

**In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, June 10, 2014 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  
Ronald Gagnon, RIDEM  
Don Gomez  
Tony Affigne  
Joy Montanaro  
Jerry Sahagian  
Paul Beaudette

Staff Present

Jeffrey M. Willis, Deputy Director  
Richard Lucia, Spv Civil Engineer  
Sean P. Feeley, Sr. Environmental Scientist  
  
Brian Goldman

Members Excused:

Raymond Coia  
Mike Hudner

**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. Gomez, for the approval of the minutes of the meeting of May 27, 2014. Motion carried on a unanimous voice vote.

**3. SUBCOMMITTEE RECOMMENDATION TO AUTHORIZE CRMC LEGAL COUNSEL TO ENGAGE OUTSIDE LEGAL COUNSEL TO ADVISE THE CRMC REGARDING DEEPWATER WIND LLC DECISION STIPULATION 11.**

Mr. Goldman reported that his recommendation to the OSAMP Subcommittee to authorize CRMC Legal Counsel to engage outside legal counsel for a second opinion in the negotiation of the lease and bonding requirements for Deepwater Wind was agreed upon and brought to the Council for authorization. The OSAMP subcommittee agreed and authorized Mr. Goldman to engage Sheckman, Halperin and Savage. Mr. Goldman asked for full Council concurrence. Vice Chair Lemont motioned for full Council concurrence with OSAMP subcommittee authorization. Vice Chair Lemont's motion was seconded by Mr. Gomez. The motion carried on unanimously voice vote.

**4. STAFF REPORTS**

Mr. Willis reported to the Council the following:

1. There will be a Beach SAMP stakeholder meeting on July 24<sup>th</sup> at URI's Coastal Institute, Narragansett Bay Campus at 6:00 pm. The topics will include hurricanes and storm recovery with Dr. Isaac Guinness making a presentation as well as the Westerly Planning Director and the Westerly Building Official.

2. The Metcalf Institute had their annual public lecture series for journalists in which Grover Fugate and Janet Freedman gave presentations.

5. **ADMINISTRATIVE APPLICATIONS BEFORE THE FULL COUNCIL FOR DECISION:**

**2013-06-111 ANTHONY FIORE -- Construct and maintain a three bedroom single family dwelling with denitrifying RIDEM approved OWTS and municipal water. The project needs buffer and setback variances to both the RICRMP and FWWVC. The project is located at Wesquage Drive, Narragansett, Plat N-H, Lots 179, 180, 180A.**

Mr. Lucia gave a brief overview of the application to the Council stating that the project had been previously permitted (CRMC file #2003-07-002) and that the new owners were asking to modify the project. Mr. Lucia stated that the applicant worked with CRMC permitting staff members to reduce the scope of the new proposal in order that the previously approved coastal buffer and freshwater setbacks stay the same as previously approved. Mr. Lucia stated that the Audubon Society expressed concerns regarding the nutrient loading of the wetland so the new owner kept the bedrooms at 3 as previously approved. Mr. Lucia stated that staff recommended approval of the application as the current proposal exceeds the requirements of the previously approval and the applicant agreed to sign a written acknowledgement that further site development is prohibited.

Mr. Goldman explained that the legal document with development restrictions was agreed upon by both parties. Mr. Goldman confirmed for Mr. Beaudette that the Assent with the Covenant is required to be recorded in the land evidence records for the town.

Mr. Beaudette asked for clarification on the incorporation of alternative technology. Mr. Lucia explained that the new wastewater treatment system involved advanced technology in the form of a denitrification system. Mr. Packer added that the drainage system update which included an impervious driveway was incorporated to offset the increase in the footprint. Mr. Lucia confirmed that RIDEM reviews and approves the OWTS system prior to CRMC review.

Chair Livingston asked for explanation of the concerns outlined in the Audubon Society letter. Mr. Lucia explained that the Audubon Society was concerned that a 4 bedroom house would add to the eutrophication of the pond but that the applicant agreed to go back to the 3 bedroom design and with the Advantex system there would be less nitrogen going into the groundwater. Mr. Lucia also explained that the new drainage system along with the better wastewater treatment system made the project better than originally permitted.

Donald Packer, Esq introduced himself and added for the record that Scott Rabideau, Chris Duhamel and the owner Tony Fiore were available for questioning if needed. Mr. Packer also stated that if the assent before the Council was not approved, the previous permit was still valid and would be acted upon.

Eugenia Marks, Audubon Society Policy Director was sworn in and identified herself for the record. Ms. Marks, representing the Audubon Society, supplied copies of her testimony for Council members. Ms. Marks stated that the Audubon Society of RI owned the big Wesquage Pond and held it for wildlife purposes. Ms. Marks stated that although the septic system is advanced, they have been known to fail over time and the level of nitrogen in the pond which was improving would then become higher. Ms. Marks stated that they also objected to the lack of a floor plan which could

possibly include a den that could be turned into a bedroom in the future. Ms. Marks asked that further stipulations be added to the Assent involving submittal of a floor plan, fertilization for landscaping, use of new silt prevention technology, pool chemicals and pet care.

Mr. Lucia and Mr. Sahagian explained that RIDEM has inspection requirements for the Advantex wastewater treatment systems and the homeowner is responsible for providing documentation to the Town and RIDEM that the inspections were made yearly.

Regarding the stipulations set forth by the Audubon Society, Mr. Willis stated that the landscaping would contain native plantings and that the lawn would be maintained. Mr. Willis stated that the new Soil Erosion and Sediment Control Handbook is only a draft and has not been adopted as of yet. Mr. Willis stated that the floor plan, pool chemical and pet waste is not CRMC's jurisdiction to enforce.

Mr. Sahagian asked Mr. Packer if his client, Mr. Fiore, agreed with staff stipulations. Mr. Packer stated that his client agreed to standard CRMC stipulations and the agreement for not further expansion.

Mr. Sahagian motioned, seconded by Vice Chair Lemont, for the approval of the application with all staff stipulations.

Chair Livingston stated that while she will vote to approve this application she does have an issue with all new houses on shore in regards to storm frequency and sea level rise.

Mr. Lucia explained to Mr. Affigne that the house was in a Flood Zone A which meant that there was no wave action on the property but it could be subject to flooding.

Mr. Sahagian's motion to approve carried with a unanimous voice vote.

**6. FRESHWATER WETLAND IN THE VICINITY OF THE COAST APPLICATION BEFORE THE FULL COUNCIL FOR DECISION:**

**2013-08-040 THE JORGE LIVING FAMILY TRUST – Construct and maintain a single family dwelling unit on an undeveloped lot with associated driveway access, proposed rain garden to address drainage requirements and shoreline access path. The application involves alteration of 1221 sf of freshwater wetlands. Located at plat 55, lot 81; 27 Surf Drive, Bristol, RI.**

Mr. DeAngelis was present for Ms. Jorge and explained to the Council that he was new to the application and had just met with Mr. Jorge earlier this afternoon. Ms. Jorge needed time to discuss the staff recommendations with her husband. Mr. DeAngelis respectfully requested that the matter be reviewed at the next available hearing.

Chair Livingston continued the matter at the applicant's request.

**7. COASTAL EDUCATION SERIES** – Michele Carnevale, URI Sea Grant/CRC Beach SAMP Stakeholder process Year 1 Evaluation Results – update. July 24<sup>th</sup> 6-8 URI Narr Bay Campus Coastal Institute Auditorium Hurricanes and Storm Recovery

8. **ADJOURN**

Vice Chair Lemont motioned, seconded by Mr. Coia, for adjournment. Motion carried on a unanimous voice vote. Meeting adjourned at 6:55 p.m.

Respectfully submitted,  
Lisa A. Turner, Recording Secretary