

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, September 23, 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  
Neill Gray  
Bruce Dawson  
Don Gomez  
Michael Sullivan  
Dave Abedon

**MEMBERS ABSENT**

Joe Shekarchi  
Jerry Zarrella  
Tom Ricci

**STAFF PRESENT**

Grover Fugate, CRMC Executive Director  
Jeff Willis, CRMC Deputy Director  
David Reis, CRMC Spv. Environmental Scientist  
Tracy Silvia, CRMC Sr. Environmental Scientist  
Caitlin Chaffee, CRMC Policy Analyst  
Brian Goldman, CRMC Legal Counsel

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

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

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

Mr. Coia, seconded by Mr. Abedon, moved approval of the minutes of the August 26, 2008 meeting as presented. Mr. Abedon mentioned one correction in the “Members Present” section of the minutes to reflect that Don Gomez was in attendance. The motion was carried on a unanimous voice vote.

3. **SUBCOMMITTEE REPORTS**

There were no subcommittee reports to present.

4. **STAFF REPORTS**

Mr. Fugate stated that the Rhode Island coastal program was written about in national coastal magazine. The article was in regards to RI’s ornamental fish farms and how it’s become a competitive market for Rhode Island. Mr. Abedon stated that in the magazine 41°N, a URI produced magazine, there is an article about CRMC’s aquaculture program.

**5. Executive Director's update from March 11<sup>th</sup> 2008 meeting with regard to Ocean SAMP**

Mr. Fugate gave update on the Special Area Management Plans that are in the process of being researched and written – Aquidneck Island SAMP, Metro Bay SAMP, and the Ocean SAMP. Mr. Fugate gave an informational power point presentation on the Ocean SAMP updating the Council on the procedures and research needed to write SAMP. Mr. Fugate spoke about renewable energy sources, specifically, wind energy which has tremendous potential on East Coast. Mr. Fugate stated that some European countries had wind turbine farms in progress and that much could be learned from them. Mr. Fugate then discussed with the Council ways to streamline the adoption process for the Ocean SAMP. Chair Tikoian set up subcommittee for the review of the Ocean SAMP. Members are: Chair Tikoian as Chair of the Subcommittee, Don Gomez, Paul Lemont, and David Abedon.

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

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

**2008-05-026 SNUG HARBOR MARINA** – Replace cesspool with holding tank. Located at plat 88-1, lot 10; 410 Gooseberry Road, South Kingstown, RI.

Al Conti, applicant, was present. Craig Carrigan, PE, Carrigan Engineering was also present for the applicant. Michael Ursillo, Town Solicitor for South Kingstown, was present in opposition. Tracy Silvia, CRMC Env Scientist, gave overview of application stating that it was an existing marina applying to replace cesspool with holding tank. Ms. Silvia stated that there were no staff objections but a letter of concern had been received from the Town of South Kingstown regarding the frequency of pumping the holding tank and the Town's concern that its processing plant may not be able to handle the increase. Mr. Ursillo stated that the town is concerned that a precedent may be set for others to use the much less expensive option of holding tanks as opposed to Onsite Wastewater Treatment Systems (OWTS). Director Sullivan stated that in terms of the environmental issues there would be a lesser impact from hauling effluent rather than installing OWTS facility. Director Sullivan also stated that while Mr. Conti was waiting for CRMC permit, his DEM permit expired and a new application was received in their offices awaiting approval. Mr. Lemont, seconded by Mr. Gomez, motioned approval of application pending DEM approval. Motion carried on a unanimous voice vote.

**Chair Tikoian called a five minute recess. Back to order at 7:15 p.m.**

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

**2007-07-059 MATISSA, LLC** -- To construct an addition onto an existing residence with associated drainage and landscaping improvements. Located at plat 3, lot 96; 17 Willow Way, Barrington, RI.

Thomas Romano, Esq. of Lisa and Sousa, attorney for the applicant, was present. Christopher D'Ovidio, Esq. of Merolla & Accetturo, attorney for the objectors, was present. All witnesses present for applicant and objectors. Ms. Silvia gave overview of application stating that she and her reviewing partner, Thomas Medeiros, CRMC Sr. Civil Engineer, deferred decision to council only because of letters of objection; application would have been approved administratively. Attorney Romano stated that applicant had complied with CRMC regulations and original application was amended to address some of the objector's concerns. Attorney Romano introduced witnesses present on behalf of applicant – Mark Rapp, Architect; Tom Walsh, Waterman Engineering; Brandon Fanouf, Ecosystems Inc. Chair Tikoian asked if applicant would agree to allow objector to present

first. Applicant could make arguments after objections have been presented. Applicant agreed. Attorney D'Ovidio introduced witnesses for the objectors: Attorney Tim Pavilionis, Merolla & Accetturo; Linda Steere, Applied Bio-Systems; John Degeuiris, Engineer. Attorney D'Ovidio questioned the coastal feature location on the plan and states that the buffer zone was inaccurately determined. Attorney D'Ovidio quoted CRMC policy on Sea Level Rise regarding the flood level and storm surges in the area of project. Attorney Pavilionis brought up a procedural matter stating that the applicant/owner of the property was Matissa, LLC, a business entity. This business entity was not registered in the State of Rhode Island and Attorney Pavilionis produced a Certificate of Non-entity. Attorney Pavilionis stated that because the State of RI does not recognize Matissa LLC as a registered business entity they are not eligible to do business in this state. Ownership matter discussed. Suggestion by Council to continue matter until applicant registers business with State of RI. Continuance discussed amongst Council and applicants/objectors. It was decided to allow objectors Jan Reitsma and Sandra Wyatt to offer their testimony/objection for the record so that they did not have to return. Chair Tikoian stated that the transcript for this meeting would appear in the hearing package for the next hearing. Chair Tikoian stated that staff and applicant should address objectors comments; CRMC staff to do report addendum. Application to be continued for 30 days. Mr. Lemont motioned, received second, to reconvene on this application on October 28, 2008. Motion carried on unanimous voice vote.

9. **PUBLIC HEARING ON CHANGES TO THE RHODE ISLAND COASTAL RESOURCES MANAGEMENT PROGRAM:**

**1. Held from July 22, 2008 Semimonthly meeting:**

**Management Procedures Section 5.14 – Withdrawal of Applications  
Redbook Section 300.4.D.9 Recreational Boating Facilities/Prohibitions  
Redbook Section 300.16.E.1 Boat and Float Lift Systems/Standards**

Jeff Willis stated that the Council requested of its July 22, 2008 meeting that the language needed to be clarified. Public hearing was held with no comments. Mr. Lemont, seconded by Mr. Coia, motioned approval of changes. Suggestion to add additional language to last sentence in Management Procedures Section 5.14 “with appropriate fee.” Mr. Lemont changed motion to concur with Mr. Gray. Mr. Coia seconded. Motion carried on unanimous voice vote.

**2. Noticed for September 23, 2008 Semimonthly meeting:**

**Greenwich Bay SAMP**

Mr. Fugate stated that the adopted buffer language had flaws that needed to be addressed. Comments received from Conservation Law Foundation on September 23, 2008. Caitlin Chaffee addressed CLF concerns. Wendy Waller of Save the Bay commented that the best way to preserve buffers in this area is to maintain a prohibition across the board or lower the threshold to 25% to trigger buffer regulations to capture more applications. Ms. Chaffee responded that it is not feasible to maintain the prohibition. As proposed, CRMC can grant variances but now would also get something in return. Chair Tikoian asked if proposed changes were reviewed with the CAC Committee. Ms. Chaffee stated that a Public Workshop was held on August 28, 2008 and that the proposed changes were sent to CAC; two comments resulted and were received in favor of proposed changes. Public Hearing closed. Mr. Lemont, seconded by Mr. Dawson, motioned approval of changes. Motion carried on unanimous voice vote.

**A brief discussion was held on South Kingstown and Narragansett Narrow River Restoration project.**

9. **Category "A" List**

There were none held.

There being no further business to discuss, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,  
Grover Fugate, Executive Director

Reported by Lisa A. Mattscheck