

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, November 12, 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
Tony Affigne
Jerry Sahagian
Joy E. Montanaro
Guillaume deRamel

Staff Present

Grover J. Fugate, Executive Director
Jeffrey M. Willis, Deputy Director
David Reis, Principal Environmental Scientist
Dave Beutel, Aquaculture Coordinator

Brian Goldman, Legal Counsel

Members Excused:

Mike Hudner

1. Call to Order

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

2. Minutes of the previous meeting – Tuesday, October 22, 2013

Vice Chair Lemont motioned to approve the minutes from the previous meeting, with a second by Mr. Coia. Motion carried on a unanimous voice vote.

3. Subcommittee Reports

None

4. Staff Reports

Mr. Goldman informed the Council regarding the following:

- The administrative record was filed on the Champlin's matter 3-4 weeks prior and a conference is scheduled for November 21st with Judge Rogers to talk about briefing and any other procedural matters.
- The Matunuck Case with the Town of South Kingstown is moving along with the filings of briefs. We are awaiting an assignment of a Judge for a decision. There may be discussion amongst the Town and the party that is delaying the decision process.

Mr. Fugate informed the Council of the following:

- Jeff Willis was congratulated on being the new co-state lead on the NE Regional Ocean Council which is a gathering of state and federal agencies that work on ocean issues.
- A Baird Symposium focusing on aquaculture and shellfishing to be held on Thursday, November 14 (this week.)

- The Council convened a Coordinating Committee on all the State Agencies and NGO's in the state to work on sea level rise projects.
- A Stakeholder meeting of the Beach SAMP will be held on November 25th with two presentations: the Town Planner of NK regarding sea level rise and how it would affect North Kingstown and Margaret Davidson the #2 person in NOAA talking about resiliency and habitation efforts at the national level with the Rhode Island influence.

Mr. Fugate and Mr. Willis explained that Mr. Junco and his engineers met with CRMC staff members regarding their retaining wall application and that the application would appear before the Council at the January 14th meeting; Mr. Willis stated that he was confident that staff and Council will get a good application to review.

5. Administrative Application before the Full Council for Decision:

2013-03-204 PHILIP LARSON – Aquaculture - educational oyster culture located in Dutch Harbor, Jamestown, RI.

Mr. Beutel gave a brief overview to the Council stating that an application for research and education was submitted limited to 1000 sf. Mr. Beutel stated that the Mr. Larson requested for two sections one to grow out the oysters and the second for a nursery location to begin oyster seed. Mr. Beutel explained that the area for “grow out” was located in DEM approved waters but the nursery area was in DEM waters that were closed for harvesting. DEM objected to the Nursery location. Mr. Beutel stated that the application would be very beneficial to the public in teaching about aquaculture and that he recommended approval of the application if Mr. Larson moved the nursery part to an area approved for shellfish harvesting. Mr. Larson was sworn in and identified himself for the record. Mr. Sahagian asked Mr. Larson if he agreed with the nursery location change and if he was in agreement with all CRMC staff stipulations. Mr. Larson agreed. Mr. Sahagian motioned, seconded by Mr. Coia, for approval of the application with all staff stipulations. Chair Livingston asked about aquaculture report submittal process which was explained by Mr. Beutel. Motion carried on unanimous voice vote.

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

2013-10-012 I-195 REDEVELOPMENT DISTRICT COMMISSION -- Stormwater Master Plan for the I-195 Redevelopment District including Metro Bay SAMP Urban Coastal Greenway Master Plan elements for Parcels 1A, 2, 5, 14, P2 and P4.

Mr. Reis gave a brief overview to the Council stating that the application which was reviewed by CRMC staff member Jim Boyd was for a stormwater plan that will apply to redevelopment projects within the I-195 Redevelopment Districts and how they will comply with the State Stormwater Manual. Mr. Reis stated that staff recommended approval as stipulated in staff report. Mr. Willis stated that CRMC worked very closed with DEM, State and other local agencies and wanted to acknowledge the amount of work that went into review of this project on both sides. Mr. Fugate reiterated that the application was not only for stormwater compliance but for Urban Coastal Greenway elements as well and would serve as a master permitting process to handle all issues associated with the greenway.

Mr. Affigne asked for clarification on the Greenway areas. Mr. Fugate explained that any parcel adjacent to the river itself.

Sean Martin, Professional Engineer with Fuss & O'Neill and Colin Kane, Chairman of the 195 Redevelopment Commission, were sworn and in and identified themselves for the record.

Mr. Kane expressed gratitude to the Council and staff for the cooperation during the two year task stating that it is the first joint master permit issued by the State of Rhode Island.

Mr. Sahagian asked if the applicants had an opportunity to review Staff stipulations and if they agree with them. Mr. Kane stated they had and they were. Mr. Sahagian motioned, seconded by Mr. deRamel, Vice Chair Lemont and Mr. Gagnon for approval of the permit with all staff stipulations.

Chair Livingston asked for particulars on the Greenway elements. Mr. Reis pointed her to a map and explained the areas that would contain public parks. Mr. deRamel asked about the future permitting process and was impressed with the streamline process.

Mr. Gomez moved the question.

The motion carried on unanimous voice vote to approve the Master plan.

7. Public Hearing on Applications Requiring Special Exception:

2013-06-020 ALBERTINO MILHO -- Construct a 386 sq ft deck extension over tidal waters to be associated with a building currently supporting a marina and restaurant. A Special exception is required to CRMP Section 300.3.D.5(b) for constructing commercial deck over Type 4 tidal waters. Located at plat 16, lot 2; 28 Water Street, East Providence, RI.

David Reis gave brief overview of the application to the Council stating that the applicant had requested to construct a deck over tidal waters requiring a special exception. Mr. Reis explained that public access via the deck was not the most appropriate option and a new proposal was submitted and evaluated by staff in the addendum to staff report which proposed public parking and a pathway to connect to the adjacent City park and to provide 131' of shoreline access adjacent to the park. Mr. Reis stated that CRMC staff was in agreement with this as it made more sense in providing real public access to shore and that CRMC staff recommended approval of application and special exception. The Council members had no questions of staff.

Richard Lipsitz, President of Waterman Engineering and Albertino Milho of East Providence were sworn in and identified themselves for the record

Mr. Goldman stated that in a sidebar he and Mr. Fugate has discussed the requirement of a special exception and that Mr. Fugate had indicated that this application may not require a special exception if the project is a water dependent activity and that the deck is associated with marina which would indicate it to be water dependent. Mr. Reis explained that the deck was proposed as additional seating for the marina restaurant.

Mr. Sahagian suggested that the application go forward as presented as staff agreed that the project met the burdens of proof for a special exception. Mr. Affigne and Chair Livingston agreed.

Mr. Lipsitz addressed the Council and explained the decks necessity stating that Mr. Milho had worked with staff to clear up a previous violation that was there prior to the purchase of the property.

Chair Livingston opened the public hearing on special exception. No comments were heard. Mr. Coia motioned to close the public hearing.

Mr. Sahagian asked Mr. Milho if he had read the staff reports and was in agreement with staff stipulations. Mr. Milho was in agreement.

Mr. Sahagian motioned approval of special exception; seconded by Vice Chair Lemont Paul.

Mr. Goldman does a Roll call vote for Special Exception:

Mr. Sahagian	Yes
Mr. Gomez	Yes
Mr. Coia	Yes
Ms. Montanaro	Yes
Mr. deRamel	Yes
Mr. Affigne	Yes
Mr. Gagnon	Yes
Vice Chair Lemont	Yes
Chair Livingston	Yes

Motion approved with unanimously.

Mr. Coia motioned to approve application; seconded by Mr. Sahagian. Motion carried on a unanimous voice vote.

8. Adjourn

Mr. Coia motioned to adjourn with a second from Mr. Affigne. Motion carried.

Meeting adjourned at 6:30 p.m.

Respectfully submitted,

Lisa A. Turner
Recording Secretary