation because they needed the bridge to get across that section of the site. Ms. Sherman replied even if they took out the 3 benches and the bridge they still have exceeded the compensation requirement. Vice Chair Lemont opened up the public hearing on the special exception. Donald Pryor, a resident of Providence, was concerned with the fringe marsh being created and the follow-up to maintain the fringe marsh. Mr. Pryor was concerned that they only provided $1000 for the planning and that they may have to come back and replant again in a couple years. There was no further public comment on the special exception. Vice Chair Lemont closed the public hearing on the special exception. Ms. Sherman wanted to address Mr. Reis' staff stipulation number 2 regarding the water quality certification and Corps approval. Ms. Sherman noted that there was a reference to CLOMAR requirement which would take eight to nine months to get and she had not seen the CLOMAR put on the list of things that needed to be done and if they were required to get this it could impact their financing and requested that this requirement be removed. Mr. Reis stated that

this project does not require a CLOMAR. Mr. Reis addressed the compensation issue and noted that the waterfront value per acre was a figure that CRMC was actually supposed to come up with but that the applicant had come up with the waterfront value per acre figure. Mr. Fugate explained that the $1 million figure actually came from the Economic Development Corporation who estimated what the waterfront value of these areas were at the time. Director Sullivan noted that he shared some of Mr. Gomez concerns about the public access issues but thought there was some offsets proposed. Director Sullivan stated that the fringe marsh they are removing is 350 to 400 square feet. Ms. Moberg replied yes. Director Sullivan asked if they were proposing to replace it with something in excess of 4,000 s.f. Ms. Moberg replied yes. Director Sullivan asked Ms. Moberg to explain the rationale of the ratio for the mitigation and if she had a mathematical economic formula. Ms. Moberg replied no she did not have a mathematical formula. Director Sullivan asked what the current scientific literature suggests is the functionality both in the year two and beyond in terms of artificially created wetland. Ms. Moberg replied she has seen some mitigation projects around the Providence River which have established well after the second or third year and they provide a significant public benefit. Mr. Reis stated that he suggested that the fringe marsh be constructed along this shoreline. Mr. Reis noted that in the Metro Bay SAMP they put in a section under section 230.2A for the construction of a nonstormwater treatment of wetland and a fringe marsh is not a diverse wetland community. Mr. Reis stated that he suggested a minimum 10' wide fringe marsh be constructed because you needed that width in order to have the value of just the fringe marsh. Mr. Fugate noted that one of the benefit they find in these areas is that fringe marshes act as denitrification and can absorb the carbon source and have a tremendous value as denitrification for nitrogen. Director Sullivan stated that he would support some expanded public value in a fishing platform. Mr. Zarrella asked how long it would take to stabilize the area that they plan on planting. Ms. Moberg replied in three months or less. Mr. Zarrella asked if they would start the green part of the project right away. Ms. Moberg replied it would be part of the initial phase of the project. Director Sullivan stated that they are looking at around 12 to 1 or 13 to 1 mitigation on the fringe wetland. Ms. Moberg replied yes. Director Sullivan asked if it was her professional opinion that this was adequate replacement for mitigation in this wetland type. Ms. Moberg replied yes. Vice Chair Lemont opened the hearing for public comment. Wendy Waller Save the Bay, stated that they agree with CRMC staff on the filling and mitigation even though it was not ideal but in the cases like these with specific site constraints and contamination issues they were pleased to see elements of the UCG incorporated with creative solutions. Vice Chair Lemont called for public comment. There was no further public comment. Mr. Gray asked if the lateral and perpendicular public access was deeded. Mr. Fugate replied yes. Mr. Gray so no matter what happens here those right-of-ways will exist in this area. Mr. Fugate replied yes. Director Sullivan stated for the record that DEM had issued on July 11th a letter of compliance on this. Mr. Coia, seconded by Mr. Zarrella moved approval of the special exception. Mr. Dawson wanted to require a fishing pier. Mr. Goldman replied they take the vote on the special exception and then they can vote on the application and add a condition that the fishing pier be added. Vice Chair Lemont called for a roll call vote on the special exception:

On approval of the Special Exception:

Mr. Dawson	Yes	Mr. Zarrella	Yes
Mr. Gomez	Yes	Director Sullivan	Yes
Mr. Coia	Yes	Vice Chair Lemont	Yes
Mr. Gray	Yes		

7 Affirmative 0 Negative 0 Absentation

The motion carried.

Mr. Zarrella, seconded by Mr. Gray moved approval of the application with all staff stipulations and the special exception. Mr. Dawson stated that he wanted to see a fishing pier included in the motion. Vice Chair Lemont asked if they knew what the cost of the fishing pier would be. Ms. Sherman replied no that they have not looked into the cost of a fishing pier. Ms. Sherman stated that during the two years they have worked with staff on the application there was no mention that the proposed compensation was insufficient. Ms. Sherman stated that they only learned of the fishing pier when the staff report came out. Ms. Sherman felt that staff suggested the fishing pier if there was not enough compensation and felt that they have over compensated. Ms. Sherman felt this was unwarranted and a burden to the applicant. Mr. Dawson, seconded by Mr. Gomez moved to amend the motion to require that the applicant add a fishing pier. Director Sullivan said his concern is about public accessibility. Director Sullivan suggested a structural platform or pier to get safely down the slope so that people can enjoy and fish the shoreline. Director Sullivan stated that he would be satisfied with a platform or stairway so you could functionally move down the slope. Mr. Fugate stated that he had discussions with the applicant previously about the amenities on the site. Mr. Fugate stated that the applicant had broached the subject of putting in a kayak landing in this area which may address some of his concerns. Director Sullivan said he was looking for a safe means of access to the water and a pier might not be appropriate. Ms. Sherman replied that she had spoken with her client and agreed to an integrated kayak access area. Mr. Gray asked staff if it was possible to go along this shoreline when you get down there. Mr. Reis replied that it was possible but it is difficult. Mr. Gray asked how much was in front of the wetland and above the water. Mr. Reis replied once the wetland is construction you would be able to walk above the mean high water mark. Mr. Gray said he was looking for the public benefit of what was being taken away. John Fenton, President of Essex Richmond, stated that one of the guiding principles of this development has been to try to provide recreational access to the river and use. Mr. Fenton stated that it was there intention to develop a ramp or access for nonmotorized boats to access the river which they had planned to do separately from this application. Mr. Fenton stated that they are willing to provide access to the public but not a pier. Mr. Gray suggested that a step down could be done easily. Vice Chair Lemont stated that shoreline on both sides of this area are pretty heavily fished but not in this area presently and did not think whether you added a pier or anything would have an impact. Vice Chair Lemont said if you go to the other side you have Bullock Point Park where there is always someone fishing and did not see a lot of benefit in this area. Mr. Fenton stated that this was a fairly narrow area of the river and the water was very shallow and not sure, it was a proper place to fish. Mr. Zarrella stated that he was not supporting the amendment. Director Sullivan stated that he would be disappointed in his council members if they did not support the amendment, as the applicant was willing to do it. Vice Chair Lemont pointed out that the amendment to the motion was to put in a pier. Director Sullivan suggested that Mr. Dawson withdraw his amendment and have staff work with the applicant on an access portal. Mr. Dawson withdrew his motion to amend and Mr. Gomez withdrew his second. Mr. Fenton agreed to an access area. Mr. Gomez had a problem with the applicant asking for relief of 5 parking spaces. Mr. Zarrella, seconded by Director Sullivan moved approval of the application with all stipulations and that the applicant work out under the direction of the executive director some type of assess to fish and get access down to the water. The motion was carried on a unanimous voice vote.

(NOTE: Mr. Shekarchi left the meeting at 7:00 p.m. to attend Warwick Public Safety Meeting)

2007-02-058 CITY OF EAST PROVIDENCE AND GEONOVA DEVELOPMENT CO., LLC – construct and maintain: A mixed use (commercial/residential) development project as the former Ocean State Steel Property in East Providence consisting of 495 dwelling units, 49,800 square feet of office space, approximately 33,250 s.f. of retail/restaurant space and public access amenities, landscaping and stormwater management. The project includes construction on the Omega Pond and Seekonk River shorelines. Work on the Seekonk River shoreline includes the

construction of 1,600 linear feet of riprap revetment backed by a vertical concrete flood zone protection wall and a steel sheet-pile bulkhead to be constructed along the northwest portion of the site. A fringe salt marsh will be established along the shoreline to compensate for wetland filled for revetment construction. Included with the project is the construction and establishment of a 50' wide shoreline greenway which will include a public access pathway. The project is being considered under CRMC's Urban Coastal Greenway Policy for the Metro Bay Region. A Special Exception is required for the filling of coastal wetlands bordering the Type 4 waters of the Seekonk River. (11,149 square feet to be mitigated by a 2:1 replacement). Project to be located at Map 303, Block 13, Parcel 4:5; Map 203, Block 1, Parcel 4; Map 304, Block 1 Parcel 8; Roger Williams and Bourne Avenue (Former Ocean State Steel Property) in East Providence, RI on the Seekonk River.

Richard Sherman, attorney for the applicant was present on behalf of the applicant. Vice Chair Lemont disclosed to the council member and legal counsel that he was formerly the City Manager of East Providence and left four years ago and during his watch, he had dealings with Geonova and wanted them to come to East Providence. Vice Chair Lemont stated that he did not have and does not have any financial interest in the application and could be fair and impartial on the application. Mr. Fugate explained that this site is very similar to the other site in terms of contamination levels that were present at the site. Mr. Fugate stated that there had been a number of revisions to the application and staff can support the application. Mr. Reis gave council members a brief explanation on the application. Mr. Reis stated that the application was to construct a commercial/ residential development at the former Ocean State Steel Properties in East Providences. Mr. Reis said the project includes the construction of project amenities on Omega Pond and the Seekonk River shorelines. Mr. Reis noted that they deferred to the construction on the Omega Pond shoreline to DEM even though CRMC has jurisdiction. Mr. Reis stated that the work on the Seekonk River shoreline consists of approximately 19.5 acres of land and includes the construction of a riprap revetment which borders the shoreline and is backed by a vertical concrete and flood zone protection shoreline. Mr. Reis stated that this project is seeking CLOMAR approval. Mr. Reis said there is a 50' wide shoreline greenway which will be included in the public access pathway. Mr. Reis noted that the project is being considered under the Metro Bay SAMP, the UCG and Red Book regulations. Mr. Reis stated that a special exception is required because of the filling of a coastal wetland and filling of tidal waters for the revetment. Mr. Reis said this is a Brownfield's site and was highly contaminated and they are cleaning up the site. Mr. Reis said staff had no objection to the application or the special exception. Mr. Reis stated that the applicant is mitigating the impact on the wetland by constructing a new fringe marsh along the entire shoreline except for the very northern end of the site which would have a vertical steel sheet pile bulkhead rather than revetment. Mr. Reis stated that the applicant has chosen the 50' compact greenway which does require some compensation and the compensation proposed here consists of park benches along the greenway, some lighting and trash receptacles. Mr. Reis stated that there is a stipulation for easement on the greenway for public access which would be recorded in the land evidence records. Mr. Sherman stated that the staff engineer and biologist reports are positive and agree to the staff stipulations. Mr. Sherman did want some clarification from staff and the executive director with regard to the upland parcel and the parcel east of railroad tracks and said it was his understanding if they received a DEM freshwater permit they could construct on this portion of the site. Mr. Fugate replied yes. Mr. Sherman asked if would be possible to commence work without the CLOMR approval as long as appropriate erosion and sediment controls were in place. Mr. Fugate said he would have to check with the engineer but did not see a problem with that. Mr. Sherman stated that they would submit a soil-changing plan for staff's review. Mr. Sherman had no further comments. Vice Chair Lemont called for public comment on the special exception. There was no public comment. Vice Chair Lemont closed the public hearing. Mr. Coia, seconded by Mr. Zarrella moved approval of the special exception. Vice Chair Lemont called for a roll call vote. Mr. Gray noted that on the last application they got information on compensation and was concerned with approving the

special exception without hearing about the compensation. Mr. Goldman replied that you had to approve the application as whole with the special exception. Mr. Gray stated that if the compensation was not adequate they could deny the application and the special exception would go with it. Mr. Goldman replied yes.

On approval of the motion for the special exception:

Director Sullivan	Yes	Mr. Gomez	Yes
Mr. Gray	Yes	Mr. Coia	Yes
Mr. Zarrella	Yes	Vice Chair Lemont	Yes
Mr. Dawson	Yes		

7 Affirmative 0 Negative 0 Absentation

The motion carried.

Director Sullivan asked the applicant to describe their thoughts in terms of access across or through the revetment at various points so the public could utilize the area. Mr. Sherman replied that on the Omega Pond side of the project there is public access points for small boats as well as fish piers. Mr. Sherman said on the revetment side there is not fishing pier or small boat access but there is a plaza with a significant amount of access to the shoreline where someone could fish. Mr. Sherman noted that as part of their compensation, which had been approved by staff, they proposed improvements along the walkway that go all the way to the southern and western parts of the waterfront parcel. Mr. Fugate explained that one of the things staff looked at was access to Omega Pond which was not required in the regulations. Mr. Fugate stated that they looked at this as additional compensation. Director Sullivan was concerned with the elevation of the plaza and public access as the edge was a bit abrupt. Matthew Vienna, Engineer with Northeast Engineers & Consultants replied that there is no public access along the waterfront itself though the revetment proposed and that the northwest corner is an existing combination of steel sheet bulkhead and concrete block. Director Sullivan stated that there is nothing beyond the repair of this particular piece of the site for access to the marine side of the project. Mr. Vienna replied not at this time. Mr. Gray noted that they are filling in a little over 11,000 s.f. of wetland. Mr. Reis replied yes. Mr. Gray said there is also filling of some 22 plus thousand feet of berm and asked if they were going to hear about a compensation balance for this. Mr. Sherman replied that compensation for the wetland is 2 to1. Mr. Reis stated that there is mitigation and there is compensation. Mr. Reis explained that mitigation required by the CRMC program is a 2 to 1 for any wetland loss and must be replaced on a 2 to 1 basis. Mr. Reis said this project is putting in a 13' wide fringe marsh, which is a decent width, when he recommended a 10' wide minimum. Mr. Reis said the fringe marsh on this project is strictly mitigation and there is no compensation element. Mr. Gray said because it's an even amount. Mr. Reis replied yes and the compensation figure was $58,000 an acre. Mr. Reis stated that the applicant proposed amenities such as bollard lighting, trash receptacles and benches to match or exceed the compensation. Mr. Gray asked how many benches there are. Mr. Sherman replied there are 32 benches. Mr. Gray asked how the public gets in. Mr. Vienna described the several points of public access to the site. Mr. Gray asked if there was adequate parking for public access. Mr. Vienna replied yes the project required 1,000 spaces and they have 1,028 incorporated and you can park anywhere. Vice Chair Lemont stated that there would also be a fish ladder installed. Mr. Vienna replied correct. Director Sullivan was concerned with the 2 to 1 mitigation and felt it may not be enough and wanted to know if the applicant was willing to agree to a 3 to 1 mitigation. Mr. Sherman noted that staff had agreed to the 2 to 1 mitigation and to increase the mitigation to a 3 to 1 mitigation would be costly to the applicant. Mary Vost, Executive Vice President of Geonova, stated that this has been a very long project, going on 5 years, and they have met challenge after challenge. Ms. Vost felt that they have met the CRMC requirements on the application. Mr. Gray asked

staff what the normal criteria was for maintaining and nurturing the fringe wetland and how long it takes to hold and what is the applicants' responsibility. Mr. Reis replied that there is a monitoring plan for 3 years. Mr. Zarrella said Mr. Reis did a nice job on this application. Mr. Zarrella, seconded by Mr. Coia moved approval of the application with all staff stipulations and the special exception. Director Sullivan wanted the council in the future to address compensation or mitigation of a wetland. Director Sullivan stated that there was a matter of communication sent by Ms. Boyle on July 3rd regarding four separate deficiencies on the application before DEM and wanted to know if the deficiencies had been address. Mr. Sherman replied that the letter relates the water quality certification application which had been filed with DEM. Mr. Sherman noted that the staff approved was subject to the applicant receiving water quality certification. Director Sullivan asked if Mr. Zarrella' motion was subject to water quality certification. Mr. Zarrella replied yes. Mr. Gray stated that it came from the applicant and from a council member that it is unfair to make changes at this late date on the application. Mr. Gray felt it was the council's responsibility to balance the application and make changes if necessary. The motion was carried on a unanimous voice vote.

8. **Presentation:** Dredging and Filling -- Danni Goulet, CRMC Dredge Coordinator

Vice Chair Lemont stated that they were going to put off Mr. Goulet's presentation to the next meeting

9. **Enforcement Report – June 2007**

There were none held.

10. **Category "A" List**

There were none held.

11. **Other Business:**

Mr. Zarrella was concerned with the meeting on Block Island to amend their regulations to say they have to be a co-applicant on CRMC applications, which just observed. Mr. Zarrells said they put this off until their meeting on the August 16th. Mr. Zarrella stated that he has a neighbor who wants to put in a set of stairs and they are holding him up because of this. Mr. Zarrella requested that Mr. Goldman or staff look at their ordinance to see what they are trying to do. Mr. Goldman said he was unaware of this and would take a look at the ordinance and the original litigation. Mr. Goldman suggested that they put this on the next agenda for discussion either at the council meeting or in executive session.

There being no further business to discuss. The meeting was adjourned at 8:13 p.m.

Respectfully submitted,

Grover Fugate, Executive Director

Reported by Lori A. Field