

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, August 28, 2007 at 6:00 PM at the Narragansett Bay Commission Boardroom – One Service Road, Providence, RI.

**MEMBERS**

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

**MEMBERS ABSENT**

Tom Ricci  
Donald Gomez

**STAFF PRESENT**

Jeff Willis, CRMC Deputy Director  
  
David Alves, CRMC Aquaculture Coordinator  
Ken Anderson, CRMC Senior Engineer  
Dan Goulet, CRMC Dredge Coordinator  
Jim Boyd, CRMC Coastal Planning  
  
John Longo, Deputy Legal Counsel

1. Chair Tikoian called the meeting to order at 6:05 p.m.

2. **READING OF THE MINUTES OF THE PREVIOUS MEETING:**

Mr. Coia, seconded by Mr. Dawson moved that they dispense with the reading of the July 24, 2007 minutes and they be accepted as presented. Vice Chair Lemont requested that on page 8 the first paragraph that “Bullock Point” be changed to “Bull Point” and on page 10 – 5 lines from the bottom Mary Vose’s name should be read “Vose” not “Vost”. Mr. Abedon requested that page 1 of the minutes be changed to reflect that he was not in attendance. The motion as amended was carried. Chair Tikoian abstained, as he was not in attendance at that meeting.

3. **SUBCOMMITTEE REPORTS**

There were no subcommittee reports.

4. **STAFF REPORTS**

There were no staff reports.

5. **PRESENTATION: Residential Dock Status and Trends – David Reis, CRMC and Danni Goulet, CRMC**

Mr. Goulet explained that he would be doing the engineering side of the presentation and Mr. Reis would give the biological presentation. Mr. Goulet showed council members photographs of docks to go over the engineering portion of docks in general. Mr. Goulet stated that the two main sections that apply to residential docks are Sections 300.4 and 300.18 both of which had been recently rewritten with substantial changes. Mr. Goulet described what residential docks are, the policies that apply to residential docks and the standards for building docks. Mr. Goulet stated that outfalls had been added to the program and are permitted under town harbor management plans.

Mr. Reis gave the biological presentation and stated that he was going to go through some of the new policies and standards and touch on some of the environmental criteria. Mr. Reis stated that Section 300.4 addressed the environmental criteria for evaluations of docks. Mr. Reis stated that in reviewing docks they look at presence of wetland, sub aquatic vegetation, marine resources and associated habitat. Mr. Reis addressed the policies and standards that apply to docks and noted that they should avoid crossing coastal wetlands and if you have to stay in the wetland you need to keep the deck of the dock at least 4 feet above the marsh and pilings should be spaced to minimize wetland disturbance and allow sunlight to reach the wetland. Mr. Reis noted that they also look at the minimum impact on habitat. Mr. Reis said long term docking of vessels at residential boating facilities is prohibited over SAV and used as touch and go only. Mr. Reis address the new standards Section 300.18 Submerged Aquatic Vegetation which requires a SAV survey and the criteria for construction of residential boating facilities in areas of SAV habitat. Mr. Reis defined deep and shallow water habitats and stated that deep water is 3 meters or more and shallow is less than 3 meters. Mr. Reis noted that in SAV deep water habitat standard they use the Burdick and short dock method and require a 5 foot depth of water. Mr. Reis stated that in the SAV shallow water habitat standard they limit the seaward extent of the facility and require an 18 inch water depth at mean low water. Mr. Reis said boat lifts are used in SAV deep water areas where facilities do not have floats.

Mr. Goulet addressed the trends and future policy issues such as the cumulative impacts, environmental standards for evaluation of dock impacts on marine resources and high fetch areas. Director Sullivan asked about the cumulative impacts and noted staff said it was difficult to do but asked if it was it impossible. Mr. Reis replied it probably was not impossible. Mr. Dawson noted that there is a restriction on the size of the dock and asked about the restriction on the size of boats on docks. Mr. Reis replied that the council does not regulate boat size. Mr. Goulet noted that they would not be able to actively enforce the size of a boat on a dock. Mr. Reis replied that they would have to regulate the dock size in order to regulate boat sizes. Mr. Reis noted that if you keep granting length variances to allow docks to get deeper water you will have bigger boats. Mr. Coia requested a copy of their slide presentation. Mr. Willis noted that all the presentations are put on the CRMC website under the presentation section. Chair Tikoian thanked Mr. Goulet and Mr. Reis for their presentation.

6. Chair Tikoian read through the agenda to see which applicants/attorneys were present.

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

7. **CONTINUANCES:**

**2005-08-101 KATHLEEN GALLANT – As-built residential boating facility shown on the**

attached plans. The facility location relative to the property line extensions was not correctly shown on the plans previously approved by the CRMC. The facility actually extends over the southern property line extension, while the previous plans showed that the facility lay 16' distant from the property line extension. Located at plat Y-1, lot 243; 26 Wheatfield Cove Road, Narragansett, RI.

The applicant was not present.

Mr. Willis stated that he received a call from the applicant's legal counsel stating that the parties are trying to resolve issues and requested a 30 day continuance. The application was continued.

**8. PUBLIC HEARING ON PROPOSED CHANGES TO THE RI COASTAL RESOURCES MANAGEMENT PROGRAM:**

**1. RICRMP Section 310 - Alterations to Freshwater Flows to Tidal Waters and Water Bodies and Coastal Ponds**

Revise Section 310.A.1

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**2. Providence Harbor SAMP - Urban Coastal Greenway (UCG) for the Metro Bay Region regulations**

Revise Figure 3 – Area of Particular Concern Zone Requirements

Revise Figure 5 – Development Zone Requirements

Revise Section 140.2 (b)

Revise Section 140.2(c)

Add new UCG Section 150.5(j)

Revise Section 150.7(d)

Revise Section 150.7(e)

Add new Section 190.3(d)

**3. Narrow River Special Area Management Plan**

Revise Section 920.A.2 as follows:

Amend Section 920.1.A.1(d); Section 920.1.A.2(a); Section 920.1.B.1(d); Section 920.1.B.2(a); and, Section 920.1.C.1(d),

Amend Section 920.1.A.2(c),

Amend Section 920.1.A.2(d),

Amend Section 920.1.A.2(f),

Amend Section 920.1.B.2(d),

**4. Salt Pond Special Area Management Plan**

Revise Section 920.A.2 as follows:

Amend Section 920.1.A.1(d); Section 920.1.A.2(a); Section 920.1.B.1(d); Section 920.1.B.2(a); and Section 920.1.C.1(d),

Amend Section 920.1.A.2(c),

Amend Section 920.1.A.2(d),

Amend Section 920.1.A.2(f),

Amend Section 920.1.B.2(d),  
Amend Section 920.1.B.2(g),  
Amend Section 920.1.C.2(a)

Mr. Willis explained that the program changes before the council had been put out to public notice and during the public notice period they received several requests to hold a workshop to better explain the program changes. Mr. Willis stated that they held a workshop at CRMC and compiled the comments received orally and written which are part of the memo submitted to council members. Mr. Willis stated that comments received were received well by staff and changes were made based on those comments. Mr. Willis noted that the parties agreed to the changes. Chair Tikoian opened the public hearing. Chair Tikoian asked for public comment. There was no public comment. Chair Tikoian closed the public hearing. Mr. Shekarchi, seconded by Mr. Coia moved approval of all the proposed program changes. The motion was carried on a unanimous voice vote.

**9. APPLICATION REQUESTING SPECIAL EXCEPTION BEFORE THE FULL COUNCIL:**

2006-06-118 TOWN OF JAMESTOWN – Construct new Water Treatment Plant consisting of 50’ x 80’ (4000 sq. ft.) building structure, impervious driveway (approx 1433 sq. ft.), stormwater management, and additional pervious storage area. The project involves filling 10,233 sq. ft. of coastal wetlands, requiring a Special Exception (Section 130) from the RICRMP. The project includes wetland mitigation pursuant to RICRMP Section 300.12. Located at plat 6, lot 1; North Main Road, Jamestown, RI.

Lauriston Parks, attorney for the Town of Jamestown was present on behalf of the applicant. Mr. Anderson gave council members a brief summary on the application. Mr. Anderson stated that the application was for a new water treatment plant to improve water treatment over their existing water treatment plant. Mr. Anderson stated that the building structure is 50’ x 8’ and requires a special exception since the building construction alters approximately 10,233 s.f. of contiguous wetland. Mr. Anderson noted that the wetland would be mitigated in accordance with Section 300.12. Mr. Anderson stated that the application requires a variance for the stormwater treatment. Mr. Anderson said staff has no objection to the application and that there was extensive documentation in the filing dealing with the feasibility study and the alternatives analysis. Mr. Shekarchi, seconded by Mr. Coia moved approval of the special exception. Chair Tikoian called for a roll call vote on the special exception:

On approval of the special exception:

Director Sullivan	Yes	Mr. Dawson	Yes
Mr. Gray	Yes	Mr. Coia	Yes
Mr. Abedon	Yes	Vice Chair Lemont	Yes
Mr. Zarrella	Yes	Chair Tikoian	Yes
Mr. Shekarchi	Yes		

9 Affirmative            0 Negative            0 Absentation

The motion carried.

Mr. Shekarchi noted that the application served a compelling public purpose and was a benefit to the environment. Mr. Shekarchi, seconded by Mr. Coia moved approval of the application with all staff stipulations, the variance and the special exception. Director Sullivan noted that the wetland mitigation would occur on DEM property, which is something everyone said DEM would not let happen, but it also includes public parking for people to utilize publicly-owned space, and he urged approval of the application. Director Sullivan stated that this was a greater benefit beyond Jamestown. The motion was carried on a unanimous voice vote.

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

**2004-03-124 THOMAS MARKARIAN -- Construct and maintain: Construct modifications to an existing residential boating facility by removing the ramp and (150 sq ft) float and replacing it with a 4' x 40' fixed pier, requiring a 20-foot variance from the 4' x 20' standard. See attached plans. Located at plat 2, lot 225; 746 East Shore Road, Jamestown, RI.**

Thomas Markarian, the applicant was present. John Caito, the applicant's engineer was also present on behalf of the applicant. Ellen Winsor, an objector was present. Mr. Anderson gave council members a brief summary on the application. Mr. Anderson stated that the application was to modify an existing approved residential boating facility and replace a ramp and float with a fixed pier. Mr. Anderson noted that this dock was approved with a conventional ramp and float and they opted to replace it with a fixed 'L' portion. Mr. Anderson explained that the new standards specify a maximum 'L' dimension of 4'x20' and this is a 4'x40' but it takes up the current footprint. Mr. Anderson stated that staff recommended approval of the application. Chair Tikoian noted that the variance is 10 more square feet. Mr. Anderson replied its 20 additional feet of length on the terminal 'L'. Mr. Caito showed council members the plan with the new fixed 'L' section. Mr. Caito explained that the additional 20' length was to utilize the currently pilings that are there. Mr. Caito said by removing the float system and putting in the 'L' section they can allow more light for SAV. Mr. Gray noted that the council just saw a presentation on high fetch areas and trying to regulate boat and dock lengths and said the applicant is asking to double the current length of the fixed pier. Mr. Gray stated that the original float was 20' and they are now asking for a 40'. Mr. Gray asked if the applicant was asking for the additional length to utilize the current pilings. Mr. Caito replied yes. Mr. Gray said he had a hard time with doubling the standard in areas of high fetch when the applicant can remove 2 pilings and keep within 20 feet. Mr. Gray asked if he was saying it would be a hardship to remove the two pilings. Mr. Caito replied yes. Mr. Gray asked how they would be doing the work and if they would be using a barge. Mr. Caito replied yes they would be using a barge to do the work but they also wanted to put in stairs on the fixed pier. Mr. Caito explained that stairs would take up more space on the 20' section and that it why they needed more length. Mr. Gray noted that on page 6 the plan showed two drops. Mr. Caito said the revised plan on page 5 was for one drop not two drops. Mr. Gray said they need more length to put in stairs. Mr. Caito replied yes. Mr. Gray had a problem with the length variance. Mr. Anderson said staff agreed with the application primarily because of the preexisting ramp and float footprint and this was the same footprint. Mr. Anderson said the 'L' section was so far that they would have to use the Burdick and Short dock method which would allow light over the SAV. Chair Tikoian asked if he signed off on the application. Mr. Anderson replied yes. Chair Tikoian asked if it was his conclusion that the applicant met the criteria and was recommending approval based on his assessment on the variance criteria. Mr. Anderson replied yes. Mr. Willis noted that staff was looking at the existing footprint of the dock and that they were not adding to the footprint. Mr. Shekarchi asked what is there now in terms of length. Mr. Caito replied there is a 40' ramp and float. Mr. Shekarchi said they were looking to replace the float and ramp with a fixed pier. Mr. Caito

replied yes. Mr. Shekarchi said stairs would be better than a ladder. Mr. Caito said yes. Mr. Shekarchi stated that if the application was not approved they could leave it as it is. Mr. Caito replied yes. Mr. Gray asked if this was over SAV. Mr. Anderson replied the 'L' shape is out over SAV to an adequate water depth. Mr. Gray stated that the float was in a high fetch area and there would be constant rocking. Mr. Gray stated that the question was what was better a float or a fixed pier in a high fetch area. Mr. Gray asked what the water depth was. Mr. Anderson replied 10' water depth. Mr. Gray stated that with a 10' water depth they could have a 60' yacht on the dock. Mr. Gray had no problem with the 20' 'L' section and the applicant could pull out the other two pilings. Mr. Gray said he could not support the variance. Mr. Zarrella stated agreed with Mr. Shekarchi that stairs are better than a ladder. Mr. Abedon asked if they only had the 20' could they still have stairs. Mr. Caito replied yes but it would diminish the length of the usable portion of the 20 feet. Mr. Abedon said but they could still have stairs. Mr. Caito replied yes. Director Sullivan asked what the elevation was for rise of the width of the stairs. Mr. Caito replied 7 ¼" to 7 ¾" inches and there would be 6 steps in a 3 ½ feet. Director Sullivan noted that they would need 5 to 6 feet extension to use the stairs. Mr. Caito replied yes. Director Sullivan suggested a 20' float with an additional 5-6 feet for the stairs. Director Sullivan stated that he did not agree with the 40' length.

#### OBJECTOR.

Ellen Winsor, an objector, felt a fixed pier was better than a float over eel grass. Ms. Winsor did not agree with the applicant's request for a 20' length variance and felt it would not be a hardship for the applicant to remove two pilings. Ms. Winsor said there was also the concern of the scenic value for the neighbors as well as navigation issues. Ms. Winsor stated that the previous moorings had been moved. Ms. Winsor did not feel it was an undue hardship for the applicant to remove two pilings. Ms. Winsor agreed with a 20' fixed pier and not the additional 20' length variance. Ms. Winsor did not feel the additional 20' length was needed. Director Sullivan asked if she agreed to his comment about the 5' difference for the stairs and if she agreed to 25' feet to accommodate the current capacity in the stairs. Ms. Winsor said this was not unreasonable. Vice Chair Lemont asked if staff addressed the objector's comments. Mr. Anderson stated that staff assessed the biological and engineering components of the application. Mr. Anderson said staff did not advocate a 40' fixed pier but was looking at what was there. Vice Chair Lemont asked about the hardship. Mr. Anderson said the hardship was not compelling. Mr. Markarian addressed the objector's comments and stated that the moorings had not been moved and were at GPS coordinates with the Jamestown Harbormaster. Mr. Markarian addressed the variance and stated that presently they have a ramp and a float which is a 40' footprint. Mr. Markarian stated that with the existing piling setup he can put in a 50-60' boat but that he only has a 27' boat. Mr. Markarian stated that he wanted to remove the float because of the wave action. Mr. Markarian stated that the stairs were needed to allow his wife and grandchildren to use the dock and he would like the 5' for the stairs. Mr. Markarian felt that a 20' length with an additional 5' for stairs was acceptable. Mr. Markarian stated that he just wanted to make the dock safe for his family. Director Sullivan, seconded by Mr. Gray moved approval of the 25' extension in lieu of the 40' extension requested and all staff stipulations. Mr. Abedon stated that staff and the applicant did a great job on the application and he could support the motion. The motion was carried on a unanimous voice vote. Mr. Caito asked if the revised plans could be approved administratively. Mr. Goldman replied yes.

#### 11. ADMINISTRATIVE APPLICATIONS BEFORE THE COUNCIL FOR DECISION:

2006-06-122 EVELYN FARGNOLI – Construct and maintain a three bedroom dwelling serviced by public utilities; extension of water line and roadway improvements; including stormwater treatment swale. Located at plat N-S, lot 113, 114; Lake

and Wolfe Roads, Narragansett, RI.

Evelyn Fagnoli, the applicant was present. Joseph Abbate, the applicant's attorney, Scott Rabideau, the applicant's wetland biologist and Craig Carrigan, the applicant's engineer were also present on behalf of the applicant. Mr. Anderson gave council members a brief summary on the application. Mr. Anderson stated that the application was continued from the November 2006 meeting to require the Town of Narragansett to sign on as a co-applicant for the extension of the roadway. Mr. Anderson said the application is for a three-bedroom dwelling adjacent to a contiguous wetland. Mr. Anderson said the application has a 6' buffer zone requiring a 44' buffer variance and a 16' setback requesting a 59' setback variance. Mr. Anderson said the road extends up to the edge of the contiguous wetland and requires a 100% buffer and setback variance. Mr. Anderson said staff deferred to the council on the variance criteria to determine whether the dwelling had been reduced adequately to satisfy the variance criteria and was the minimum variance necessary. Mr. Anderson explained that the dwelling in November 2006 had been 26'x36' and was reduced to a 24'x32' dwelling. Mr. Anderson said staff deferred to the council on the application. Mr. Abbate explained that the applicant purchased the property in the early 1970's with the intention to build. Mr. Abbate noted that this was the only lot in the area that was not developed. Mr. Abbate said given the configuration of the lot and wetland there was no way to build on the property without setback relief and this was the minimum variance necessary. Mr. Abbate said last time they were before the council there was concern about the size of the dwelling and the dwelling had been reduced. Mr. Abbate said there would be a vegetative buffer only for the buffer zone and they had revised the plan to include a fence along the buffer. Mr. Carrigan addressed the reduction of the dwelling and whether the structure could be further reduced. Mr. Carrigan stated that in his opinion, in over 22 years, a 24'x32' was about the smallest house he has seen being built under new construction. Director Sullivan asked if Mr. Carrigan had ever designed a cottage in his 22 years. Mr. Carrigan replied yes which is essentially living space, a single bedroom with no bathroom or kitchen. Director Sullivan asked if he ever designed a one-bedroom home. Mr. Carrigan replied no. Director Sullivan asked about limiting the size of a dwelling and what the environmental impacts of the structure would have. Mr. Carrigan replied that you would have some environmental impact whether it was a single-family dwelling or a two or three -bedroom dwelling but did not believe there would be any significant environmental impact. Mr. Carrigan said he did not believe the size of a house should be dictated by other houses in the area. Mr. Carrigan felt this was a good design and would have minimal impact on the adjacent wetland. Mr. Carrigan noted there was a sewer line through the property and the wetland and that the Town would have to access the wetland area to do maintenance if needed. Director Sullivan asked if there would be a reduction in the adverse impact on the structure if the structure was 400 s.f. instead of 768 s.f. Mr. Carrigan replied there would be a minimal reduction in the impact to the environment. Director Sullivan asked him to define impacts to the environment. Mr. Carrigan replied stormwater runoff. Director Sullivan asked what the closest level of disturbance was to the 50' setback requirement. Mr. Carrigan replied 6' in the area of the wetland flag A2. Director Sullivan asked what the average distance was. Mr. Carrigan said about 15-20 feet as you go further south. Director Sullivan stated that if you looked at the requirements for the setbacks would they be able to build on the property. Mr. Carrigan said the entire lot falls within the 75' setback and the area outside of the 50' perimeter would be 900 s.f to 1000 s.f. Director Sullivan asked what the average depth of groundwater on the site was. Mr. Carrigan said he did not know but if he guessed probably 2-3 feet based on his experience of doing septic in this area. Chair Tikoian noted that Mr. Carrigan said he had not seen a structure smaller than this and asked staff if the council ever approved a structure small then the proposed structure. Mr. Anderson yes, the council has. Mr. Shekarchi stated that there had been a letter of objection from Save the Bay for the old plan and asked if the objection was the same for the new plan. Wendy Waller, Save the Bay, replied that their objection was for the old plan and their objection had been dealt with. Ms. Waller said Save the Bay has no objection

to the new plan. Mr. Zarrella said as a builder, a 24'x32' house is the minimum size he has seen for starter homes and affordable housing. Mr. Zarrella support the engineer's comments. Mr. Zarrella felt that a 24'x32' house was the smallest you could have and still put in stairs to get into the basement. Mr. Zarrella said you need 12 feet to put in stairs and if you reduced the size of the house you would have to cantilever the house to put in stairs and it looks lousy. Director Sullivan responded that the council's responsibility is the impact of the structure on the environment not on cantilevering and aesthetics. Director Sullivan said you need to look at the adverse impact on the environment. Mr. Dawson asked about Lake Road and Wolfe Road and asked if they had been abandoned by Bonnet Shores. Mr. Carrigan replied Bonnet Shores has never abandoned the road as far as he knows. Mr. Dawson said they would have a pump station sitting in the middle of the road and asked if they would be connecting Lake Road East with Lake Road West. Mr. Carrigan replied no. Mr. Zarrella asked how big the sewer line that runs through the property. Mr. Carrigan replied at least 8 inches. Mr. Zarrella asked if they had an easement for this. Mr. Carrigan said no it doesn't go across the property it goes across a paper street for Wolfe Road and is owned by the Bonnet Shores Fire District and maintained by the Town of Narragansett. Mr. Zarrella asked if the sewer line was in the buffer area. Mr. Carrigan said it goes right through the wetland area. Mr. Zarrella asked if there is a break in the sewer line they would have to go into the wetland to repair it. Mr. Carrigan replied yes. Mr. Abbate noted that Mr. Rabideau had submitted an updated report dated February 26, 2007 and would address the issues with regard to the size of the structure as well as the buffers and the impact on the contiguous wetland. Mr. Rabideau said they are talking about a 50 foot perimeter of wetlands and areas within 50 feet at one point. Mr. Rabideau said this is a contiguous freshwater wetland subject to the CRMP. Mr. Rabideau explained that because the lot is 10,000 sf. there is a 50' buffer zone requirement and a 75' construction setback requirement. Mr. Rabideau said the application is not under the freshwater wetlands regulations but is totally under the coastal regulations. Mr. Rabideau said they are 6 feet at closest point to the contiguous freshwater wetland. He said they reduced the structure but did not reduce the side yard and kept the side yard at 10 feet instead of 8 feet. Mr. Rabideau said they put in a fence instead of screening vegetation Mr. Rabideau explained that screening vegetation would creep into the yard and they would loose some distance but also said they had no problem putting it back in and they would also keep the fence for double protection. Mr. Rabideau said his report was consistent with his previous report. Mr. Rabideau said the sewer line bisects habitat and if there is a maintenance issue it would have to be fixed. Mr. Rabideau said this is a fragmented wetland. Mr. Rabideau said the buffer zone would be completely vegetative and they used the vegetation from DEM's plant list. Mr. Anderson clarified that the site is subject to the jurisdiction of the freshwater wetland in the vicinity of the coastal regulation. Chair Tikoian asked Mr. Anderson to explain how staff reviewed the application under the wetland regulations. Mr. Anderson replied that CRMC took over some of the freshwater wetlands from DEM to avoid duplication. Mr. Anderson stated that the application was subject to rules and regulations under freshwater wetland and contiguous wetlands. He said staff reviewed the application under a contiguous wetland. Mr. Anderson noted that the application needed a variance to be minimize the impact to the wetland. Mr. Anderson stated that this is not a fragmented wetland, the wetland as mapped is connected but with a sewer line under it. Mr. Zarrella stated that the last time the council talked about a lot in Narragansett with wetlands and a sewer line it was the topic of talk shows. Mr. Zarrella asked what is the difference between this lot and the previous lot. Mr. Rabideau replied they are dealing with a freshwater wetland in the vicinity of the coast. Mr. Rabideau said staff reviewed the application under the CRMP. Mr. Rabideau stated that they were not in the wetland, they are in the coastal's 50' buffer area adjacent to a contiguous wetland adjacent to type 1 waters. Mr. Rabideau said they are seeking a 88% variance, which is large, to the coastal buffer zone standard and they are not altering a freshwater wetland under this application. Chair Tikoian asked Mr. Rabideau to explain why he said the wetland is fragmented and asked if the degree of fragmentation was the sewer line. Mr. Rabideau explained full fragmentation of a wetland and partial fragmentation.

Mr. Rabideau noted that the sewer line had to be taken in consideration for fragmentation. Director Sullivan asked Mr. Rabideau about Mr. Carrigan’s statements about the 900 to 1000 feet of unregulated portion of the lot and if he agreed with this. Mr. Rabideau replied that there is no area on the property that is not regulated. Director Sullivan asked him what the groundwater level was. Mr. Rabideau replied that the groundwater level was in the range of 18 to 24 inches. Director Sullivan asked about the elevation of the sewer line moves across the road into the wetland. Mr. Rabideau replied possibly two feet. Mr. Abedon asked Mr. Rabideau to explain the statement on page 5 item 6 of his report, which read “Any development of this site would require the proposed variance of 88 percent” and asked what he meant the proposed variance. Mr. Rabideau said he should have used the word residential not development. Mr. Zarrella referred to page 21 in the packet which was an aerial map with a star on it and asked if this was the applicant’s lot. Mr. Rabideau replied yes. Mr. Zarrella stated that he had said the lot was 100 % regulated and asked if the other lots on this road were 100% regulated. Mr. Rabideau replied if they are within the 200’ jurisdiction of CRMC. Mr. Gray asked if on page 29 in the packet does the addition of the Town’s signature constitute them joining the application and this satisfies that need. Mr. Willis replied yes. Mr. Shekarchi asked Mrs. Fagnoli how long she has owned the property. Mrs. Fagnoli replied since 1972. Mr. Shekarchi asked why she did not build on the property since 1972. Mrs. Fagnoli replied her husband died and her children were not interested in staying down at Bonnet Shores. Mr. Shekarchi asked if the applicant planned on selling the lot. Mrs. Fagnoli replied no at the present time. Mr. Shekarchi said her intention is to build on the lot and live here. Mrs. Fagnoli replied she would like to give the property to her son or daughter to enjoy it. Mr. Abbate made a closing statement and felt they had addressed the issues raised by the council and they have mitigate any impact on the wetlands abutting this property. Mr. Abbate stated that this was the minimum amount of relief necessary to build on this property. Mr. Abbate asked for council approval on the application. Director Sullivan noted that this was no an easy decision for council members and was concerned with the large percentage for variances. Director Sullivan stated that he could not support the application as presented. Mr. Shekachi stated the applicant had addressed the council’s concerns and reduced the size of the house, Save the Bay has no objection to the application, there are no neighbors objecting to the application, the town has approved and signed onto the application. Mr. Shekarchi, seconded by Mr. Zarrella moved approval of the application with all staff stipulations and the stipulations for vegetation and a fence. Director Sullivan requested a roll call vote.

On the motion for approval of the application with stipulations:

Director Sullivan	No	Mr. Dawson	Yes
Mr. Gray	Yes	Mr. Coia	Yes
Mr. Abedon	No	Vice Chair Lemont	Yes
Mr. Zarrella	Yes	Chair Tikoian	No
Mr. Shekarchi	Yes		

6 Affirmative                      3 Negative                      0 Absentation

The motion carried.

**12. Enforcement Report – July 2007**

There were none held.

**13. Category “A” List**

There were none held.

There being no further business to discuss. The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Grover Fugate, Executive Director

Reported by Lori A. Field