

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, October 9, 2012 at 6:00 p.m. in Conference Room A, Administration Building, One Capitol Hill, Providence, RI.

Members Present

Anne Maxwell Livingston, Chair
Paul Lemont, Vice Chair
Donald Gomez
Michael Hudner
Tony Affigne
Guillaume deRamel
Jerry Sahagian

Staff Present

Grover J. Fugate, Executive Director
Jeffrey M. Willis, Deputy Director
David S. Reis, Spv Environmental Scientist
Brian Goldman, Esq.

Members Excused

Raymond Coia
David Abedon
Ron Gagnon

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

Vice Chair Lemont motioned, seconded by Mr. Hudner, approval of the minutes from the September 25, 2012 Semimonthly meeting. Motion carried on unanimous voice vote.

3. SUBCOMMITTEE REPORTS

There were none.

4. STAFF REPORTS

Mr. Fugate reported out the following items:

On October 4, 2012 a joint conference was held sponsored by Save The Bay and Roger Williams University regarding legal issues associated with climate change. Mr. Fugate stated that the conference was very well attended and very informative with a few presentations by the Council.

On November 14th and 15th, Roger Williams University will be sponsoring a two day symposium on climate change and how it affects the law called the Changing Seas. Mr. Fugate stated any other Council members interested in attending should contact Charlotte Ferris at Roger Williams Law School for registration.

In honor of Peter Lord, a series is being held sponsored by Metcalf Foundation and in association with the University of Rhode Island. A group of journalists from in and around Rhode Island and southern Massachusetts will be speaking. Mr. Fugate stated that we would be attending as he is on one of panels discussing the implications of climate change and sea level rise.

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Mr. Affigne stated that he had received the letter of condolence be sent to Joseph Paolino, Jr. and family from the Council and that he thought it was very well written. Chair Livingston thanked Laura Dwyer for her efforts in writing and sending of the letter.

5. Applications Which Have Had a Public Hearing and are Before the Full Council for Final Decision:

1989-02-032 DOWNING SALT POND PARTNERS, LP – Extension of assent and compliance with previously issued CRMC approval. Located at plat W, Lots 82, 85, 86A, 87, 88, 173-174, 175; Karen Ann Drive, Narragansett, RI.

Chair Livingston stated that the application had been continued and that it would be rescheduled. William Landry, Esq asked for a reschedule date of October 23, 2012, which was confirmed by the Council.

6. Applications Which Have Been Out-to-Notice for 30 days and are Before the Full Council for Decision:

2012-07-024 TOCKWOTTEN HOME – Construct and maintain a commercial dock facility for the East Providence Fire Department consisting of 4' x 20' aluminum ramp, 4' x 40' fixed pier (aluminum), 4' x 30' aluminum ramp, and 10' x 60' concrete float; also, 24' x 124' "pervious pavement" fire lane. Located at plat 22, lot 1; Waterfront Drive, East Providence, RI.

Mr. Kevin McKay was present for Tockwotten Home. Mr. Reis briefed the Council on the application stating that the parcel involved which a dock has been constructed on is part of a greenway easement that the Council approved in 2005 as part of the Tockwotten development. Mr. Reis stated that the original plan was to transfer the waterfront lot with the greenway easement over to the City of East Providence. Mr. Reis explained that over the past few years there have been discussions regarding the East Providence Fire Department using the dock for their fire boats. Mr. Reis stated that the application is primarily for the City of East Providence Firefighters. Mr. Reis stated that along with the dock there would be a pervious pavement fire lane for access to the dock; Council reviewed plan that included a location change and narrowing of the access drive. Mr. Reis stated that it was staff opinion that the dock is consistent with greenway easement as it provides for emergency vehicle access which is allowed for in the Metro Bay SAMP. Mr. Reis stated that CRMC staff recommended approval of the 20-foot variance required and approval of the application with staff stipulations. Chair Livingston inquired as to the extent of emergencies that will be covered by the dock usage. Mr. Reis explained that the boat that will be docked is a firefighting boat having the ability to put out fires from the shore and that a few smaller vessels will be docked there and also the Fire Department intends on sharing space with the Coastguard. Vice Chair Lemont confirmed that the use would be for the entire section of the bay, both Providence and East Providence. Vice Chair Lemont expressed his approval of the application, explained to Council the positive changes in the area over the last few years and motioned for approval of the application, seconded by Mr. Sahagian. Chair Livingston asked about one staff stipulation on dock usage and CRMC prior approval. Mr. Reis explained that the particular stipulation in question was written to make it consistent with the greenway requirements and to make sure it was restricted to emergency vehicle access only. Vice Chair Lemont explained that there was public access for the area approx 300 yards further down to get to Bold Point. Mr. Reis stated that federal funds were being used for project and there was a deadline for the request. Vice Chair Lemont's motion was carried on a unanimous voice vote.

7. CATEGORY “A” LIST/ ENFORCEMENT REPORT

None were held.

Vice Chair Lemont motioned for the Council to go into an Executive Session pursuant to RIGL 46-42-5.2 Litigation. Mr. Goldman explained, out of an abundance of caution, that the Agenda also included RIGL 46-42-5.1 -- Personnel but that there would be no discussion in the Executive Session on Personnel at this time. Mr. Goldman polled each member on going into the Executive Session.

Mr. deRamel	Yes	Vice Chair Lemont	Yes
Mr. Affigne	Yes	Chair Livingston	Yes
Mr. Hudner	Yes		
Mr. Sahagian	Yes		
Mr. Gomez	Yes		

Unanimous vote to enter Executive Session

8. EXECUTIVE SESSION:

At 6:30 p.m., the Council went into Executive Session pursuant to RIGL 42-46-5.2 -- Litigation. The Executive Session finished at 7:20 p.m. at which time the Council went back into public session and adjourned the meeting. No votes were taken during the Executive Session.

Respectfully submitted,
Lisa A. Turner, Recording Secretary