

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, December 11, 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
Raymond Coia
David Abedon
Ronald Gagnon
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 A. Goldman, Esq.

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. Coia, approval of the minutes from the November 22, 2012 Semimonthly meeting. Motion carried on unanimous voice vote.

3. SUBCOMMITTEE REPORTS

None

4. STAFF REPORTS

Mr. Fugate reported to the Council on the following items:

Mr. Fugate attended a Port strategy meeting called by the Senate and congressional delegation which focused on how to improve the Port economy at both Quonset and the Port of Providence. An announcement was made on December 10, 2012 stating that federal funds would be going to both ports to increase the operability of the ports and improve the economy. Chair Livingston added that Mr. Goulet gave an excellent presentation on dredging at this meeting. Discussion also included wind energy and climate change and their effect on the shoreline change SAMP.

CRMC was asked to participate in a meeting held in Westerly on November 28, 2012 to discuss the redevelopment of the commercial district of the Misquamicutt area. CRMC made a presentation along with DEM and the SPA.

A link for the RI National Public Radio was sent to all Council members regarding an interview with Janet Freedman, CRMC Coastal Geologist.

A meeting was scheduled for December 12, 2012 with the ACOE, FEMA and FFWS regarding beach reconstruction in Rhode Island. Mr. Fugate explained that some reconstruction efforts have been held up because of the FFWS's concern of the Piping Plover population.

A maritime meeting will be held by Northeast Regional Ocean Council at the Quonset Business Park to discuss regional plans being developed for the northeast region. CRMC will attend.

On January 15, 2013 the DOI Bureau of Ocean Energy Management will hold a meeting on the offshore lease sale. Information on this meeting will be sent to Council members when received.

Chair Livingston reminded the Council of the meeting on January 17th for the Champlins application. The meeting will be in the Council Chambers of the Narragansett Town Hall, 25 Fifth Avenue, Narragansett, RI from 12:00 p.m. to 5:00 p.m.

5. **STATUS UPDATE:**

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.

Mr. Fugate briefed the Council on the progress of the Downing Salt Pond application. Mr. Fugate stated that a meeting was held and several options were discussed. RIHPC laid out a process which they thought would be feasible for clearing the lots. Downing Corp was reviewing the document. Mr. Fugate explained that one of the items still in discussion was the repetition of artifacts and the documentation and significance of such repetition. Mr. Fugate was encouraged by the progress and hoped to have the application back before the Council for final approval soon.

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

2012-05-071 QUIDNESSETT COUNTRY CLUB -- Construct and maintain a steel sheetpile (cantilevered) retaining wall, twenty-five feet (25') landward of the (Type 1) coastal feature, approximately 350 linear feet, total length. The project requires a 25' setback variance to RICRMP Section 140(c), where a 50' setback is required. Located at plat 167, lot 2; 950 North Quidnessett Road, North Kingstown, RI.

Representing the Quidnessett Country Club is Joseph DeAngelis, Esq, of Adler Pollock and Sheehan along with Kevin Morin of DiPrete Engineering, Janice Matthews, Vice President of the Quidnessett Country Club, Scott Rabideau, NRS and Timothy Gerrish of Gardner and Gerrish, Landscape Architects.

Mr. Reis briefed the Council on the application stating that the Quidnessett Country Club applied to construct a subsurface, below grade, steel sheet pile wall 350 feet in total length to be installed at a minimum distance of 25 feet and parallel to a coastal bluff bordering Type 1 waters. Mr. Reis stated that the project required a 25-foot setback variance. Mr. Reis informed the Council that the staff was recommending denial of application as they felt that the setback variance criteria were not met. Mr. Reis stated that there were other shoreline protection alternatives that could be used such as burritos or there would be the potential for an emergency permit for maintenance after Tropical Storm Sandy which would allow limited toe protection utilizing existing stone and including nonstructural shoreline protection. Vice Chair Lemont stated that he was hesitant to participate in the demise of a major business in the State of Rhode Island as the denial of the application would greatly affect this country club's signature hole. Mr. Reis explained that Vice Chair Lemont's concerns were part of the variance review.

Mr. DeAngelis addressed the Council and explained that the project was proposed to save the signature hole of the golf course which was the narrowest fairway hole. Mr. DeAngelis explained that the country

club's wall proposal was for protection of the course as it had seen periodic erosion which they have taken corrective measures to hold off using coir logs and nonstructural shoreline protection. Mr. DeAngelis stated that the club was concerned that any major storm could render the hole and the much of the gold course unplayable.

Mr. DeAngelis called Kevin Morin of DiPrete Engineering who was sworn in and identified himself for the record. Mr. Morin was qualified as an expert witness and his resume was marked at Quidnessett Exhibit 1. Mr. Morin explained the project using a large aerial photo marked at Quidnessett Exhibit #2. Mr. Morin explained that the project stating that the piles for the steel sheet pile bulkhead would be driven so that in the event of further erosion the bulkhead would still be stable. Mr. Morin stated that the application was worked on in conjunction with Natural Resource Services and that Northeast Geotechnical did borings for site assessment. Mr. Morin stated that tiebacks were considered for the project as well and described the use of tiebacks for seawall construction, the pile driving process and the disturbance if any of the golf course. Mr. Morin stated that along with the sheet pile bulkhead, the applicant was going to apply to restore part of the bluff and shore it up with non-structural protection such as burritos or geotube with managed vegetation. Mr. Morin confirmed full support from the Town of North Kingstown for the project, wherein a letter from the Conservation Commission was marked at Quidnessett #3. Mr. Morin talked of financial cost of \$1.5 million dollars and a timetable of immediate implementation for the upcoming season. Mr. Morin explained that the wall would be located 25 foot from the coastal feature putting it in the middle of a sand trap leaving a 10-foot buffer. Mr. Morin explained that as the golf course was pre-existing, the environmental impact was not significant. Mr. Morin also confirmed that the applicant had pursued permits from CRMC and tried other shoreline protection methods which failed.

Mr. DeAngelis called Mr. Rabideau of Natural Resource Services who was sworn in, identified himself for the record and was qualified as an expert witness. Mr. Rabideau stated he had been working on project for QCC since 2004 and had worked on the nonstructural shoreline protection application approved in 2006 for coir logs which were destroyed twice by two different storms. Mr. Rabideau confirmed staying outside of the buffer zone with the project being between the fairway and the rough. Mr. Rabideau explained that the steel bulkhead would be a backstop in coordination with the nonstructural shoreline protection which would be applied for in the future. Mr. DeAngelis and Mr. Rabideau went through the section 120 variance criteria. Mr. Rabideau explained the plantings of nonstructural shoreline protection.

Vice Chair Lemont asked why both projects were not applied for in one application. Mr. DeAngelis stated that the application was applied for prior to the Tropical Storm Sandy and they would be applying for an emergency permit for the Sandy issues. Vice Chair Lemont stated that he would like to see both projects at the same time. Mr. Fugate stated that one application would be beneficial to the CRMC as there would be one set of plans showing the bulkhead and burrito placement. Mr. Reis explained that maintenance is required of shoreline protection projects, both structural and nonstructural. Mr. Gomez expressed interest in hearing about the possibility of mitigation. Mr. Affigne asked for confirmation that the footage is still 25-feet from the coastal feature post Sandy. Mr. Abedon expressed an interest in seeing a change in the location of the bulkhead that may include changing the signature hole.

Mr. DeAngelis called Janice Matthews who was sworn in and identified herself for the record as the Vice President of the Quidnessett Country Club. Ms. Matthews confirmed that Tropical Storm Sandy removed a tree that was in the buffer near this hole. Ms. Matthews stated that she has been affiliated with the country club for 20 years and that there was no additional land to move things around on the golf course for safety reasons of the patrons.

Mr. DeAngelis called Mr. Gerrish who was sworn in and identified himself for the record. Photos were marked Quidnessett #5 and #6. Mr. Gerrish stated that he was a golf course architect and registered landscape architect. Mr. Gerrish is qualified as an expert witness. Mr. Gerrish gave a description of the

QCC 14th hole and stated that in his opinion the hole would be rendered useless if changed. Mr. Affigne asked if the golf course could be designed for a new challenge for the patrons. Mr. Gerrish stated that adjusting the design of the whole may change the nature of the signature value of the hole for the golf course.

Mr. Fugate agreed that it would be better for the staff to review the entire project. Vice Chair Lemont suggested that when the application was submitted to the office in full, to give the Executive Director authority to approve the project. Chair Livingston stated that with a variance needed, it would have to come back before the Council for approval.

Jane Austin of Save The Bay asked if the public would have the opportunity to review the full proposal. Mr. Goldman stated that the application would again be on the Agenda to go before the Council and notification of that meeting would be given but the project would not go out to a 30-day public notice. Ms. Austin expressed concern about having adequate time to review the proposal.

Mr. Hudner motioned to remand the application back to staff to meet with the applicant to put together a comprehensive solution along with the nonstructural shoreline protection facility and then bring back to full Council. Motion seconded by Mr. deRamel. Motion carried on unanimous voice vote.

7. CATEGORY “A” LIST/ ENFORCEMENT REPORT

None were held.

8. ADJOURN

Meeting adjourned at 7:45 p.m.

Respectfully submitted,
Lisa A. Turner, Recording Secretary