

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, October 14, 2008 at 6:00 PM at the Narragansett Bay Commission Boardroom – One Service Road, Providence, RI.

**MEMBERS**

Paul Lemont, Vice Chair  
Ray Coia  
Don Gomez  
Dave Abedon  
Neill Gray  
Bruce Dawson  
Ron Gagnon (Representing Dir. Sullivan)  
Joe Shekarchi arrived at 6:35 p.m.

**MEMBERS ABSENT**

Mike Tikoian, Chair  
Tom Ricci  
Jerry Zarrella

**STAFF PRESENT**

Grover Fugate, CRMC Executive Director  
  
Ken Anderson, CRMC Senior Engineer  
Tracy Silvia, CRMC Biologist  
  
Brian Goldman, CRMC Legal Counsel

1. Vice Chair Lemont called the meeting to order at 6:05 p.m. Vice Chair Lemont stated that he would be acting Chairman tonight in Chair Tikoian’s absence.

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

Mr. Abedon requested that on page 1 item #2 that it reflect that “Mr. Gray” not him mentioned that Mr. Gomez was present. Mr. Coia, seconded by Mr. Gray moved approval of the minutes of the September 23, 2008 meeting as amended. The motion was carried on a unanimous voice vote.

3. **SUBCOMMITTEE REPORTS**

There were no subcommittee reports.

4. **STAFF REPORTS**

Mr. Fugate stated that the Hychko application was not on the agenda this evening and was placed on the agenda by mistake. Mr. Fugate also stated that CLF and Save the Bay would like a sit down meeting to work on some additional language on the RI Salt Pond Special Area Plan and Narrow River Special Area Management Plan and suggested additional language which they need to go over and he is amendable to sitting down with them. Mr. Fugate requested that this matter be held until the next meeting.

5. **EDUCATIONAL SERIES** – Ames Colt, Chair; Coordination Team.  
**Update on Coordination Team Efforts**

Mr. Fugate stated that the educational series to be presented by Ames Colt would be deferred to the next meeting.

6. **CONTINUANCES:**

06-0088 MICHAEL HYCHKO – Parking area constructed 2x the permitted size to 65x40 feet. Also Rosa rugosa ripped out and dumped across the street & fence installed without assent. Work appears to extend onto neighboring properties. Located at Plat 9, Lot 51; Charlestown Beach Road, Charlestown, RI

The application was not present. Mr. Fugate noted that this application was not suppose to be on tonight's agenda

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

**Vice Chair Lemont made a brief statement of clarification 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:**

2008-04-017 RAYMOND O'BRIEN – To replace an existing residence serviced by public utilities. Located at Plat L, Lot 219; 2 Glenwood Avenue, Narragansett, RI.

Raymond O'Brien, the applicant was present. Matthew Callahan, attorney for the applicant's and William Dowdell, the applicant's engineer were also present on behalf of the applicant. Ms. Silvia gave council members a brief summary on the application. Ms. Silvia stated that the application was to demolish an existing residence. Ms. Silvia said it is located on a manmade shoreline, partial revetment and partial concrete bank. Ms. Silvia stated there would be no increase in the size of the dwelling but the existing foundation does not meet the 50' setback and will be extended 4' and be 19.5.' from the coastal feature. Ms. Silvia noted that in a preliminary determination in 2006 said if the 50' cannot be met they need to stay 20' from the feature. Ms. Silvia said the applicant disregarded staff's recommendation. Ms. Silvia said the application did not meet the variance setback. Ms. Silvia said staff recommended denial of the application. Vice Chair Lemont said the application would be denied if not using the existing footprint. Mr. Callahan, attorney for the applicant, stated that the zoning board approved their application for the setbacks and that they met the standards. Mr. Callahan explained that the reason for moving forward was for parking. Mr. Callahan said the house is not bigger than the footprint. Mr. O'Brien stated that his family owned the property since 1946 and he and his wife purchased the house 15 years ago. Mr. O'Brien said the house was owned by his grandparents, his parents and is now owned by him and his wife. Mr. O'Brien said the house is outdated and they need to build a new house. Mr. O'Brien stated that they are not increasing the size of the house but are moving 4' closer to the ocean on one portion of the house facing the ocean. Mr. O'Brien said the first floor would be extended 4 feet because they had to move the utility closet up from the basement to the first floor. Mr. O'Brien said by having the utility closet on the first floor it reduces the square footage of the house. Mr. O'Brien stated that they would be putting in a bay window in place of a dining room and they could not move the bay window to another location. Mr. Callahan said they need the additional 4 feet because of the limited living area and the need for the utility room. Mr. Gray questioned the same footprint. Mr. Gray said one plan shows an increase in the footprint – 24' x 40' and the existing footprint is 23' x 34'. Ms. Silvia noted that the plan was on page P5. Ms. Silvia said the staff does not look at the size of the

house the same way that the zoning board does. Ms. Silvia explained that the CRMC structural coverage is based on the roof footprint and the structural lot coverage and zoning approval are not necessarily the same. Mr. Callahan said the existing house is inside the proposed house on page P5. Mr. Gray asked if this was a two story house. Mr. Callahan replied yes. Mr. Gray asked if there was more square footage on the 2nd floor with the new house. Mr. O'Brien replied yes. Mr. Gray said instead of putting the utility room on the first floor they could put it on the second floor. Mr. Dowdell explained that this was a V2 zone and everything in the basement needed to go to the first floor. Mr. Gray said the utility room could go on the second floor. Mr. Dowdell replied yes. Mr. Dowdell said this would raise the cost of the construction of the house. Mr. Gomez said the deck goes out more than the bay window. Mr. Gomez asked does CRMC worry about the deck in the setback. Ms. Silvia replied the deck is not taken into consideration for the buffer zone and porches are also not considered. Vice Chair Lemont asked if this was an empty lot and they wanted to build today could they build. Ms. Silvia stated they would have to have a 50' setback. Mr. Goldman noted they could apply for a variance to the setback. Mr. Gray said the house was grandfathered in and they now have a 23' buffer and today the regulations require a 50' buffer. Mr. Gray said that he sees other options and supports staff's recommendation on the application. Mr. Gray said the bay window could be moved to the side lot. Vice Chair Lemont said if the bay window was removed or moved there would be no problem with the application. Vice Chair Lemont asked the applicant if he had given any consideration to moving the window. Mr. Dawson asked when his family bought the property. Mr. O'Brien replied in 1946. Mr. Gray asked if there was any reason the bay window could not go out to the side lot. Mr. Gray asked if there was any structural reason they could not move the bay window. Laura Krikorian, the applicant's architect, said the bay window could go into the side yard setback but it would never pass through zoning because of the fire purpose. She said they need room to get around house in an emergency. Ms. Krikorian said it could be redesigned and made smaller. Mr. Gray said it appears the dotted line went into the side yard for the setback and they are opening up the other side. Ms. Krikorian said the town was happy with this. Mr. O'Brien felt that he did not have a choice with the bay window. Vice Chair Lemont suggested that they redesign the bay window. Mr. O'Brien agreed to remove the bay window. Vice Chair Lemont requested that Mr. Fugate review the amended plan for final approval. Mr. Gray, seconded by Mr. Gomez moved approval of the application with the removal of the bay window from the east side and that there be no future structure seaward than the existing structure. Mr. Coia asked about moving the bay window to the other side. Mr. Goldman said the applicant would have to get town approval to do that. The motion was carried on a unanimous voice vote.

**2008-04-022 ANTHONY AND ELAINE ALTRUI – Construct and maintain: a residential boating facility consisting of a 4' x 8' landing that leads to a 4' x 19' stairway that leads to a 4' x 50' fixed timber pier that leads to a 3' x 25' ramp that leads to a 6' x 20' terminal float. The proposed facility is to extend 34 feet seaward of the cited mean low water mark. The structure lies over the southern property line extension, and as a letter of non-objection has not been received, the applicant seeks a variance to RICRMP Standard 300.4.F.3.j. Located at Plat Y-1, Lot 244; 20 Wheatfield Cove, Narragansett, RI.**

Anthony Altrui, the applicant was present. Mitchell Riffkin, the applicants' attorney was also present on behalf of the applicants. Jack Davis, an objector/abutter, was also present. Mr. Riffkin agreed to defer the application and hear Mr. Davis' objections. Mr. Davis asked about riparian rights. Mr. Goldman explained the methods of how riparian rights are determined. Mr. Davis asked about the "sunshine law" and who gets notice on an application. Mr. Fugate replied that notice is given to immediate abutters. Mr. Davis said he was concerned with docking his boat. Mr. Davis said he owns the property to the south of Mr. Altrui and has to go around the Gallant dock to dock his boat. Mr. Davis felt if there was a prevailing southerly wind it would make it difficult to dock his boat is this dock was built. Mr. Davis felt if there was a "T" float at the end of his dock he could dock his boat easily. Vice Chair asked if he was saying he was there first and no other docks should

be there. Mr. Davis replied yes. Mr. Davis said he wanted to be able to use his dock. Mr. Fugate asked if he was asking for a "T" and a float on his dock. Mr. Davis replied yes. Mr. Fugate explained that this was prohibited under the regulations. Mr. Gray asked if he had a sailboat. Mr. Davis replied a 14' sailboat. Mr. Gray said there was more than one way to maneuver the boat to the dock. Mr. Gray said if Mr. Altriu's plan showed his dock crossing the property extension of the abutter and asked if he had made a formal objection to the dock. Mr. Davis replied no. Ms. Silvia noted that there was a letter on P24 in the packet from the Davis' saying they did not object to the application. Mr. Fugate asked if Mr. Davis was looking for a "T" float and not a fixed "T". Mr. Davis replied yes. Mr. Fugate said a "T" float is permissible. Mr. Gray asked where he wanted the "T" float. Mr. Davis replied on the north side of his dock. Ms. Silvia said it would come out center from the existing dock. Mr. Riffkin stated he has a 14' boat and asked if he had other auxiliary power on the boat. Mr. Davis replied no. Mr. Riffkin asked if the boat had the ability to put an outboard motor on it to help maneuver the boat. Mr. Davis replied yes. Mr. Riffkin asked if he had an application pending before CRMC. Mr. Davis replied no. Mr. Riffkin said other than maneuvering his boat what other objection did he have to the applicant's dock. Mr. Davis felt the dock was too close to his dock and would affect his riparian rights. Vice Chair Lemont stated that they would attach Mr. Davis' testimony to the next hearing on the Altriu application and it would be part of the record and other council members would be able to read the testimony if they were not present tonight. Mr. Goldman said the application would be continued to the November 25th meeting.

**2005-08-101 KATHLEEN GALLANT – As-built residential boating facility. 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.

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

The following changes are proposed:

**RI Coastal Resources Management Program – Management Procedures**

**Revise Section 4.3.2 - Schedule of Fees**

**Section 4.3.2(t) – CAD Cell Disposal Fee**

Vice Chair Lemont opened the public hearing. Vice Chair Lemont asked for public comment. There was no public comment. Vice Chair Lemont closed the public hearing.

**RI Coastal Resources Management Program - Red Book**

**Revise 300.3 – Residential, Commercial, Industrial, and Recreational Structures as follows:**

- **Add NEW Section 300.3.A.6**
- **Add NEW Section 300.3.B.3**
- **Add NEW Section 300.3.E.1(d)**
- **Add NEW Section 300.3.E.1(e)**

Vice Chair Lemont opened the public hearing. Vice Chair Lemont asked for public comment. There

was no public comment. Vice Chair Lemont closed the public hearing. Mr. Dawson asked if it is permissible to have vessels berth at the facility outside if in the opinion of the executive director there is not conflict. Mr. Dawson asked if this is an administrative assent how does it get handled if there is a conflict, what is the process. Mr. Fugate explained that if an expansion of structure it would go out to public notice and they would know whether there was an issue or not as they propose berthing on the outside of these structures. He said they have staff review to determine whether there is an issue at hand. He said once a determination is made if there is a problem with the application it would come before the full council. Mr. Fugate said once an administrative decision is made it can be appealed to the full council. Mr. Goldman explained that if there is an objection or an appeal to Mr. Fugate's decision the application would come before the full council for a decision. Mr. Gomez asked what happens if an abutter objects. Mr. Goldman replied it would come before the full council. Mr. Shekarchi, seconded by Mr. Gomez moved approval of the program changes to Section 4.3.2 - Schedule of Fees, Section 4.3.2(t) – CAD Cell Disposal Fee and Section 300.3 – Residential, Commercial, Industrial, and Recreational Structures. The motion was carried on a unanimous voice vote.

**RI Coastal Resources Management Program –**

- **Salt Pond Regional Special Area Management Plan (SAMP)**
- **Narrow River Special Area Management Plan (SAMP)**

Continued

**9. Category “A” List**

There were none held.

There being no further business to discuss. The meeting was adjourned at 7:05 p.m.

Respectfully submitted,  
Grover Fugate, Executive Director

Reported by Lori A. Field