

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, October 26, 2010 at 6:00 p.m. in Conference Room A of the Administration Building, One Capitol Hill, Providence, RI.

**MEMBERS PRESENT**

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

**STAFF PRESENT**

Grover J. Fugate, Executive Director  
Jeffrey M. Willis, Deputy Director  
Kenneth Anderson, Spv Civil Engineer  
Laura Miguel, Enforcement  
Brian Harrington, Enforcement  
  
John Longo, Legal Counsel

**1. CALL TO ORDER**

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

**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 proposed changes to the RICRMC Management Procedures to create a standing Ocean Subcommittee. Vice Chair Lemont also read out proposed changes to revise in its entirety the Council's Rules and Regulations Governing the Protection and Management of Fresh Water Wetlands in the Vicinity of the Coast Program for consistency with revisions to RIDEM's freshwater wetland regulations, and to entirely revise the format of the regulations. No objections to having these changes put out to public hearing for consideration before the Council.

**4. STAFF REPORTS**

Mr. Fugate stated that the OSAMP Team has completed review of comments received for the Ocean SAMP and the review responses should be ready to go on line soon.

Mr. Fugate informed Council that there is a meeting scheduled in the latter part of November with David Kaiser to go over NOAA's comments.

Chair Tikoian asked about the CRMC Budget. Mr. Willis stated that the budget was being finalized and would be brought before the Council at the next meeting.

Chair Tikoian went through agenda items to see if applicants were in attendance. Chair Tikoian stated that the application for Matthew and Vivian LaCroix CRMC File Number 2010-05-121 had been continued. Everyone present with the exception of Thomas Whittington.

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

**2010-04-032 CITY OF NEWPORT -- Construct and maintain “Touch and Go” boating facility consisting of four (4) 10’ x 60’ floats and one (1) 20’ x 55’ float. No overnight boat dockage proposed. Located at plat 24, lot 348; Long Wharf, Perotti Park, Newport, RI.**

Ken Anderson gave brief overview of the application to the Council stating that applicant wished to extend their marine passenger terminal with a “touch and go” facility. Mr. Anderson made clarification that the applicant stipulated to “no overnight docking” to the RIDEM, therefore, no Water Quality certification is required, and the CRMC “48 hour” recommended permit stipulation will be revised accordingly, if approved. Mr. Anderson stated that there were no staff objections to project.

Present for applicant is Mr. Timothy Mills, Harbor Master for City of Newport. Mr. Mills is sworn in. Chair Tikoian asked Mr. Mills if he had read the staff reports and if he was in agreement with CRMC staff stipulations. Mr. Mills stated that he had read reports and was okay with staff stipulations. Mr. Gomez asked about the long standing violation in the vicinity of the new facility. Mr. Anderson stated that the new facility would require removal of the unauthorized floats. Mr. Mills stated that the city is working on removal of the floats. Mr. Anderson stated that the impacts of these floats are minimal though no application can be submitted without City approval, as the floats extend off City property. Vice Chair Lemont motioned, seconded by Mr. Gomez, to approve request. Motion carried on a unanimous voice vote.

**2010-07-025 JONATHAN MORIN -- Construct and maintain a residential boating facility to replace a previously authorized structure which will be removed. The proposed structure is to consist of a 4 ft. wide by 90 ft. long fixed pile-supported timber pier that leads to a ramp that leads to a 150 s.f. terminal float. The proposed structure is to extend 97 ft. seaward of the cited Mean Low Water mark and therefore a 47 ft. length variance is sought. Located at plat R-2, lot 339; 13 Mollusk Drive, Narragansett, RI.**

Mr. Morin present. Mr. Anderson gave brief overview of the proposed project to the Council stating that the applicant wished to replace the existing facility and extend the new facility to 97’ seaward of the MLW requiring a 47’ length variance to standard and that all variance criteria were met. Mr. Anderson stated that there were no staff objections to the project. Mr. Coia motioned, seconded by Mr. Driscoll, to approve proposed request. Motion carried on unanimous voice vote.

6. **EVIDENTIARY HEARING FOR RESTORATION:**

**2004-0081 THOMAS WHITTINGTON – Unauthorized construction of a wall (using stone from the beach), poured concrete stairs, earthwork (filling, removing, and grading), and cutting of vegetation on a coastal feature without a permit. Located at plat 40, lot 31; Prospect Lane, Portsmouth, RI.**

Mr. Whittington was not in attendance. Mr. Harrington gave summary of enforcement events to the Council stating that the enforcement situation has been going on since 2004 and that it has come before the Council on October of 2007 for order of restoration of the site as recommended by CRMC staff. Mr. Harrington stated that in September of 2008 an on-site meeting was held with Mr. Whittington to go over what was required to restore the site. Mr. Harrington stated that in October of 2010, he and Ms. Miguel conducted a site visit and found that the site had not been restored as ordered by Coastal Council and that as of October 21, 2010 the \$1,000.00 Final Order of Administrative Fine that was issued on September 20, 2007 had not been paid. Ms. Miguel stated that in 2007 the matter was purportedly appealed to superior court by applicant's attorney however there is no evidence of this in CRMC files. Vice Chair Lemont made a motion that one final notice letter be sent to Mr. Whittington giving him two weeks to comply and if no compliance, then CRMC Legal Counsel brings to superior court. Mr. Longo agreed that letter should be sent to cease, desist and correct within two weeks or it would be sent to Court. Motion seconded by Mr. Driscoll. Vice Chair Lemont asked if enforcement documents were recorded in the land evidence records of the town. Mr. Harrington stated that the Cease and Desist Order was recorded in the land evidence records on August 20, 2004. Chair Tikoian asked about a lien on the property. Mr. Fugate stated that the original fine was \$1,000.00 but would have accumulated to the maximum of \$10,000.00 at this point. Motion carries on unanimous voice vote and Legal Counsel was directed to draft the letter to Mr. Whittington.

#### **Enforcement Report – September, 2010 -- None held**

#### **Category “A” List -- None held**

Chair Tikoian stated that the next meeting of the Council would be held on November 16, 2010 and that it would be the first meeting where the Council would hear Administrative Fines. Discussion on process of scheduling and hearing of the enforcement matters. It was suggested that the application portion of the meeting be held first and the fines be second half of meeting. Chair Tikoian suggested starting the meeting at 5:00 p.m. and that the Administrative hearing would be once a month. Mr. Willis stated that he would work with staff on process and inform Council on potential timeframe of each fine hearing.

#### **7. ADJOURN**

Vice Chair Lemont motioned, seconded by Mr. Coia, for the adjournment of the meeting. Motion carried on unanimous voice vote. Meeting adjourned.

Respectfully submitted,

Lisa A. Mattscheck