

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Wednesday, October 13, 2010 at 4:00 p.m. in Conference Room A, Administration Building, One Capitol Hill, Providence, RI.

MEMBERS PRESENT

Michael Tikoian, Chair
Paul Lemont, Vice Chair
David Abedon
Michael Sullivan
Donald Gomez
Robert Driscoll
Ray Coia

STAFF PRESENT

Grover J. Fugate, Executive Director
Jeffrey M. Willis, Deputy Director
Laura Ricketson Dwyer, Public Education/Outreach Coord
Ken Anderson, Spv Civil Engineer

Brian Goldman, Legal Counsel

1. CALL TO ORDER

Chair Tikoian called the meeting to order at 4:00 p.m. and made opening statement.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:

Chair Tikoian called for approval of the minutes from the previous meetings. Vice Chair Lemont, seconded by Mr. Coia, motioned to approve the minutes of the previous meeting. Motion carried on unanimous voice vote.

3. SUBCOMMITTEE REPORTS

Vice Chair Lemont read out recommended policy changes to RICRMP

- 130 Special Exceptions - purpose of proposed change is to reference revisions found in Section 210.2
- Section 210.2 Barrier Islands and Spits - purpose of proposed change is to recognize the management of state infrastructure projects on barrier systems.
- Section 300.6 Treatment of Sewage and Stormwater - purpose of the proposed changes are to incorporate revisions for consistency with the newly revised state stormwater manual

It was decided to put the changes out to public notice.

4. STAFF REPORTS

Mr. Fugate stated that there would be a series of meetings with the State of Massachusetts regarding OSAMP Areas of Mutual Interest. These meeting will be held in October and November and the subject would mainly be in regard to overlapping areas between RI and MA fishing areas. Mr. Sullivan requested a list of who the OSAMP team would be meeting with in so that the appropriate RI counterparts could also participate in the discussions. Mr. Fugate stated that he would send along a list of people once the names were received.

Chair Tikoian pointed out to Council members that the packages of materials distributed to each member were for the next Semimonthly meeting scheduled for October 19 at 5:00 at the Narragansett Bay Commission Boardroom on One Service Road, in Providence. Chair Tikoian asked that members bring these documents as they are their Agenda package.

5. Applications which have been Out to Notice for 30 days and are before the Full Council for Decision:

2009-09-024 DEPARTMENT OF TRANSPORTATION – Construct and maintain: 1.1 miles of new road along railroad right-of-way, on the east side of the Seekonk River connecting Warren Avenue and Dexter Road. See attached detailed description. Project includes stormwater management and new discharges to Seekonk River. Located on Warren Avenue and Dexter Road, East Providence, RI.

Annette Jacques, Esq., with the Department of Transportation is representing RIDOT. Mr. Anderson gave brief overview of the project stating that the DOT wished to construct 1.1 miles of roadway along the Seekonk River. Mr. Anderson stated that a minor variance was needed to the Stormwater Management regulations and that there were no staff objections to the proposed project. Ms. Jacques briefly spoke stating that the RIDOT project was in the second phase and they were working closely with the City of East Providence. Mr. Lemont motioned, seconded by Mr. Coia, to approve application. Mr. Sullivan asked that the motion be amended to include successful remedial relief during project and Mr. Gomez asked that the motion be amended to include all staff stipulations. Mr. Lemont amended motion, seconded by Mr. Coia. Motion carried on a unanimous voice vote.

2010-06-028 AP ENTERPRISES LLC -- To cap the former Portsmouth Town Landfill. Cap will consist of at least 100,000 cubic yards of fill (two to six feet thick). Located at plat 20, lots 1, 13 and 2; Plat 25, lot 2; Park Avenue, Portsmouth, RI.

Kristen Sherman, Esq. of Adler Pollock and Sheehan, representing the applicant, introduced Timothy O'Connor, a civil engineer with VHB as witness. Ms. Sherman stated that Arthur Palmer, applicant was also present. Mr. Anderson gave a brief overview of the project stating that the applicant proposed to cap a former landfill of approximately 18 acres. Mr. Anderson stated that at this time there are no plans for post closure development. Mr. Anderson stated that the capping would include >5,000 s.f. of freshwater wetlands on the site. Mr. Anderson finished by saying that DEM approvals had been obtained and that there were no CRMC staff objections to the project. Ms. Sherman stated that the land had been sitting for some time as is and that the capping would include fill from area construction sites. Ms. Sherman stated that they had reviewed all of staff stipulations and agreed to all. Ms. Sherman talked about the public benefit of the proposed project and also stated that it came at no cost to the town. Ms. Sherman stated that the applicant is requesting a 100' buffer as opposed to the 200' recommended by RICRMP regulations. Mr. Timothy O'Connor is sworn in. Mr. Connor states that he is an engineer with VHB and that he designed the landfill capping project. Mr. O'Connor submitted is CV at Applicant #1. Mr. O'Connor stated that out of the 18 acre project site only 14 acres are occupied by landfill which contains mainly residential waste. Mr. O'Connell states that the area has been unused for some time and is overgrown. Investigation and testing of the land began in the 1990's by DEM and EPA. Mr. O'Connor stated that a series of reports were submitted to the RIDEM

over a period of time between 2000 and 2006. Mr. O'Connor explained the Remedial Action Work Plan to the Council stating that the land would be capped with 2' of clean soil and that there would be a deed restriction for the area for no digging. Mr. O'Connor stated that the soils to be used have been tested and would continue to be tested as brought in. Mr. O'Connor stated that Erosion control devices would be put in place and that solid waste materials would be removed from the buffer zone surface as part of project. Mr. O'Connor stated that there were several monitoring wells on the site which would be removed. Chair Tikoian stated that the reason the application was considered a Category B application was due to the wetlands alteration in Type 2 waters and the volume of fill to be used as well. Mr. Sullivan motioned, seconded by Vice Chair Lemont, to approve the application with all remedial action plans. Mr. Goldman stated that the legal decision would be completed the next day so that the Assent could be ready for them to begin work immediately. Motion carried on a unanimous voice vote.

2010-04-044 SHELTER COVE PROPERTIES, LLC – Expand a previously established Marina Perimeter and increase the capacity of the marina from 53 to 66 boats. Located at plat 9, lot 131; 523 Charlestown Beach Road, Charlestown, RI.

Rick Lavigne, Partner and General Manager of marina present as well as Dan Szymanski, PE from Northeast Engineers. Mr. Anderson gave a brief overview of the project to the Council explaining that the applicant proposed to expand the existing approved marina using the one-time 25% expansion. Mr. Anderson stated that there were no staff objections and no variances required. Mr. Anderson explained that there were no plans for a pumpout as the vessels kept at the marina did not have the holding capacity. Mr. Lavigne was sworn in. Chair Tikoian stated that the CRMC record was pretty complete and asked if Mr. Lavigne wanted to add to it. Mr. Sullivan stated that there was a pumpout facility in the nearby marina that could service those vessels that required pumping. Mr. Lavigne talked about the public access area abutting his property stating that the area is deeded as a "Touch and Go" launching site with no parking associated. Mr. Szymanski is sworn in and stated that staff requested a sign be placed stating public access but that the owner was suggesting a sign that stated "touch and go" at boat ramp access only. Mr. Gomez suggested that could be handled with a stipulation. Discussion on the regulation of marina expansion stating that the marina was expanding up to 25% not beyond 25% so no variance required. Mr. Sullivan motioned, seconded by Vice Chair Lemont, approval of application as presented with stipulation that the marina owner post directions to the nearest public access area. Motion carried on unanimous voice vote.

2010-06-039 ARTHUR MARTITZ -- Construct and maintain: a residential boating facility consisting of a 4' wide x 90' timber fixed pier to a 3' x 15' ramp to a 10' x 15' floating dock and two tie-off pilings. A length variance of 11' is required to allow the terminus of the float to extend to 61' beyond the cited Mean Low Water. Located at plat 17, lot 38; 55 Shore Drive, Warren, RI.

Mr. and Mrs. Martitz present. Mr. Anderson gave brief overview of application stating that the application was for a residential boating facility in the Kickemuit River requiring an 11' variance so the dock would extend 61' beyond MLW. Mr. Anderson stated that there were no CRMC staff objections. Mr. Anderson stated that there was an objection received by the local conservation commission which eluded to an unresolved violation on the property. CRMC staff researched and resolved the issue with the property owner. Vice Chair Lemont

motioned, seconded by Mr. Coia, approval of the application with stipulations. Motion carried on a unanimous voice vote.

6. Category A List

None held.

7. ADJOURN

Mr. Sullivan motioned, seconded by Mr. Coia, for the adjournment of the meeting. Motion carried on unanimous voice vote. Meeting adjourned at 4:35.

Respectfully submitted,

Lisa A. Mattscheck