

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, February 22, 2011 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
Dave Abedon
Donald Gomez
Robert Driscoll
Bruce Dawson
Ron Gagnon, RIDEM

STAFF PRESENT

Grover J. Fugate, Executive Director
Jeffrey M. Willis, Deputy Director
Dave Reis, Spv Environmental Scientist
Amy L. Silva, Sr. Environmental Scientist
Kevin Cute, Marine Resources Specialist
Brian Goldman, Legal Counsel

MEMBERS ABSENT

Ray Coia

1. CALL TO ORDER

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:

Chair Tikoian called for approval of the minutes from the previous meetings. Vice Chair Lemont motioned, seconded by Mr. Driscoll, for approval of minutes from February 8, 2011 meeting. Motion carried on a unanimous voice vote.

3. SUBCOMMITTEE REPORTS

Vice Chair Lemont read out regulation changes that had been reviewed by the Policy and Planning Subcommittee regarding Section 300.14 Table 4A, Section 300.6 Treatment of Sewage and Stormwater, and MetroBay Region SAMP Urban Coastal Greenways.

4. STAFF REPORTS

Mr. Fugate informed the Council of a meeting held the prior week in the Matunuck area of South Kingstown regarding erosion issues stating that the Town requested to meet with CRMC as they are concerned about infrastructure. Mr. Fugate stated that many options were discussed with the Town and that a report would be written outlining those options.

Mr. Fugate gave brief update to Council on the federal adoption of the Ocean SAMP.

5. AQUATIC NUISANCE SPECIES PROPOSAL: KEVIN CUTE

Motion to approve by Vice Chair Lemont, seconded by Mr. Driscoll. Motion carried on unanimous voice vote. Chairman signed document.

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

2010-02-011 MICHAEL NEVES -- Construct and maintain a residential boating facility to be utilized by a Homeowners Association (Park Avenue Homeowners Association). The facility will consist of a 4' x 120' fixed timber pier, a 3' x 18' ramp and a 4.25 x 33' float. The facility will extend approximately 91.8' beyond Mean Low Water to a water depth of approximately -4.5' Mean Low Water. A variance of 41.8' to the 50' beyond Mean Low Water standard is required (ref. RICRMP 300.4.E.3.l(2)). Located at plat 21, lot 83; 706 Park Avenue, Portsmouth, RI.

Attorney Dan Prentiss present for applicant as well as Mr. and Mrs. Neves. Ms. Silva gave brief overview of project stating that there is no staff objections to the construction of the dock but with the original submittal there were concerns that the project did not meet residential dock requirements and the project was denied. Ms. Silva stated that since the previous denial a homeowners association was formed and that CRMC Legal Counsel reviewed the project and agreed that it does meet residential boating requirements. Ms. Silva stated that there were no staff objections to the approval of the dock. Ms. Silva stated that the dock would extend 90' beyond MLW and was the same design brought before the Council in April of 2009. Vice Chair Lemont motioned approval. Mr. Goldman stated that a legal decision was not issued with denial of first application as he had been contact by Attorney Prentiss and they worked through issue allowing the applicant to return with corrected application. Vice Chair Lemont renewed his motion, which was seconded by Mr. Gomez. Motion carried on unanimous voice vote.

7. APPLICATION REQUESTING SPECIAL EXCEPTION AND ARE BEFORE THE FULL COUNCIL FOR DECISION:

2010-08-041 TOWN OF CHARLESTOWN -- Construct and maintain a passive recreational and trail improvement at the former Town of Charlestown Driving Range. Proposed improvements will provide the Town of Charlestown and the surrounding region with a passive recreation facility and pedestrian access to the coastal resources of Ninigret Pond and Mud Cove. Project includes installation of at-grade stone dust trails/accessible picnic areas, a raised boardwalk (wetland walkover structure), salt pond observatory (overlook, composting restroom, pavilion/outdoor classroom), and minor parking lot repairs/top dressing. In accordance with RICRMP 300.17.E (wetland walkover structures) a special exception is required to the listed prohibitions in this section. Located at plat 5, lot 14; Post Road, Charlestown, RI.

Chair Tikoian stated that this application was continued.

8. FRESHWATER WETLANDS IN THE VICINITY OF THE COAST APPLICATION BEFORE THE FULL COUNCIL FOR DECISION:

2010-08-067 NARRAGANSETT BAY COMMISSION -- Phase 2 of the Narragansett Bay Commission Combined Sewage Overflow (CSO) abatement program to consist of: The construction of new facilities to allow CSO collection and transmission to the Main Spine Tunnel or CSO through regulator modification. The facilities include the Woonasquatucket River Combined Sewage Overflow Interceptor (WCSOI), diversion structures, connector pipes, interceptor control structure, dropshaft facilities, regulator structures and modification to existing regulators and dry weather flow

connection pipes. The WCSOI will be comprised of approximately 16,500 feet of 48 to 72 inch diameter near surface sewers in soil and rock; several connections and flow control structures; a 220 foot deep, 5 foot diameter drop shaft; 2 foot diameter ventilation shaft; and a 220 foot deep, 1,800 foot long, 8 foot diameter connecting adit in rock. To complete the project four subsurface pipe crossings of the Woonasquatucket River will be required. The required river crossings may require up to 13,814 sq. ft. of temporary disturbance within the River, depending on construction methods, of which 645 sq. ft. of alteration will be permanent. The project will further require 393,816 sq. ft. of temporary construction disturbance within the 200-foot riverbank of which approximately 123 sq. ft. will be permanent (84% of the riverbank disturbance is within existing paved areas); 5,932 sq. ft. of temporary disturbance within a swamp; and 59,154 sq. ft. of temporary disturbance within the area of land within 50 feet of the swamp (all areas of temporary disturbance within the swamp and area of land within 50 feet will be restored and replanted). Located at Riverdale Street and Rathone Street, Providence, RI.

Mr. Joseph Pratt of the Narragansett Bay Commission was present. Mr. Reis gave a brief overview of the project and stated that the staff report recommended approval of application. Vice Chair Lemont, praising NBC, motioned for approval of application. Mr. Dawson seconded motion. Motion carried on unanimous voice vote.

2008-02-059 CHERYL CADY -- Construct a single family home, OWTS, and driveway to permanently disturb approximately 6,000ft² of biological wetland; construction of 12,000 ft² of mitigation wetland. Located at plat 15, lots 14-2, A-99; Swamp Road, Little Compton, RI.

Cheryl Cady was present as well as Attorney Elizabeth Noonan of Adler Pollock and Sheehan. Ms. Silva gave a brief overview of application stating that the applicant was before the Council for determination on freshwater wetland avoidance requirement. Ms. Silva stated that the applicant had tried to secure easement from neighbors but was not successful thereby requiring the disturbance of 6000 sf of emergent wetland. Ms. Silva stated that there were no staff objections to the issuance of assent. Ms. Silva explained the CRMC Freshwater wetland mitigation requirements to the Council stating that it was prohibited to alter a tributary wetland. Mr. Reis further explained that the regulations go on to say that if the alteration is to access otherwise buildable land, then the alteration is a variance, but still requires was a mitigation requirement to the disturbance of 2:1. Mr. Gomez and Ms. Silva discussed the culverts in the area of the project. Chair Tikoian asked Mr. Fugate about letter written to Ms. Cady regarding other options for construction on lot. Mr. Fugate stated that an initial review of application indicated that there were other options to access the property other than filling the wetlands, however, with the easement being unattainable the option they are requesting was the only viable alternative. Ms. Noonan stated that she had reviewed staff reports and that the stipulations set forth were all acceptable with the exception of one which was in Biologist Report stipulation B2 which should say 8" culvert pipe. Ms. Noonan stated that Natural Resource Services would continue with the project and provide reports to CRMC staff. Mr. Ames Colt spoke in opposition of application stating that there had been flooding in the area in the past couple of years. Mr. Colt asked about the original subdivision plan and what stipulations were already put in place. Mr. Colt remarked that there was not a lot of detail on design of mitigation wetland and that it was not clear how 8" culverts would support the mitigation of wetland. Mr. Colt stated that Staff recommended stipulation B4 should say buffer zone shall remain undisturbed and no mowing in future. Mr. Gomez motioned, seconded by Mr. Driscoll, to approve application including stipulations. Motion carried on a unanimous voice vote.

9. CATEGORY “A” LIST

None held.

10. ADJOURN

Mr. Lemont motioned, seconded by Mr. Driscoll, to adjourn. Motion carried on unanimous voice vote. Meeting adjourned.

Respectfully submitted,

Lisa A. Mattscheck