

**In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, March 26, 2013 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  
David Abedon  
Ronald Gagnon, RIDEM  
Donald Gomez  
Michael Hudner  
Guillaume deRamel

Staff Present

Grover J. Fugate, Executive Director  
David Reis, Spv Environmental Scientist  
Caitlin Chaffey, Coastal Policy Analyst  
Danni Goulet, Infrastructure Coordinator  
  
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. Hudner, approval of the minutes from the February 12, 2013 and February 26, 2013 Semimonthly meeting. Motion carried on unanimous voice vote.

**3. SUBCOMMITTEE REPORTS**

None

**4. STAFF REPORTS**

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

Conference on Submerged Paleo-landscapes at URI Coastal Institute and one day at Narragansett Tribe Long House -- scheduled for April 8 thru 10. Participants will be Native American Tribes from New England, BOEM officials and CRMC. Discussion will include national protocols to be put in place for review of applications which include submerged paleo-landscapes.

On April 11 and 12 a NE Regional Planning Body meeting will be held in Narragansett. To be attended by Janet Coit, DEM Director and Mr. Fugate. NE states to be state co lead – GJF

In the April 2013 edition of RI Monthly there will be an article on Climate change and impacts to RI Shores

CRMC will be participating in the Recreational Fishing Expo at Crown Plaza, Warwick, RI.

A Council/Staff all day retreat has been planned for Alton Jones on Thursday, April 18<sup>th</sup> from 8:30 a.m. to 4:00 p.m.; will include lunch.

Mr. Fugate was asked by US Senate to testify on Wednesday, April 24<sup>th</sup> in DC on Sea Level Rise and Storms regarding the RI Coastline.

**5. COASTAL HABITAT RESTORATION TRUST FUND APPLICATIONS BEFORE THE COUNCIL FOR REVIEW AND DECISION:**

**Coastal Habitat Restoration Trust Fund Applications before the Council for Review and Decision:**

The projects recommended for **full funding** are:

1. Potowomut Salt Marsh Restoration, East Greenwich (\$3,186)
2. Barrington Beach Salt Marsh Adaptation Project, Barrington (\$4,600)
3. RIDEM Flail Mower Equipment Request (\$6,000)
4. Cocumscussoc and Meadow Brook Wetlands Restoration, North Kingstown (\$18,590)
5. RI Salt Marsh Assessment: Phase II, statewide (\$19,730)
6. Coggeshall Salt Marsh Restoration, Portsmouth (\$23,000)
7. Long Pond Habitat Restoration Planning, Little Compton (\$25,000)
8. Shady Lea Mill Dam Removal, North Kingstown (\$40,000)
9. Manton Pond Nature-Like Fishway Construction, Johnston (\$56,401)

The project recommended for partial funding is:

1. Narrow River Saltmarsh Bank Erosion Control and Habitat enhancement, Narragansett (\$28,493)

The project **not** recommended for funding is:

1. Floating Upweller System, Save The Bay

Ms. Chaffee gave an overview of the applications for the Council. Make Recommendations to the Council for full funding and partial funding. Vice Chair Lemont inquired as to why Save The Bay was not recommended for funding. Ms. Chaffee stated that the Committee felt it was an education project and did not fit the criteria for restoration projects. Chair Livingston asked about and Ms. Chaffee explained the funding application process to the Council also stating that some sites may be slightly altered due to storm activity. Mr. Gomez asked about phragmites control in Little Compton. Ms. Chaffee and Mr. Reis both explained the beneficial process of habitat restoration concerning phragmites stating that it is a multi-year project requiring follow-up monitoring for three years.

Vice Chair Lemont motioned, seconded by Mr. Gomez and Mr. Hudner, approval of recommendations as listed. Motion carried on unanimous voice vote.

Roll Call for Application

**6. APPLICATION FOR FEDERAL CONSISTENCY BEFORE THE FULL COUNCIL FOR DECISION:**

**2011-01-040 US NAVY – Federal Consistency for the installation of Wind Turbines equal to approximately 9MW, which is the base load for the facility. Naval Station, Newport, RI**

Mr. Reis gave a brief overview of the application to the Council stating that both he and Danni Goulet worked on the application for the US NAVY to construct up to 12 turbines at various locations on Navy property along the western shoreline of Aquidneck Island in Newport, Middletown and Portsmouth. Mr. Reis explained that the application was submitted in 2011 but that supportive studies were still being conducted. Mr. Reis explained that CRMC will continue to work with the NAVY as the project

progresses through final development. Mr. Reis stated that other agencies were reviewing the project with the NAVY as well and that the US Fish and Wildlife Service is not objecting and will continue to coordinate with the NAVY as well regarding avian resources. Mr. Reis stated that the USPHC has reviewed the project and send many letters of comment regarding location of turbines but that are continuing to work with the NAVY and recommended to CRMC pursuant to Section 220 of RICRMP that we recommend the NAVY wind turbine project be carried out in accordance with Section 106 programmatic memorandum of agreement that will be signed between the NAVY and HPHC.

Vice Chair Lemont asked about site locations. Mr. Reis stated that they are not definite in exact locations but are looking at potential sites which are not all to be developed. Mr. Reis stated that the end project will be significantly less than 12 turbines and will reapply when final decision is made. Vice Chair Lemont expressed concern with CRMC deliberating prematurely. Mr. Fugate explained that NEPA review requires that for the NAVY to go forward with project they have to go through the NEPA analysis which requires the State Federal Consistency determination to move forward, select a contractor to develop the sites. Mr. Gagnon asked if US NAVY had talked with DEM regarding soil contamination issues. Captain Douglas Mikatarian, Commanding Officer USN, and Cornelia Mueller, Environmental Scientist, were both sworn in and identified themselves for the record. Ms. Mueller stated that all the tank farms were in the Navy Tank program regulated by RIDEM and USEPA and that all that were selected are going through different stages of cleanup.

Mr. deRamel asked about the impact of this project on future commercial wind farm proposals and precedence setting. Mr. Fugate stated that there would be no setting of precedence as it is federal land only requiring only a federal consistency.

Mr. Gomez commended the USNAVY on their efforts for energy conservation.

Vice Chair Lemont motioned, seconded by Mr. Gomez, approval of the project. Motion carried on a unanimous voice vote.

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

**2012-02-074 TODD AND JUDY HARFF -- Construct and maintain: a residential boating facility consisting of a 4 ft. by 94 ft. fixed timber pier that leads to a ramp that leads to a 7.5 ft. by 20 ft. (150 s.f.) terminal float. The proposed structure is to extend 65 ± ft. seaward of the cited Mean Low Water mark. A variance to RICRMP standard 300.4.E.3.1 which specifies that a facility's standard length is 50 ft. seaward of MLW is sought. Located at plat 25, lot 51; 45 Mathewson Road, Barrington, RI.**

Mr. Reis gave a brief overview of the application to the Council stating that the application required a 14' length variance from the Council, USACOE approval granted, and that staff determined that the proposed facility would extend no further seaward than abutting docks. Mr. Reis stated that an objection letter was received from the Town Harbor Commission but was not followed up on by Town and were not present at the meeting. Mr. Reis stated that the staff had no objection to the application.

Attorney Bruce Cox was present representing the applicants and stated that the applicant is keeping their dock in line with other docks in the area that are greater than 50' from mean low water. Mr. Cox stated that the neighbors to north and south of property were in support of project. Mr. Cox stated that the length variance was needed because the currents in this area were quite strong. Mr. Cox also explained that the Harff's had shortened the dock as to try to minimize the amount of relief asked for.

Mr. deRamel motioned, seconded by Vice Chair Lemont, to approve the application.

Mr. Fancher of Massasoit Avenue in Barrington requested an explanation on the public notice process. Mr. Fugate explained that there was an extensive list of people in Barrington who received public notices from CRMC and that there were no other comments received other than the Harbor Commission.

Chair Livingston stated that the application seemed to be in order.

Motion carried on unanimous voice vote.

**2012-07-075 ANGUS AND SUSAN KINGON, MICHAEL GIEISSER AND ANNA LEWIS -- A homeowners' association residential boating facility. The facility will consist of a 4' x 127' fixed timber pier, a 3' x 30' ramp and a 10' x 15' float. The facility will extend to 75' beyond mean low water. A variance to the 50' standard (RICRMP 300.4.E.3.1) is required; 75' beyond mean low water is proposed.**

Mr. Reis gave a brief overview of the application to the Council stating that the dock will be located in Warren on the Kickemuit River and will extend 75 feet beyond mean low water requiring a 25' length variance. Mr. Reis explained that the dock would be owned by two separate property owners sharing the facility and that they have formed an association with the owners entering into a deed restriction so that the lot will not be sold separately and developed. Mr. Reis stated that there were two objections received for this proposed project from the Warren Conservation Commission and the Kickemuit River Council. Mr. Reis stated that there were no staff objections to the approval of the project.

Joseph DeAngelis was present representing the applicants along with Ron Blanchard, PE. Mr. DeAngelis stated that the owners had not objection to entering into the deed restriction. Mr. DeAngelis confirmed that a sideline setback release had been signed by abutting property owner Mr. Martitz to alleviate one concern from the Warren Conservation Commission.

Mr. Reis stated that the proposed facility would extend no further than abutting docks in the area.

Chair Livingston asked about the concern that was raised in the Kickemuit River Council objection on pressure treated lumber and the benefits of using fiberglass. Mr. Reis explained that fiberglass does not have the wood preservative that is used for pressure treated lumber but that once it is secured not a lot of chemicals leach out.

Mr. Gomez expressed his concern about homeowners associations. Mr. Goldman addressed his concerns stating that it is a regulatory requirement to tie all properties together.

Ann Morrill of Kickemuit River Council was sworn in and identified herself for the record as the first Vice President of Kickemuit River Council. Ms. Morrill also introduced David Urban as the President Kickemuit River Council. Ms. Morrill explained the position of the Kickemuit River Council and their interest in Fiberglass piers as the dock will be located not far from swimming area and that the fiberglass pier would protect water quality and sediment of the river. Ms. Morrill stated that the Fiberglass docks would last longer as well with less maintenance required.

Vice Chair Lemont motioned, seconded by Mr. Hudner, for approval of the application with staff stipulations and deed restriction.

Motion carried on unanimous voice vote.

8. **APPLICATION REQUIRING A SPECIAL EXCEPTION BEFORE THE FULL COUNCIL FOR DECISION:**

**2011-01-007 DEPARTMENT OF TRANSPORTATION -- Replace Central Bridge No. 182 which carries Massasoit Avenue over the Barrington River. This project was initially sent to public notice on January 24, 2011. The project has since been revised to increase the vertical clearance of the proposed bridge by 2 feet. Full scale project plans may be reviewed at the CRMC office. Located at plats 33 and 21; Massasoit Avenue, Barrington, RI.**

Mr. Reis gave a brief overview of the application to the Council stating that RIDOT was applying to replace the central Bridge in Barrington located along Massasoit Avenue. Mr. Reis stated that the project had received RIDEM water quality certificate, RIPDES permit, and a Cat II ACOE approval. Mr. Reis stated that there were no objections from RIHPHC. Mr. Reis stated that the new bridge will have three travel lanes, four foot shoulders and five foot sidewalks with ornamental railings. Mr. Reis stated that the bridge will be elevated two feet higher than the current bridge. Mr. Reis stated that there were concerns regarding increase in boating traffic north of the bridge and its effect on the diamond back terrapin but that the concerns had been mitigated by putting in speed marker buoys and enforcing speed limits. Mr. Reis stated that RIDOT has agreed to install turtle barrier fencing along Rte 114 to decrease the opportunity for turtle nesting along 100-acre cove. Mr. Reis stated that the special exception was regarding filling of tidal waters and filling of coastal wetland. Mr. Reis stated that the temporary impacts to the wetland will be restored and the permanent impacts will be mitigated by RIDOT building a new larger salt marsh. Mr. Reis stated that staff had no objection to the project.

Chair Livingston opened the public hearing on the special exception, and, hearing no comments, closed the public hearing on the special exception.

Vice Chair Lemont asked about fishing off the new bridge. Mr. David Fish was sworn in and identified himself for the record as a Bridge Engineer for RIDOT. Mr. Fish answered Mr. Lemont stating that there will be fishing allowed on the spans across the cove and side walks for walking.

Vice Chair Lemont motioned to approve the special exception with a second by Mr. Gomez. Roll call vote.

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| Mr. Hudner       | Yes |
| Mr. Gomez        | Yes |
| Mr. deRamel      | Yes |
| Mr. Gagnon       | Yes |
| Mr. Abedon       | Yes |
| V Chair Lemont   | Yes |
| Chair Livingston | Yes |

Special Exception is approved

Chair Livingston asked what would happen to the old bridge. Mr. Fish stated that the old bridge would be demolished over a period of time. Mr. Fish stated that the old bridge is structurally deficient. Peter Healey was sworn in and identified himself for the record. Mr. Healey explained the mitigation of the runoff for the increased amount of salt from the bridge during winter storm events. Mr. Healey stated that its technically impossible to remove salt from stormwater runoff but that in this particular environment it is not as much a concern. Mr. Healey stated that they were attempting to minimize the use of salt throughout the state by starting out each storm with a brine solution which only lasts for a few hours before salt has to be used. Mr. deRamel asked about the life expectancy of the new bridge. Mr. Fish stated that with new

design criteria and the incorporation of advances in technology the service life of the bridge is approximately between 75 to 100 years. Mr. Fugate stated that RIDOT is looking at sea level rise information to try to figure out the threat index for new structures.

Mr. Robert Fancher present as owner of house on Massasoit avenue and asked for assurances that fire protection and emergency vehicles will have a throughway during bridge construction. Mr. Fish stated that the bridge will be built in phases while keeping other bridge open for traffic. Although some activities will require the close of the bridge structure, police details and emergency details will be allowed to reach sites and the proper precautions will be made with the Town (police department and Fire Department).

Vice Chair Lemont motioned, seconded by Mr. deRamel. Motion approved on unanimous voice vote.

**9. ENFORCEMENT REPORT – January and February 2013**

None were held.

**10. ADJOURN**

Vice Chair Lemont, motioned, seconded by Mr. deRamel, for the meeting to be adjourned at 7:25 p.m.

Respectfully submitted,  
Lisa A. Turner, Recording Secretary