

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, October 22, 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  
Raymond Coia  
Ronald Gagnon, RIDEM  
Don Gomez  
Mike Hudner  
Jerry Sahagian  
Joy E. Montanaro  
Guillaume deRamel

Staff Present

Grover J. Fugate, Executive Director  
Jeffrey M. Willis, Deputy Director  
Richard Lucia, Principal Civil Engineer  
Jim Boyd, Coastal Policy Analyst

Brian Goldman, Legal Counsel

Members Excused:

Tony Affigne

**1. Call to Order**

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

**2. Minutes of the previous meeting** – Tuesday, September 24, 2013

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

**3. Subcommittee Reports**

None

**4. Staff Reports**

Chair Livingston informed the Council of the following:

- The Clean Marina event in Jamestown on October 21<sup>st</sup> which she represented the CRMC and awarded Conanicut Marine Svcs for being the 4<sup>th</sup> clean marina in the state
- Mr. Fugate had spoken before the Senate Environmental Committee
- Brian Oakley gave same presentation to Governor Chafee and Richard Licht which was very much appreciated

Grover Fugate informed the Council of the following:

- Off Shore Wind Energy show sponsored by American Wind Energy Association being held in Providence with at least 700 people (plus daily registrants) registered from all over the world. The conference has highlighted the efforts in Rhode Island such as recognition from Secretary Jewell of the Interior Department, Senator Whitehouse and Governor Chafee recognizing the efforts of the Council in the creation of the Ocean SAMP.

- Documentary film company produced a film about the making of the Ocean SAMP. A premiere of the movie will be on October 28<sup>th</sup> at the Providence free public library.
- A competition is being held between six selected companies to look at how to redesign systems in the wake of the Sandy storm. The Saki Company, who has been chosen to participate, will be making a presentation on their efforts in NJ. (Where and when to be announced soon.)
- Due to government shutdown several events have been cancelled: the NE Regional Ocean Council meeting scheduled for this month has been cancelled; also a Regional Planning Body meeting scheduled for November has been cancelled

Brian Goldman informed the Council of the following:

- On September 27<sup>th</sup>, Judge Silverstein issued a decision affirming the Council's decision to deny intervenor status for the Block Island wind project with the Order and Judgment entered on October 3<sup>rd</sup>.

**5. Applications which have been Out-To-Notice for 30 Days and are before the Full Council for Decision:**

**2013-05-131 LUIS & DJAMILIA JUNCO – As-Built structural shoreline protection located at plat 369 lot 242; 105 Budlong Farm Road, Warwick, RI.**

Mr. Lucia gave the briefest of overviews to the Council. Mr. Fugate informed the Council that the applicant had sent in a request to withdraw the application without prejudice so that they could come back with an application more in line with Council regulations. Attorney Nicholas Gorham, of Gorham and Gorham addressed the Council stating that the applicant was asking to be able to work with staff on a redesign more in line with CRMC regulations. Mr. Goldman explained CRMC procedure stating that once staff reports were completed, requests for withdrawal needed to be granted by the full Council. Mr. Fugate suggested that the withdrawal be for a specific timeframe in case an agreement is not met. Mr. Sahagian suggested 90 days. Mr. Hudner expressed his concern that the applicant was not going to be held accountable for the violation of building without a permit. Vice Chair Lemont agreed with Mr. Hudner and inquired as to how CRMC staff did not hear about the violation until after it was completed. Mr. Fugate stated that he did not understand how staff did not hear about it but that a Cease and Desist Order was issued as soon as it was reported. Chair Livingston asked if the new application would include removing of the illegal structure and working with staff on more appropriate wall that would be reviewed by the full Council. Mr. Fugate stated that if the Council was to act on the application as is before them, and a denial decision was made, the applicant would have to come back before the Council with a completely different design, which Mr. Hudner agreed was probably likely at any rate. Mr. Coia stated that he would like to see the applicant and staff try to work something out in which the wall would be pulled back off coastal feature. Mr. Fugate suggested that the application be tabled for 90 days, held in abeyance, so the applicant can work with staff and if acceptable plans are not received, the application would return to the Council with a denial recommendation. Mr. Sahagian agreed stating that it would give the attorney the opportunity to represent his client and it would protect our staff. There was discussion amongst the Council members on the motion made and seconded that the application be brought back in 90 days. Vice Chair Lemont expressed his concern that the wall would not completely be removed to Council standards. Mr. Gagnon asked if it was expected that the wall be removed and restoration be reached before a new wall is constructed further inland. Mr. Fugate agreed that the wall would have to be removed and toe of the wall would be further inland. Mr. Gomez asked that the Council be able to review the resubmitted application even if is categorized as administrative. Vice Chair Lemont asked that the

staff time be tracked for reimbursement by the applicant. Vice Chair Lemont amended the motion that the application be brought before the Council on January 14, 2014 and that fees be assessed. Mr. Sahagian asked that the fee assessment be held off until the January 14, 2014 meeting. Mr. Fugate stated that an assessment of Staff time would be submitted at the first January meeting. Motion carried on a unanimous voice vote.

**6. Public Hearing for Applications Requiring Special Exception:**

**2011-11-091 RI DEPARTMENT OF TRANSPORTATION -- Replace the existing Great Island Bridge No. 499 with a new 3 span structure constructed along its existing alignment. Located at plat 2157, lot 2320; Great Island Road, Narragansett, RI.**

Mr. Lucia gave a brief overview of the application explaining that the request was for the replacement of the existing Great Island Bridge (No. 499) which required the granting of a special exception for filling in coastal wetlands, beaches and banks. Mr. Lucia stated that mitigation of 8634 square feet of wetlands with restoration, phragmites removal and regarding of existing berms. Mr. Lucia stated that there were no staff objections to granting of the special exception. Mr. Lucia also mentioned that new FEMA maps had been published since October 16<sup>th</sup> with increased elevations as far as flood zones. Mr. Lucia stated that there were no staff objections to the bridge design. Chair Livingston asked about traffic movement during construction. The public hearing was opened and David Fish, Managing Engineer for RIDOT Bridge Design, Mary Bertrand, Project Manager for RIDOT Bridge Design, and Kevin Nagel, Design Engineer for Gordon Archibald Engineers were sworn in and identified themselves for the record. Mr. Fish explained that construction of the bridge would be in two phases, half at a time, with a traffic light on each end of the causeway for rotation of traffic in and out of the island. Chair Livingston closed the public hearing. Mr. Sahagian motioned for approval of special exception based on the fact that project served a compelling public purpose. Vice Chair Lemont seconded the motion. Mr. Goldman took a roll call vote.

Mr. Sahagian	Yes
Mr. Hudner	Yes
Mr. Gomez	Yes
Ms. Montanaro	Yes
Mr. deRamel	Yes
Mr. Coia	Yes
Mr. Gagnon	Yes
V. Chair Lemont	Yes
Chair Livingston	Yes

Motion carried.

Mr. Sahagian motioned for approval of the application. Vice Chair Lemont seconded the motion. Motion carried on unanimous voice vote.

**7. Public Hearing on Changes to the Rhode Island Coastal Resources Management Program:**

**RI Coastal Resources Management Program – Section 300.14 –Maintenance of Structures**

**Revise Section 300.14.B.5 by adding new subsection (c) as follows:**

[\(c\) Yacht Clubs and other boating facilities that are listed on the National Historic Register that are destroyed may apply for a maintenance Assent before the Council \(reconstruction\) provided that the exact historical foot print of the structure is utilized and a similar architectural edifice is utilized on the building. All non-façade elements shall be in compliance with the latest edition of the Rhode Island State Building Code.](#)

*Purpose: To provide for the rebuilding of destroyed boating facilities listed on the National Register of Historic Places.*

Mr. Boyd gave a brief overview to the Council of the proposed change explaining that a provision was being added for yacht clubs and boating facilities listed on the National Register of Historic Places so that they would be eligible for a maintenance assent to rebuild if they were destroyed by a storm or fire, et cetera. Mr. Boyd explained that one comment was received from RIHPHC during the 30 day comment period expressing no objection as long as they are included in the review process.

Chair Livingston opened the Public hearing; and with no comments heard, Chair Livingston closed the public hearing.

Mr. Coia motioned, seconded by Mr. Sahagian, the approval of the proposed program change. Motion carried on a unanimous voice vote.

**8. Enforcement Report – August 2013**

None Held

**9. Category “A” List**

None Held

**10. Adjourn**

Mr. Coia motioned to adjourn, seconded by Vice Chair Lemont. Motion carried on unanimous voice vote.

Meeting adjourned at 6:33 p.m.

Respectfully submitted,

Lisa A. Turner  
Recording Secretary