

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, April 10, 2012 at 6:00 p.m. in Corless Auditorium, URI Narragansett Bay Campus, South Ferry Road, Narragansett, RI.

Members Present

Anne Maxwell Livingston, Chair  
Paul Lemont, Vice Chair  
Raymond Coia  
Donald Gomez  
Ronald Gagnon, RIDEM  
Guillaume de Ramel  
Tony Affigne  
David Abedon  
Bruce Dawson

Staff Present

Grover J. Fugate, Executive Director  
Jeffrey M. Willis, Deputy Director  
David Reis, Spv Env Sci  
Danni Goulet, Marine Infrastructure Coordinator  
Tracy Silvia, Environmental Sci  
Jim Boyd, Coastal Policy Analyst  
Janet Freedman, Coastal Geologist  
Laura Dwyer, Information Coordinator  
  
Brian Goldman, Esq.

Members Excused

Mike Hudner

1. **CALL TO ORDER**

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

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

Chair Livingston called for approval of the minutes from the previous meeting. Vice Chair Lemont motioned, seconded by Mr. Coia, for approval of minutes from March 13, 2012 meeting. Motion carried on unanimous voice vote.

3. **SUBCOMMITTEE REPORTS**

Mr. Coia updated the Council on the subcommittee hearings regarding the Downing/Salt Pond application. Mr. Coia stated that the representations and findings made by the subcommittee had been written by CRMC Legal Counsel and submitted to the Subcommittee Members for signature. Mr. Coia stated that he will report the findings out at the next full Council meeting and copies will be supplied to the members. Mr. Goldman confirmed Mr. Coia's report and stated that the matter will be reported out to the Full Council to be placed on a subsequent agenda.

4. **STAFF REPORTS**

Mr. Goldman updated the Council on the status of the Koolen enforcement case stating that there had been a series of hearings in Superior Court and Mr. Koolen was found in contempt of prior orders, incarcerated for 24 hours, and then was released conditionally to begin removing floats. Mr. Goldman stated that Mr. Koolen was again incarcerated today and was released later in the day and was given until April 16<sup>th</sup> to remove all floats on a schedule of ten floats per day. Mr. Goldman stated that Mr. Koolen would be responsible for paying for a police detail from 3 p.m. to dusk every day.

Mr. Goldman updated the Council on the status of the Champlin's matter stating that the Superior Court remanded the Champlin's case to the full Council for further evidentiary hearings requiring the Council to review the case in an expeditious manner. Chair Livingston suggested 45 days for review of the record for the new members.

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

**2011-09-005 TOWN OF SOUTH KINGSTOWN – Construct and maintain a sheet pile wall within the Town’s Right-of-Way to protect the road against future undermining of Matunuck Beach Road. The proposal includes a sidewalk over the top of the wall for public access. The wall will be constructed in phases as needed. Located on Matunuck Beach Road, South Kingstown, RI.**

Chair Livingston took an account of the attorneys present to speak on the application. Present for the Town of South Kingstown was Andrew Teitz, Esq., Assistant Town Solicitor for the Town of South Kingstown. Donald Packer, Esq. present representing MC Homeowners Association, Inc. Sean Coffey, Esq. present representing several homeowners along the beach. Brian Wagner, Esq. present representing the Surfrider Foundation. Stephen Reid, Esq. present representing Hang 10, LLC and Tipperary Tavern, LLC. Tricia Jedele, present for Conservation Law Foundation and Environment Council of Rhode Island. Mr. Fugate announced that if anyone wanted to speak there was a sign up sheet available. Mr. Fugate gave the Council a brief accounting of the application stating that the Town had been in discussion for some time with CRMC staff members. Mr. Fugate stated that the Town had looked at several options and had decided on pursuing an application to build a steel sheetpile wall. Mr. Fugate explained that it was Staff opinion that the project would need to reviewed under the special exception criteria but that it was up to the Council to make that decision and if the Council decided to approve the special exception they would need to also approve a maintenance plan to be put in place and a riprap design so that the viability of the structure can be maintained. Mr. Fugate stated that it was staff’s opinion that the Town’s application qualifies for a special exception but they defer to the Council for decision. Mr. Goldman clarified staff’s position on the issue of the Special Exception and also stated that many of the comments received regarding the application insisted that it be treated as a special exception. Mr. Teitz stated that the Town was prepared to go forward with the application as he believes the Town’s application meets the special exception criteria and all the other parties involved also agree that the application should be treated as a special exception. Vice Chair Lemont motioned that the application be considered as a special exception. Mr. Coia seconded the motion. Motion to review application as a special exception is carried on a unanimous voice vote.

Mr. Fugate stated that staff found the engineering of the wall sufficient to meet the standards for the area, but as erosion occurs the area will require placement of riprap in front of the sheet pile wall to ensure the integrity of the wall.

Mr. Teitz gave a brief overview of the Town’s plans stating that the Town was limiting the request for Phase I to 202 feet from the Ocean Mist restaurant west which is the immediate area necessary to save the road and infrastructure. Mr. Teitz stated that the applicant had removed the request for a sidewalk along the wall and that there was already a substantial concrete wall in the area and the sheetpile wall would be built landward of that wall. Mr. Teitz also informed the Council that the wall was not a zero pressure wall as believed by the staff. Mr. Teitz agreed that the wall would require maintenance approval and perhaps eventually some riprap to which the plans have been prepared and submitted to the Council. Mr. Teitz clarified that as a governmental entity, the Town of South Kingstown was concerned with public safety, and was not representing private entities. Mr. Teitz stated that public access was a concern as well because access would be denied if the road were to be washed away in a severe storm event. Mr. Teitz called Mr. Stephen Alfred, Town

Manager, to testify. Mr. Teitz also presented reference maps for illustrative purposes to which Mr. Goldman marked as Town Exhibit Number 1, with sub maps 1-9.

Mr. Alfred was sworn in and identified himself for the record. Mr. Alfred stated that the Town's application originally looked to extend the wall to the east in phases and that the Town was in agreement to limiting the evening's discussion to the 202 feet. Mr. Alfred stated that the Town's major concern was that if the road were to breach, 240 homes would lose access and public utilities would be severed. Mr. Alfred stated that prior to major storms evacuations take place. Mr. Alfred stated that the wall was not meant to stop flooding but that it was to prevent erosion under the right-of-way. Mr. Alfred stated that the town was more concerned about back-to-back storms during exceptional high tides which can cause more erosion than major storm events. Mr. Alfred clarified that this would be the instance where evacuation does not occur but the road could breach preventing transportation and cut off from public services. Mr. Alfred explained Exhibit 1 maps. Mr. Alfred addressed the Special Exception criteria stating that the need to save public infrastructure would be met by the approval of the application. Mr. Alfred stated that although there would not be economic gain, several businesses would be put out of business during the time it took for the road to be reconstructed. Mr. Alfred stated that the installation of the steel sheetpile wall will have no impact on existing public accesses that exist but the breach of the road would impact ten existing public accesses. Mr. Alfred stated that they looked at various alternatives such as relocating the road but those alternatives did not make sense. Mr. Alfred also talked about how the town looked into connecting Atlantic Avenue and Prospect Road by building a bridge over the wetland area and requiring the loss of two residential structures. Mr. Alfred stated that a survey was done and in the timeframe of nine months, the beach face had eroded between 15 or 20 feet and were within 5 feet of the stone wall making the steel sheetpile wall a necessity. Mr. Alfred asks questions of Mr. Teitz stating that he had been the Town Manager for 35 years as well as the director of public safety. Mr. Alfred clarified that he had been at the Matunuck Beach during storm events. Mr. Alfred stated that as public safety director, he believed there was an imminent threat to public health and safety if special exception were not granted and that granting the special exception would serve a compelling public purpose. Mr. Alfred stated that the granting of the special exception enabling the wall to be built would maintain the commercial area thereby generating economic gain to the State. Mr. Affigne asked Mr. Alfred about alternative road routes that would pass through area parking lots rather than through houses. Mr. Alfred stated that the area was very close to the existing road and with the rate of erosion, they felt that in a short time they would be in the same situation as they are now, requiring shoreline protection. Mr. Alfred also pointed out that an application is in the CRMC office under staff review for a new septic system for Carpenters Beach Meadows which would be located within the parking area. Mr. Affigne asked Mr. Alfred to clarify public access points. Mr. Alfred stated that many of the access points are legally established within the Town's Harbor Management plan as rights-of-way to the ocean. Mr. Alfred stated there are also access ways that are roads that end at the ocean. Mr. Affigne stated that he had been to the beach in the area and found the beach to be very accessible by foot traffic and wondered how armoring the 202 foot area would maintain that public access with the acceleration of erosion that is inevitable due to the armoring. Mr. Alfred stated that the area being discussed has stone rubble in front of it and that traversing beachfront is difficult unless it is and extreme low tide. Mr. Alfred clarified imminent peril by explaining that if a storm event came that did not require evacuation, there would be the potential for loss of the road losing the access for safety vehicles to get to the neighborhood. Mr. Alfred informed the Council that the entire South Kingstown Town Council was present in the audience and are in favor of and requesting support through the Council for the approval of the application.

Rick St. Jean, PE was sworn in and identified himself for the record. Mr. Coia motioned, seconded by Vice Chair Lemont, to qualify the witness as expert witness. Motion carried on a unanimous voice vote. Mr. Teitz has Mr. St. Jean's CV marked as an exhibit. Mr. Goldman marks CV as South Kingstown Number 2. Mr. Teitz informs the Council that available for questioning is Director of Planning, Vincent Murray, Director of Public Works, John Schock, Ray Nickerson, consultant for the Town, and Robert Fairbanks, who worked on the engineering with Rick St. Jean. Mr. St. Jean explains why the wall would not be considered a zero pressure wall. Mr. St. Jean stated that the wall was designed as a safeguard to the road in case more erosion occurs and reaches the existing wall. Mr. St. Jean stated the sheetpile wall was designed so that erosion could occur to mean low water and the road would still stand up with a factor of safety in two. Mr. St. Jean stated the scouring could occur to 5 feet below mean low water and the wall would still protect the road. Mr. St. Jean stated that the wall would only come into play if the existing stone wall were to fail. Mr. St. Jean explained that the sheetpile wall, 40 foot sheets, that would be driven down into the soil and would not impede view of the beach as it is lower than the existing retaining wall. Mr. St. Jean confirmed that he had prepared plans for riprap reinforcement in front of the sheetpile wall if necessary and that the town is prepared to undertake regular maintenance and inspection of the concrete wall for signs of failure. Mr. St. Jean agreed that all reasonable steps had been taken to minimize the environmental impacts, use conflicts, nor will it impede access that is available now. Mr. Fugate talks to Mr. St. Jean about a tieback system for this wall and plans for Town maintenance before surcharge. Vice Chair Lemont inquired about the term "short-term fix". Mr. St. Jean stated that the type of wall they are proposing will last between 20 and 40 years but after that point, there were options available to make it last longer, such as drilling anchors and tying back the deadman, or over-sheet the wall. Mr. Teitz stated that the second part of the application for the Town which included the reclassification would provide a more long-term fix. Mr. Goulet expressed concern from staff stating that with significant storm events, flooding of the area that will surcharge the wall, there will be significant water above and behind the wall which will overstress the wall and the wall will fail. Mr. Affigne asked if the process of installing the wall would be detrimental to existing seawall. Mr. St. Jean stated that the concrete poured wall would be okay but that the concrete block wall may shift around when the piles are driven but would cause structural failure. Mr. St. Jean stated that the closer the sand erodes the more of an issue it becomes but as of the borings done, he believes there will be very little disturbance. Mr. Dawson asked about the disturbance to the adjacent property. Mr. St. Jean stated that he was unsure but that they will do an existing conditions survey of the foundations in the area. Mr. Fugate stated that CRMC staff had requested that if the Council approved the project that it gives staff authorization to review and approve a riprap revetment in front of the sheetpile wall so that the town can move immediately to stabilize the wall. Mr. Coffey cross examines Mr. St. Jean regarding the nature of the project which he established would not preserve, protect, or restore the beach area. Mr. St. Jean confirmed that the project was only to protect the road not about protecting other properties adjacent to the road. Mr. St. Jean confirmed that the wall will not stop flooding but will preserve road pavement and utilities in the road. Mr. St. Jean confirmed that they had looked at wave characteristic as they related to forces on the wall. Mr. Coffey read a portion of the staff report which stated that sheet pile wall will exacerbate erosion amplify wave energy causing significant impact to abutting properties. Mr. St. Jean stated that if the wall was installed soon those issues would not be of concern because there is a stone seawall in place already. Mr. Reid cross examines Mr. St. Jean. Mr. St. Jean confirmed that he helped design the entire 1400 feet of seawall and that Phase I portion of the wall ends at the Ocean Mist property as it is happening with the stone seawall that is presently there nor does the current application fix the existing condition. Mr. St. Jean stated that there is no way they can do anything to property that the town does not own. Mr. Teitz redirects Mr. St. Jean. Mr. St. Jean confirmed that he had been

designing such walls for a long time and in his professional opinion, the wall will last in a storm surge event long enough for the Town to be able to place protection along the toe. Mr. St. Jean stated that the Phase I, II, and III project would extend approximately 1,100 feet of wall and that he did not design a wall to go behind the Ocean Mist. Mr. St. Jean confirmed that the current erosion events at the Ocean Mist were not created by the Town.

Ms. Jedele asked if CRMC staff had seen the design specifications of the wall. Mr. Goulet stated that the design specifications were not submitted with the application package submitted nor did the CRMC staff request for them to be submitted.

#### Brief Recess.

Chair Livingston opened the public hearing to public comment.

Jane Kenney Austin of Save The Bay was sworn in and identified herself for the record. Ms. Austin stated that Save The Bay agreed with CRMC staff that a special exception was required for the application. Ms. Austin pointed out the negative drawbacks of shoreline hardening as a response to coastal erosion, such as the increase in erosion for adjoining properties. Ms. Austin stated that hardening shorelines alter the natural and dynamic barrier between land and sea. Ms. Austin stated that Save The Bay believed that the use of the 1.6 million dollars in funds from the RIDOT should be a concern as to the wise use of these funds. Ms. Austin stated that Save the Bay asked the Council to set a date for submission of realistic alternative plans for relocation of valuable roads and infrastructure when necessary as an added stipulation is special exception is granted. Ms. Austin suggested CRMC undertake a revision of the Salt Pond Special Area Management Plan to address the issues at hand in a comprehensive and integrated way. Vice Chair Lemont asks Ms. Austin what her suggestion would be for an integrated and long-term plan. Ms. Austin stated that a stipulation be attached that would require the Town begin to develop alternatives for physically relocating that infrastructure and encourage CRMC to work with the Salt Pond SAMP.

Tricia Jedele, Conservation Law Foundation was sworn in and identified herself for the record as Vice President and Director of the Conservation Law Foundation and President of the Environment Council. Ms. Jedele stated that the Environment Council is concerned with the reversal of the longstanding prohibition against construction of seawalls and bulkheads in the Salt Pond area and along RI southern shoreline. Ms. Jedele stated that the CLF requested that the Council and the staff make a specific finding as to whether the alternatives to structural shoreline protection proposed by the staff are reasonable and practicable. Ms. Jedele stated that the Council should substantiate its conclusion to support the application of special exception in this case especially how it provides benefits to the public. Ms. Jedele suggested the environmental agencies change their approach to climate change to adapt as opposed to prevention.

Robert Cavanagh was sworn in and identified himself for the record as representing Matunuck Point Beach Association. Mr. Cavanagh stated that the neighborhood in which he lives would be cut off if the road was breached. Mr. Cavanagh stated that some homes in his neighborhood were over 100 years old. Mr. Cavanagh stated that he felt the shoreline in that area should be classified as manmade shoreline. Mr. Cavanagh gave a brief history of storm events and affects in this area.

Robert Vanderslice was sworn in and identified himself for the record as a Rhode Island resident. Mr. Vanderslice stated that sustainable solutions needed to focused on.

George Waterston was sworn in and identified himself for the record as a resident living on Rte 1. Mr. Waterston suggested that the cause of shoreline erosion is destruction of sea bed vegetation due to bottom trawling. Mr. Waterston stated that erosion is due to wave action made more destructive because it is not attenuated by seaweed on the seabed. Mr. Waterston suggested that replenishment of the seaweed beds would benefit the erosion problem as well as fishermen.

Jim Bedell was sworn in and identified himself for the record on behalf of the Rhode Island Shore Access Coalition. Mr. Bedell spoke in regards to shoreline access and asks that the Council take public access into consideration.

Judith Sine was sworn in and identified herself for the record as a South Kingstown resident. Ms. Sine explained to the Council the conditions in Matunuck the year she lost her house to erosion. Ms. Sine stated that the beach in Matunuck was a preferred spot for beach goers. Ms. Sine asked where about the lack of presence for the Army Corps of Engineers.

Greg Garrett was sworn in and identified himself for the record as living in Providence but being a recreational beach goer. Mr. Garrett spoke of ecology and economics regarding RI's coast. Mr. Garrett suggested that it would benefit the Town of South Kingstown to bring the water supply in from a different direction.

Chris Sinnick was sworn in and identified himself as a property owner in Matunuck. Mr. Sinnick spoke in regards to the engineering work done and whether different options were researched to help with the erosion issue.

Donald Packer, Esq., attorney in South Kingstown representing M. C. Homeowners, Inc., more commonly known as Mary Carpenter's Beach. Mr. Packer stated that he was asked to express that M. C. Homeowners supported both applications before the Council.

Brian Wagner, Esq., representing the RI Chapter of the Surfrider Foundation which is an international organization dedicated to stewardship of the coast, beach access, etc. Mr. Wagner stated that the Surfrider Foundation would support effective and strong beach management for the Matunuck area but that the applications before the Council are not considered to be effective or good beach management. Mr. Wagner stated that there are more innovative and futuristic means of managing the coast and the armoring and hardening the coast has been discredited by science at every turn. Mr. Wagner asks the Council to consider other softer options to beach management in this area.

Sean Coffey, Esq., representing several homeowners along the ocean side of Matunuck Beach Road (lots 5, 6, 7, and 8). Mr. Coffey stated that the application is solely about the protection of the road not about trying to mitigate forces along the stretch of beach and the homeowners would like to know that other measures would be taken to protect, preserve and restore the area of beach that is a natural infrastructure of South Kingstown.

Stephen Reid, Esq., representing Hang 10, LLC and Tipperary Tavern stated that his clients were opposed to the application with respect to the construction of the sheet metal wall. Mr. Reid stated that it was the opinion of his clients that the project did not meet the qualifications of the special exception. Mr. Reid asked if other alternatives had been considered to address the problem other than armoring as the sheet pile wall will exacerbate the erosion problem next door to his clients.

Mr. Reid stated that there would be no property for the Town to put riprap as the property in question is privately owned. Mr. Reid stated his client is concerned that the water will run onto and erode his property which is right next to the sheet pile wall site location. Mr. Reid asks the Council to reject the request for special exception thereby denying the application.

Mr. Teitz called Robert Fairbanks, PE to testify. Mr. Fairbanks was sworn in and identified himself for the record and his 11 page CV was accepted as an expert in his field as a professional engineer dealing with marine structures and as a geotechnical engineer. Mr. Fairbanks stated that he designed the bulkhead that is before the Council along with Rick St. Jean. Mr. Fairbanks stated that in his expert opinion the sheet pile wall will work and explains the building process stating that the sheetpile will be driven into the ground 37 feet and that it will stand up to scouring of up to mean low water with a safety factor of 2 including some surcharging on the backside. Mr. Fairbanks stated that they designed the wall to resist lag pressure. Mr. Fairbanks stated that in his expert opinion the assertion that the wall could fall over is false. Mr. Fairbanks confirmed testing in the area of the Ocean Mist for sand density and stated that they would need to see plans for the foundation of the Ocean Mist to verify the depth of the foundation and the specifics of the installation. Mr. Gagnon asked about the erosion damage that could occur at the Ocean Mist. Mr. Fairbanks stated that there would be no further damage that there already is from the existing concrete and stone walls and that the proposal would mirror the current condition. Mr. Teitz stated for the record that the structures on the Ocean Mist have not been permitted by the Council. Mr. Affigne questions Mr. Fairbanks about the depth of the wall being driven as the drawings show 24 feet in the ground, and the position of the wall in regards to the Ocean Mist creosote wall. Mr. Fairbanks stated that the sheetpile wall will not abut the creosote wall.

Mr. Reid cross examines Mr. Fairbanks. Mr. Fairbanks agrees with Mr. Reid that the sheetpile wall is designed to protect the road and not in respect to erosion on the beach, but that in its current design and the current condition of the beach it will not exacerbate the erosion. Mr. Fairbanks agreed with Mr. Reid that the condition of the wall will not improve the situation at the Ocean Mist nor would there be a return on the wall to prevent and further damage to the Ocean Mist beach area. Mr. Fairbanks stated that they limited their findings and research to Town owned property

Stephen Alfred was called for redirect by Mr. Teitz. Mr. Alfred explained to the Council that the Town had been involved with beach renourishment on the Town Beach area but that the Town did not have the authority to work on privately owned property. Mr. Alfred stated that their experience with beach replenishment is that it is an effective temporary fix but would have to be use with other soft methods. Mr. Alfred did not feel that replenishment was a viable solution by itself for this area. Mr. Alfred confirmed that the Town was looking into rerouting the water supply to the area. Mr. Alfred stated that he disagreed with the contention that the Town would not have the ability to place riprap on the sheet steel were it necessary. Mr. Alfred agreed that the property is privately owned but that the Town was prepared to go forward and purchase the two lots from Mary Carpenter. Mr. Alfred stated that if that fell through, the Town could exercise their rights under eminent domain. Mr. Alfred stated that he hoped an easement would be provided to the Town to prevent that from happening. Mr. Coffey asked Mr. Alfred about beach renourishment. Mr. Alfred stated that the Town had worked with private property owners trying to use soft erosion control methods such as sand bagging. Mr. Alfred stated that the Town did not have the right to seek permits nor use municipal money to enhance or improve private property. Mr. Coffey asked if the Town would be willing to enter in a public/private partnership that would involve working on issues impacting both public and private land. Mr. Alfred stated that the application for

reclassification of the shoreline is the Town's effort to that respect. Mr. Alfred stated that they would not defer action on the current application as it provides a failsafe

Mr. Teitz made a closing statement saying that the application for the wall and the reclassification application are part and parcel even if they are being considered separately. Mr. Teitz explained that the Town did look into alternatives. Mr. Teitz stated that this solution is the key to provide the immediate issues of public safety and support to the residents in that neighborhood. Mr. Teitz talked about the staff report, saying the Town meets the special exception requirements and that the sheet pile wall will not exacerbate existing erosion. Mr. Teitz stated that the Ocean Mist was the property that would be impacted but that they armored themselves heavily already which disrupted the natural flow of the beach. Mr. Teitz ended his closing statement by saying that based on testimony and unrebutted expert testimony, he respectfully requested the Council to grant the special exception and approve the application.

Chair Livingston closed the public hearing.

Mr. Fugate stated that staff agreed to disagree with the findings.

Mr. Affigne stated that he had mixed feelings regarding the application and he stated that it was crucial to consider the protection of Matunuck community but he stated it is not consistent with the Council policy to protect physical property whether public or private. Mr. Affigne stated that the CRMC mandate is to recognize the coast as a moving entity and the need to accommodate the natural motion. Mr. Affigne stated that he did not think that sufficient consideration was given by the Town to alternatives. Mr. Affigne stated that burritos, which could be used in emergencies, and would have been easily permitted by the Council, were not sought. Mr. Affigne spoke about beach replenishment as an alternative and expressed concern that the Town disregarded the option. Mr. Affigne attested to the fact that he had walked the beach from Deep Hole to Carpenter's Beach and did not agree with the claim that the beach was no longer worthy of State protection. Mr. Affigne stated that based on all he heard and the findings expressed he would vote no on the request for special exception as he did not believe that the Town had met the threshold for a compelling public purpose.

Mr. Gomez talked of the big picture he saw emerging and how he saw that in reading the history of the application, opportunities may have been missed, replenishment opportunities were dismissed in favor of a sheetpile driven wall. Mr. Gomez stated that he believed in beach replenishment. Mr. Gomez stated that he supported the Town in their efforts to work on the safety issue of the residents but unfortunately he would have to agree with Mr. Affigne and vote against the application.

Chair Livingston asks for a motion first to accept the special exception classification for the application. Mr. Gagnon motions that the Town met the burdens of proof for the special exception. Chair Livingston clarifies for the Council and the audience that if the special exception request gets denied that the application would be denied. Vice Chair Lemont seconded the motion for the sake of discussion. Mr. Goldman does a roll call vote for the special exception stating that a vote in the affirmative was to approve it.

Mr. Gomez	No
Mr. Dawson	No
Mr. Coia	No

Mr. deRamel	No
Mr. Affigne	No
Mr. Gagnon	Yes
Vice Chair Lemont	No
Chair Livingston	Yes

Mr. Goldman stated that the vote was two in affirmative and seven in the negative and that the motion had failed which essentially denied the application presented.

Mr. Affigne motioned, seconded by Mr. Coia, to deny the application based on the rejection of the qualification for special exception. Mr. Goldman stated that a vote in the affirmative would deny the application. Motion carried, with two opposed. Seven to two.

Chair Livingston announced that the second matter on the Agenda would be continued to the April 24<sup>th</sup> meeting.

**8. ADJOURN**

Mr. Coia motioned, seconded by Vice Chair Lemont, to adjourn. Motion carried on unanimous voice vote. Meeting adjourned at 9:55 p.m.

Respectfully submitted,

Lisa A. Turner  
Recording Secretary