

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, April 22, 2008 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
Don Gomez
Dave Abedon
Neill Gray
Michael Sullivan
Joe Shekarchi (Left at 6:30 p.m.)
Bruce Dawson

MEMBERS ABSENT

Jerry Zarrella
Tom Ricci

STAFF PRESENT

Grover Fugate, CRMC Executive Director

David Reis, CRMC Environmental Scientist
Dan Goulet, CRMC Dredge Coordinator

Brian Goldman, CRMC Legal Counsel

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

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

Vice Chair Lemont, seconded by Mr. Coia moved approval of the minutes of the March 25, 2008 meeting as presented. The motion was carried on a unanimous voice vote.

3. **SUBCOMMITTEE REPORTS**

There were no subcommittee reports.

4. **STAFF REPORTS**

There were no staff reports.

5. **COASTAL EDUCATIONAL SERIES – STATEWIDE PLANNING** – Jared Rhodes, Chief, RI Statewide Planning Program

Mr. Rhodes gave a presentation on the RI Statewide Planning Program “Preserve the Past Present and Future”. Mr. Rhodes focused on five primary questions that he thought would be helpful to council members: 1) Where does the Statewide Planning Program

(SPP) fit in the structure of government; 2) What are their Corps responsibilities; 3) What is the State Guide Plan's vision for the future land use of our coastal areas; 4) How are they intending to implement this vision and 5) What opportunities and challenges lie ahead for them and our two agencies in trying to get there. Mr. Rhodes said the SPP is established by statute. Mr. Rhodes said their primary responsibility is for the development and maintenance of a document called the State Guide Plan which consists of 27 separate documents and serves as a means of coordinating both state and local activities in regard to land use planning. Mr. Rhodes stated there are several sections within the plan: transportation, comprehensive planning, economic development and land use section, Mr. Rhodes said they have no local regulatory authority and do not get involved or have any responsibilities in the issuance of local building permits, demolition permits, subdivision approvals, zoning variances, etc... Mr. Rhodes said we look at the State Guide Plan for guidance on what the future development along Rhode Island's coastline should be. Mr. Rhodes showed maps with data from 1995 of land use patterns in Rhode Island where the development focused along the southern coast and the higher densities located in the urban areas like Newport, Providence, Blackstone Valley corridor with Pawtucket, Central Falls and Woonsocket. Mr. Rhodes explained where we are in land development and how we intend to get there. Mr. Rhodes explained the opportunities and challenges in working together to implement this vision – be being part of the CRMC technical committee representation, improving local comprehensive plan and Harbor Management Review procedures, streamlining and strengthening the State Guide Plan System, CCMP, MRDP, NBCT-SLP and SAMPs, SAM Planning and reassessment of density requirements within the SAMPs boundaries where applicable. Vice Chair Lemont asked how they coordinate with staff and everyone in the SAMPs process. Mr. Rhodes replied that SAMPs are a phenomenal tool and greatly appreciated. Mr. Rhodes questioned whether all of the SAMPs and all the individual documents needed to be incorporated as a whole into the State Guide Plan and felt they need to stay whole in their current locations and serve the regulatory functions that they do. Mr. Rhodes felt they did not need to be added to the 3000 page document they currently have. Mr. Gomez asked about the gold stars on the maps. Mr. Rhodes said the gold stars are to recognize rural communities such as Exeter, Burrillville and Foster. Mr. Gomez said the gold stars represent where they think the concentration and growth should be in rural areas. Mr. Rhodes replied yes. Chair Tikoian thanked Mr. Rhodes for his presentation. Chair Tikoian said he knows CRMC and their staff enjoy a very good relationship with Statewide Planning and work very well together.

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

Chair Tikoian made a brief statement on the council's permitting process.

7. **APPLICATIONS WHICH HAVE BEEN OUT TO NOTICE FOR 30 DAYS AND ARE BEFORE THE FULL COUNCIL FOR DECISION:**

2007-07-013 CAROLYN & DAVID HURDIS – Construct and maintain a residential boating facility consisting of a 4' x 137' fixed timber pier that leads to a 3' x 20' ramp that leads to a 6' x 25' (i.e. 150 s.f.) terminal float. The proposed facility is to extend 124 ft seaward of the cited mean low water mark and the applicant seeks a 74' length variance. Located at plat Y-1, lot 10; 76 Harbour Island Road, Narragansett, RI.

Carolyn and David Hurdis, the applicants were present. Mr. Reis gave council members a brief summary on the application. Mr. Reis stated that the application was to construct a residential boating facility consisting of a 4'x137' fixed timber pier leading to a 3'x20' ramp and ends at a 6'x25' terminal float. Mr. Reis said the application requires a 74' length variance to extend the dock 124' beyond mean low water to get the minimum water depth of 18 inches. Mr. Reis said staff recommended approval of the application. Mr. Shekarchi, seconded by Mr. Gomez moved approval of the application with all staff stipulations and the variance. The motion was carried on a unanimous voice vote.

7. PUBLIC HEARING ON SPECIAL EXCEPTIONS BEFORE THE FULL COUNCIL FOR DECISION:

2007-10-111 TOWN OF WARREN -- Construct and maintain a paved, off road route for cyclists and pedestrians, including grading and drainage improvements. The entire project is to occur along the route of an abandoned, previously disturbed railroad bed owned by the Town of Warren. The path extends approximately 4,500 linear feet from Long Lane to the end of the existing rail bed at the Kickemuit River. A special exception is required for filling tributary wetlands (Ref: RICRMP Section 100.4.F.1) (approximately 145 square feet will be impacted). A variance is required for creating fill slopes which exceed 3:1 (Horizontal:vertical) (ref: RICRMP Section 300.2.D.1) A variance is required for failing to provide stormwater treatment consistent with CRMC Standards (RICRMP 300.6.E.2).

Briscoe Lang, the applicant's engineer was present on behalf of the applicant. Mr. Lang said there is no one from the Town of Warren present. Mr. Lang stated that the Town Manager submitted a letter to Mr. Mosonic this morning indicating that he would not be available and authorized them to speak on their behalf. Chair Tikoian asked if they had a copy of the letter. Mr. Lang submitted a copy of the letter to the council. Chair Tikoian asked legal council to review the letter and determine if it was appropriate for the council to continue with the application. Mr. Goldman reviewed the letter and stated if the town has given the engineer the authority to speak on their behalf then the council can go forward on the application. Mr. Reis gave council members a brief summary on the application. Mr. Reis stated that the application is to construct a public bike path which extends 4,500 l.f. along the abandoned railroad bed, Long Lane in Warren to the terminus of the railroad bed which ends at the Kickemuit River. Mr. Reis said the project requires a special exception by filling in a freshwater wetland tributary to the Kickemuit River. Mr. Reis said variances are required for creating 3 to 1 slopes, filling in the minimum 50-foot setback and for failing to treat the runoff from the project's impervious areas. Mr. Reis said the wetland fill was a small amount of freshwater wetland that extends across the existing abandoned railroad bed and is 705 s.f. which is about two one-hundredths of an acre and considered relatively small fill. Mr. Reis said based on the applications public nature that with regard to the special exception and the measures that the applicant took to minimize the environmental impact there was no objection from staff. Chair Tikoian asked for comment on the special exception. There was none. Vice Chair Lemont, seconded by Mr. Gray moved to close the public hearing on the special exception. The motion was carried on a unanimous voice vote. Vice Chair Lemont, seconded by Mr. Shekarchi moved approval of the special exception. Chair Tikoian called for a roll call vote:

On approval of the special exception:

Director Sullivan	Abstained	Mr. Gomez	Yes
Mr. Gray	Yes	Mr. Coia	Yes
Mr. Abedon	Yes	Vice Chair Lemont	Yes
Mr. Dawson	Yes	Chair Tikoian	Yes

7 Affirmative 0 Negative 1 Absentation

The motion carried.

Vice Chair Lemont, seconded by Mr. Coia moved approval of the application with all staff stipulations and the special exception. The motion was carried. Director Sullivan abstained..

Mr. Shekarchi left the meeting at 6:30 p.m. to attend a Zoning Board

2008-02-071 TOWN OF EAST GREENWICH -- Close and restore the former East Greenwich municipal landfill. The total area of the landfill is approximately 13 acres, as determined by subsurface investigations conducted by Fuss & O’Neill, Inc. in 2004 and 2005, approximately 11 acres of which will be disturbed for the closure construction. The landfill has a mounded height of between 20 to 30 feet and is covered with a mixed vegetative stand of grass, small trees and shrubs. Trees and small brush, ranging in diameter from a few inches to more than a foot, cover approximately 50 percent of the landfill including the majority of perimeter slopes. The central portion of the landfill is covered with a fair amount of grass and weed ground cover combined with dirt trails. The closing of the landfill consists mainly of regrading the site to provide stable slopes and to construct a landfill cap over contaminated soil and solid waste. Areas of the landfill, specifically on the slopes down to the bay that were determined to be adequately capped were carefully delineated, and these areas will remain undisturbed in order to preserve vegetation and minimize work on slopes. Steep landfill slopes that must be disturbed will be cut back at a 3:1 slope. The disturbed slopes will be cut back an additional two feet to install the required cap. The excavated material will be placed on the top of the landfill and then capped. The proposed grading will not result in filling of coastal water bodies, or loss in flood plain storage. Access to the subject site will remain at the south end of Crompton Avenue; however, an access road to the top of the landfill will replace the lower bench access road, which is a severely dilapidated asphalt road, mostly grown over by vegetation. A 40-space parking lot will be located on the west side of the north end of the site. Walking trails and a bikeway will traverse the top of the site and provide access to the lower bench and shoreline. The proposed landfill closure will require the issuance of two (2) Special Exceptions for activities which are prohibited under the RICRMP. A Special Exception is required per RICRMP Section 210.2 and 300.12 for the alteration of 4,615 sf total (0.10 acres) of coastal wetlands. Restoration in accordance with RICRMP Section 300.12 is proposed. A second Special Exception is required per Section 300.7 to construct structural shoreline protection (riprap) along approx 300 linear feet of shoreline abutting Type 1 waters. The riprap is proposed to retain the severely eroded coastal bank at the southern limit of the landfill.

Lee Whitaker, Planning Director for the Town of East Greenwich and Joseph Durante, the Public Works Director for the Town of East Greenwich were present on behalf of the town. Scott Rabideau, the applicant’s biologist and Dean Audet, the applicant’s engineer

were also present on behalf of the applicant. Mr. Reis gave council members a brief summary on the application. Mr. Reis stated that the application is to close and restore the former East Greenwich Municipal Landfill pursuant to the RI DEM Volunteer Landfill Closure Program. Mr. Reis said the total area of the landfill is approximately 13 acres and 11 acres of that will be disturbed for the closure destruction. Mr. Reis said the closure of the landfill consists of regrading the site to provide stable slopes and to construct a landfill cap over contaminated soil and soiled wastes. Mr. Reis said portions of the bay side of the landfill would remain undisturbed in order to preserve vegetation and minimize work on these slopes. Mr. Reis said the application requires two special exceptions for activities which are prohibited by the coastal program, Section 210.3 for the alteration of a coastal wetland which wetland mitigation is proposed pursuant to Section 300.4 to compensate for the alterations. The second special exception is to Section 300.7 to construct structural shoreline protection on abutting Type 1 waters, approximately 300 feet of that. Mr. Reis said riprap is proposed to retain a severely eroded storm bank at the Mascatuck River. Mr. Reis said the application has DEM approval. Mr. Reis said staff had no objection to the application. Mr. Whitaker stated that they worked very closely with the DEM staff and CRMC staff and secured a number of grants from the Natural Resource Conservation Service for habitat restoration and one from DEM for riparian shoreline restoration and another from DEM for a passive recreational facility. Mr. Whitaker said they have been working with DOT on the bikeway across the landfill once it's closed. Mr. Whitaker said they are excited about the public access and the environmental habitat restoration of this project. Mr. Whitaker said they read the staff recommendations and agree with them except for one minor point which they would like to discuss with staff relative to having an environmental compliance monitor on the site. Chair Tikoian opened the public hearing on the special exception. There was no public comment. Mr. Coia, seconded by Mr. Gray moved to close the public hearing on the special exception. The motion carried. Director Sullivan abstained. Vice Chair Lemont 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	Abstained	Mr. Gomez	Yes
Mr. Gray	Yes	Mr. Coia	Yes
Mr. Abedon	Yes	Vice Chair Lemont	Yes
Mr. Dawson	Yes	Chair Tikoian	Yes

7 Affirmative 0 Negative 1 Absentation

The motion carried.

Mr. Whitaker said they had a question on having a full-time environmental compliance monitor stationed at the site during storms on page 4 of 5 of the staff biologist report. Chair Tikoian asked what their concern was and what would their recommendation be. Mr. Whitaker concurred with Mr. Reis' reasoning for having someone monitor the site and this was not an issue. Mr. Whitaker felt the Town could provide public works personnel to monitor the site through their normal staff capabilities rather than hire a new person to do this on a temporary basis. Mr. Reis said he did not have a problem with the environmental compliance monitor being town personnel as long as there is somebody there during a storm when things are likely to happen to the slope during construction. Vice Chair Lemont asked, what the monitor would be able to do. Mr. Reis replied when

they started to see evidence of erosion. Mr. Reis said if there is sediment movement, they could address them during the storm instead of waiting until the storm is over. Mr. Reis said the intent is to try to prevent a major washout in terms of causing a real environmental problem. Chair Tikoian said if there is a person, there physically during a storm what did they expect this person to do at that moment. Mr. Reis replied if they know a significant storm is coming they can check all the erosion controls and make sure they are functioning properly and make sure the contractor has not left the site in an unstable situation. Chair Tikoian said prior to a storm. Mr. Reis replied yes. Chair Tikoian said this was not what the language said and asked if he could work with the town on the language and strike this sentence out and insert a new one. Mr. Reis said yes. Mr. Durante stated they are objecting to the language other than Town personnel. Mr. Reis had no problem with the monitor being town personnel. Chair Tikoian said they could change that word. Mr. Durante asked for clarification on a sizeable storm. Mr. Reis explained it really depends on what stage of construction they are at and it's a judgment call that needs to be identified by the environmental compliance monitor. Mr. Gomez said this would be during the timeframe of construction until the slope is stabilized. Mr. Reis replied yes. Mr. Gomez said once the slope is stabilized this would not be needed. Mr. Reis replied correct. Chair Tikoian stated he asked legal counsel to put some language together with Mr. Fugate's concurrence. Mr. Goldman said they could amend the stipulation to specify that the environmental compliance monitor can be a Town employee and the language and the situation to be worked out with the Executive Director and put this as a condition of the assent. Mr. Whitaker agreed. Mr. Abedon asked if there is a problem who do they call. Mr. Reis replied they could call the contractor or Town Personnel and a lot of the time it could be as simple as rolling out erosion control matting or throwing some hay bales in the patch of where the washout is. Mr. Durante said they use highway staff right now to monitor other sites in town during a storm and they could monitor this site as well. Vice Chair Lemont, seconded by Mr. Coia moved approval of the application with all staff stipulations, the two special exceptions and the new language to be worked out by legal council for the environmental compliance monitor. The motion carried. Director Sullivan abstained

8. APPLICATIONS WHICH HAVE BEEN OUT TO NOTICE FOR 30 DAYS AND ARE BEFORE THE FULL COUNCIL FOR DECISION:

2008-02-006 COVE HAVEN CORPORATION – Modify and existing Marina Perimeter Limit (MPL) south. There is no increase in the boat count proposed, the modification of the MPL is to accommodate larger vessels. Located at 101 Narragansett Avenue, Barrington, RI.

Mike Keyworth, Cove Haven Corporation, the applicant was present. Joelle Sylvia, the applicant's attorney was also present on behalf of the applicant. There were 18 objectors to the application. Mr. Goulet gave council members a brief summary on the application. Mr. Goulet stated that the application was to expand an existing marina perimeter limit southward approximately 75 feet at one end and 50 feet at the other end. Mr. Goulet said the marina purchased the adjacent land to the marina and wanted to expand in front of that property. Mr. Goulet said the proposed marina perimeter limit is perpendicular to the existing federal channel while the existing marina perimeter limit is a projection of the property line. Mr. Goulet stated they wanted to relocate the existing

dock tree with no increase in the number of vessels and this would allow for larger vessels now that the marina has completed its dredging. Chair Tikoian asked for clarification on the expansion. Mr. Goulet stated that is sort of a trapezoid towards the shore it is 50 feet and towards the channel it is 75 feet. Chair Tikoian said it does not go further out. Mr. Goulet replied it is limited by how far it can go out because of the federal channel and its extending perpendicular to the channel. Vice Chair Lemont asked if the council gave approval to the marina a year or so ago for a small dock. Mr. Goulet replied yes that is the house the applicant bought. Mr. Goulet explained that they gave approval for a small residential boating facility but the dock was never constructed. Mr. Fugate explained the council approved the residential dock on the property to the south and subsequent to that Mr. Keyworth purchased the property. Mr. Fugate said the dock was never built and now the applicant is proposing to move his dock tree in front of this property. Mr. Keyworth clarified that Cove Haven Marina purchased one Rodeo Drive, which is the residence to the south of the marina about 15 years ago. He said subsequent to that in 2004 Cove Haven applied for a permit to dredge a portion of the marina and in 2005 they applied for a marina expansion rather than a modification of the perimeter. Mr. Keyworth stated in January 2008 Cove Haven purchased 35 Allen Avenue which is the next adjacent house to the south and now propose to move the marina perimeter limit 38 feet south at the inboard end and square it up perpendicular to the channel. Mr. Keyworth said he would surrender the dock permit on 35 Allen Avenue if the marina expansion were approved. Ms. Sylvia reiterated what Mr. Keyworth said. Ms. Sylvia said they have a letter of no objection from the Town of Barrington the record owner of Allen Avenue, which is where the variance is sought. Ms. Sylvia said the new marina perimeter line will leave a 10' setback from the property line extension of Allen Avenue. Ms. Sylvia stated they sought approvals from the Town of Barrington Zoning, Planning Board and Town Council. Ms. Sylvia said they appeared before the Harbor Commission and the Town submitted a letter of no objection. Ms. Sylvia explained that the marina received approval in 2005 to expand the marina as well as the perimeter limit moving from 93 slips to 359 slips with dredging included. Ms. Sylvia said the dredging has been completed and the applicant is seeking to relocate the southerly dock to accommodate the existing number of slips. Ms. Sylvia noted the plan will reduce the number the number of slips by 4 to 355 slips. Chair Tikoian asked if there was a resolution from the town. Ms. Sylvia replied they just made a motion to write a letter of objection and there was no resolution. Mr. Goldman asked if she had a copy of the minutes. Ms. Sylvia submitted a copy of the minutes to the council. Mr. Keyworth explained the plan to the council. Mr. Keyworth showed the right-of-way and said that he has never seen it used except by kids wading in the water. Mr. Keyworth said the area is quite shallow and unusable. Mr. Keyworth felt there was a misunderstanding with his neighbors and said they followed all the proper channels on the application. Chair Tikoian said the Town Council, Planning Board and Zoning Board meetings were all public hearings. Mr. Keyworth replied yes. Chair Tikoian stated that the question before the council is the expansion of the marina perimeter limit and asked people who wished to make comments stick to the question before the body. Mr. Gray noted that they were going to lose 4 slips and asked how they were ending up with less slips. Mr. Keyworth replied that they would be putting larger boats on the finger piers. Mr. Dawson asked if he proposed to have boats docked on the outside of the finger piers. Mr. Keyworth said he had not considered that yet.

Chair Tikoian called for a recess at 7:00 p.m. Chair Tikoian called the meeting back to order at 7:10 p.m.

OBJECTORS:

Chair Tikoian stated that Tim O'Connell asked if could ask some questions through the Chair that would help enlighten some of the future comments and then sum it up at the end. Tim O'Connell asked why they need the marine perimeter line to run from the 10-foot setback. Mr. Goulet replied 10-foot setback on structures from marina perimeter limit are allowed under the CRMC rules. Mr. O'Connell but the normal setback required would be 25-feet. Mr. Goulet replied not from a marina perimeter limit they are always 10 feet according to section 300.4. Mr. Goulet said the 25' setback is from the property line extension. Mr. O'Connell asked why Cove Haven chose to located at the southwestern end of this expansion instead of the north side. Mr. Keyworth said it gives them more fairway for their boats and would not have any impact on existing or future uses. Mr. O'Connell asked why they expanded the MPL to the north and now looking at the southerly angle. Mr. Keyworth replied the MPL to the north happened back in 1961 when the marina was originally permitted. Mr. O'Connell wanted to know why he didn't look at expanding to the north where his abutting property owner would be a state park and parking lot. Mr. Keyworth replied the configuration of the marina is that the smaller slips are to the north and the larger slips are to the south so the natural idea was to go to the south to take advantage of the slope created by the dredging. Chair Tikoian stated that if they were to expand to the north they would have had to dredge more on the north and that was not part of the dredging plan. Director Sullivan explained even if the applicant wanted to expand to the north there is a 10-year contractual limitation and any proposal would have to go before the State Properties Commission for approval. Mr. O'Connell was concerned with riparian rights and the effect it would have on the public right-of-way. Mr. Fugate said Section 335 speak to upland public access and preserving public access in upland areas. Mr. O'Connell felt that if there was an infringement on public access it was up to the applicant to provide a public access plan to replace what is was taking. Chair Tikoian said if the town had an impact they are the ones to object but the town signed off on the application. Philip O'Dowd, lives at 28 Leslie Drive, waterfront abutter to the marina submitted a number of photographs taken of the project and the markers and the effect they have on the right-of-way. Ms. Sylvia objected. Mr. Goldman marked the photographs for identification. Mr. O'Dowd explained the photographs and explained what is in the cove and said there is very active boat traffic though the cove. Mr. O'Dowd said he received a letter from the Town of Barrington in early March or late February that they would be having a council meeting to review the plans for the marina expansion. Mr. O'Dowd said he spoke with Mr. Keyworth and review the plans and had no objections at that time. Mr. O'Dowd said he was invited to a meeting by 25 of his neighbors to discuss their concerns about how the marina expansion would affect the right-of-way and the view. Mr. O'Dowd felt the community benefited from the right-of-way and felt the right-of-way view would be blocked by the marina expansion. Mr. O'Dowd felt the docks could be reconfigured and not affect the right-of-way or the view. Deltona Thornton stated that she was concerned with the air pollution and did not wanted the diesel and gas exhaust fumes from 40 to 50 foot sail boats and power crafts to move within 425 feet of her home. Ms. Thornton wanted the council to deny the application Brian Letterman felt the marina expansion would effect the property value of his home. Mr. Letterman asked the council to deny the application. Rodney Thornton said he was opposed to the application because of the noise pollution. Mr. Thornton said the exhaust noise is tremendous. Mr. Thornton wanted the applicant to expand the marina to the north and felt there would be no complaints or objections to that . Shea Cross said her property abuts the marina property fully on both sides. Ms. Cross felt the marina was expanding in a working class neighborhood. Ms. Cross said they use the water and use of this access. Ms. Cross wanted the council to deny the application in its current form. Richard Billings passed out two photographs for identification purposes.

Mr. Billings felt the marina expansion would have an effect on the water view on the right-of way and block it. Mr. Billings wanted the council to deny the application. Mr. Billings asked if the applicant were to expand the marina perimeter on the south side would the residents be notified. Chair Tikoian replied yes public notice would go through process again. Mr. Billings asked if would have to go through the town again. Chair Tikoian replied no, the applicant went through the town as a courtesy and this is purely under RI Law CRMC jurisdiction. Mr. Billings asked if they would receive public notice from CRMC. Mr. Goldman said they could ask to be notified of any applications that Cove Haven files. Katherine Fairchild objected to the effect the marina expansion would have on her view, the noise level increase and lights shining in the sky from the boats. Ms. Fairchild wanted the council to deny the application. Bob Burack said he objected to the loss of his privacy and the erosion of scenic beauty in the areas. Mr. Burack wanted the council to delay action on the application and ask the Town to take another look at the application. Mr. Burack felt they were never given a chance to speak on the application. Mr. Burack wanted the council to deny the application as submitted. Anna Barocco felt their open space was the water and felt that the water would become a parking lot for boats. Ms. Barocco requested that the council deny the application. Maria Portagale felt that larger boats have a greater negative impact on the environment. Ms. Portagale wanted the council to deny the application. Jeanne Portagale felt the applicant was not a good neighbor. Ms. Portagale felt the noise and disruption of the quality of life would be greatly disturbed and felt the additional expansion would be much worse. Ms. Portagale was concerned about her property values going down because of how close the marina would be to her property. Ms. Portagale also had concerns about the impact to the moorings in the area. Ms. Portagale asked the council to deny the application as submitted. Donald Pretel agreed with what his neighbors said. Mr. Pretel felt that if the neighbors had been better informed about the application they would not be here tonight. Mr. Pretel requested that that the council deny the application. Glenn Cross said his family has always enjoyed the use of the water and the sunsets. Mr. Cross felt the council should preserve and protect and restore the coastal resources. Mr. Cross wanted the council to deny the application. Robin White Badger felt that the marina expansion would affect the view to the water and the public access to enjoy the water. Ms. Badger submitted photographs of sunsets over the water as identification. Carryanne Stovell said she was her to join her neighbors to ask the council to consider their objections to the proposed expansion of the Cove Haven Marina perimeter limit. Ms. Stovell wanted the council to reject the Cove Haven application as it is currently submitted and ask the Council to work with Cove Haven and the residents of Bay Spring to find a better solution. Wei Ma said her major concern with the expansion is the contamination to the air quality, the water quality and the soil. Ms. Ma was concerned with the environmental issues. Ms. Ma wanted the council to deny the application. Eric O'Connell felt the applicant wanted to accommodate larger boats than 50-foot boats and felt the bigger the boat, the higher the boat, the less view people would have to the water. Mr. O'Connell said he has launched a sunfish or sailing dinghy from the right-of-way. Mr. O'Connell felt the right-of-way was beneficial. Mr. O'Connell requested that the council deny the application. Mr. Tim O'Connell had copies of the minutes from the Barrington Planning Board minutes. Chair Tikoian said the council has nothing to do with the Town of Barrington and what they did or did not do is not part of the council and the council cannot make them do anything. Mr. O'Connell felt the Town of Barrington did not know what they were issuing a letter of no objection on and wanted to submit copies of the minutes from the town council meeting. Mr. O'Connell felt the town was making a decision on the 25' setback and not the 10' setback. Ms. Sylvia objected as they were

already part of the record. Chair Tikoian overruled Mr. O’Connell on what he perceived the town heard or didn’t hear and how they acted. Mr. O’Connell stated that they will be on the May 5th agenda for the council meeting and wanted the CRMC to hold off on a decision on this application. Ms. Sylvia objected and stated that as of today they are not on the May 5th town council agenda. Mr. O’Connell said she is correct but they can ask to speak as part of the public. Mr. O’Connell had a copy of a petition signed by 48 property owners who are opposed to the application and submitted them to the council as an exhibit. Mr. O’Connell did not have an extra copy for the applicant. Chair Tikoian said he would have staff make a copy and send it to the applicant’s attorney. Ms. Sylvia addressed the concerns by the objectors and requested that the council grant the assent. Vice Chair Lemont said he did not agree with all the statements made and felt some of them were wrong. Vice Chair Lemont had questions on the drawings and the marina perimeter expansion lines and felt that they were misleading. Vice Chair Lemont asked if there was anything the applicant could do to appease the concerns of the objectors and change the outward perimeter and still gain more space. Mr. Keyworth was not sure he could satisfy the objectors. Mr. Gray felt there was a lot of misinformation given. Mr. Gray said the marina perimeter line has nothing to do with the structures you build in the water. Mr. Gray said the line around the structures is what the 10 feet about. Mr. Gray said they cannot expand to the north because they would be going out of the riparian waters unless there was an agreement with the upland owner who has those riparian rights. Mr. Gray felt the town council did not have the right information in their minutes and they made their decision on misinformation. Mr. Gray, seconded by Director Sullivan asked the council to table the application until they get complete minutes from the town council meetings and make sure they had the right information before them when they made their decision. Mr. Gray and Mr. Sullivan with the motion to table the matter. Mr. Gray, seconded by Mr. Dawson moved to continue the application until the CRMC gets copies of the town council minutes and clarification of what the town understood was going on with the application. Vice Chair Lemont wanted to clarify when the matter came back before the council it would be limited to the subject of the town council minutes and not rehear the testimony given tonight. Chair Tikoian called for a roll call vote to continue the application:

On motion to continue the application:

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

7 Affirmative 1 Negative 0 Absentation

The motion carried.

Mr. Gray suggested that staff contract the town to make them aware of what is before them not a 25’ setback issue but a 10’ setback. Chair Tikoian suggested that in the interest of the applicant they may want to have a representative from the Town testify before the body so there is no objection to that. Mr. Dawson suggested that the applicant may want to take into consideration of the objectors and look at reconfiguration of the design to address their concerns. The application was continued

9. PUBLIC HEARING ON CHANGES TO THE RI COASTAL RESOURCES MANAGEMENT PROGRAM AND MANAGEMENT PROCEDURES:

1. RICRMP/Management Procedures

- Revise Section 5.1 – Notification

Chair Tikoian stated that they would not be hearing all the rule changes. Mr. Fugate is going to readvertise some of them. Mr. Fugate stated that the first change to Section 5.1 Notification states when a petition is submitted that it does not constitute a request for notice and it has to be a formal request for notice. He said just signing a petition does not constitute notice. Chair Tikoian opened the public hearing. There was no public comment. Chair Tikoian closed the public hearing. Director Sullivan, seconded by Mr. Dawson moved approval of changes to Section 5.1 Notification. The motion was carried on a unanimous voice vote.

2. RICRMP (Redbook)

- Revise Section 110. Applications for Category A and Category B Council Assents

Mr. Fugate said this change is just a clarification when the council passed Section 110 granting additional authority to the Executive Director, the council granted it to put the staff reports on notice for 20 days prior to the Executive Director being able to grant those. Mr. Fugate said it was meant for those applications and not Category B application, which come before the council. Mr. Fugate said this was just a clarification of that. Chair Tikoian opened the public hearing. There was no public comment. Director Sullivan, seconded by Mr. Abedon moved to close the public hearing. The motion was carried on unanimous voice vote. Mr. Gray, seconded by Vice Chair Lemont moved approval of the changes to Section 110. The motion was carried on a unanimous voice vote.

3. RICRMP (Redbook)

- Revise Section 300.4 – Recreational Boating Facilities

Replace Table 3 – Minimum Design Criteria in its entirety with the following:

Mr. Fugate recommended that the changes to Section 300.4 be continue so that they could renotece this section.

10. Enforcement Report – March 2008

There were none held.

11. Category “A” List

There were none held.

12. Other Business

Mr. Abedon recognized one of his student’s Rob Swanson who was in the audience

There being no further business to discuss. The meeting was adjourned at 9:17 p.m.

Respectfully submitted,
Grover Fugate, Executive Director
Reported by Lori A. Field