

**In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, March 25, 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  
Raymond Coia  
Donald Gomez  
Mike Hudner  
Joy Montanaro  
Tony Affigne  
Jerry Sahagian

Staff Present

Jeffrey M. Willis, Deputy Director  
Richard Lucia, Spv Civil Engineer  
  
Brian Goldman, Legal Counsel

**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. Sahagian, for the approval of the meeting minutes from March 11, 2014. Motioned carried on a unanimous voice vote.

**3. SUBCOMMITTEE REPORTS**

None

**4. STAFF REPORTS**

Mr. Willis gave a brief update to the Council on CRMC events stating that Mr. Fugate was away at a New England Offshore Wind Conference in Maine. Mr. Willis stated that they had met with the Senate Finance Subcommittee the previous week regarding the Beach SAMP and an Engineering Tech IV position within the office. Mr. Willis also stated that Senator Whitehouse would be visiting on Monday, March 31, 2014.

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

**2013-02-045 ELIZABETH FREED -- Construct and maintain a single-family residence serviced by public utilities. The parcel requires a 75' buffer zone and 100' construction setback for new development pursuant to RICRMP Sections 140 and 150. The parcel is located within Lands Developed Beyond Carrying Capacity of the Narrow River SAMP. The proposed plans depict a 713 sf dwelling (with associated structures, driveway, etc.) and provide a 25' buffer zone and 33' setback to the structure. Screening vegetation and stormwater treatment is proposed. The applicant is seeking a 66% buffer zone variance and 66% construction setback variance. Located at plat N-E, lot 17; 9 Circuit Drive; Narragansett, RI.**

Ms. Silvia gave a brief overview of the application to the Council explaining that CRMC issued a preliminary determination for the applicant suggesting a staff recommendation of denial; and that the majority of her review of the current file she had been dealing with buyer Mr. Sheriden. Ms. Silvia stated that the current proposal for the single family dwelling has the foundation of the house at 10' from the buffer zone with a configuration that includes a two-foot cantilevered bump-out within 8' of the buffer zone and a cantilevered balcony/deck which is located 2' from the buffer zone. Ms. Silvia stated that she discussed options with the buyer which would change her recommendation from denial to deferral. The buyer opted to stay with current proposal. Ms. Silvia stated staff recommendation remained denial. Ms. Silvia stated that if the Council decided to approve the project, staff recommended no future buffer setbacks, no dock or future buffer zones.

Mr. Sahagian questioned Ms. Silvia on the position of the foundation which Ms. Silvia confirmed met the recommended setback of 10' but not the required 25' setback as per the RICRMP. Mr. Sahagian asked if the runoff could be captured in the two feet under the cantilevered section. Ms. Silvia stated that stormwater management is proposed and that her concerns for the structure still remain such as the ability for emergency vehicle to be able to access, although the Town has granted their approval.

Mr. Hudner asked Ms. Silvia to clarify the staff issues. Ms. Silvia stated the issue was that there are two areas that do not meet the 10' separation from the buffer zone and that the buffer zone required a variance, and, in addition, a 10' separation.

Mr. Goldman stated that the applicant had agreed with staff stipulations.

Mr. Willis added that there would be a greater chance for enforcement issues down the line as there tends to be future encroachment into the buffer the closer a structure is to the buffer.

Charles Reilly, Esq. introduced himself as legal representative for Ms. Freed and also present was buyer, Erin Sheriden. Mr. Reilly acknowledged that the lot was very difficult to work with and that his clients had been working with CRMC for a few years to try to maximize the size of the house and stay within the CRMC regulations. Mr. Reilly explained that the house was an 800 sf house and that rather than receive a Council denial, his client would be willing to accept Ms. Silvia's staff recommendations – bump-out and decks would be gone.

Mr. Sahagian motioned, seconded by Mr. Hudner, for the approval of the application with all of the stipulations and restrictions that Ms. Silvia incorporated in her staff report.

Motion carried with one vote in opposition from Vice Chair Lemont.

## **6. Executive Session**

Mr. Coia motioned, seconded by Mr. Hudner, to go into an Executive Session. All ayes on a roll call vote.

Respectfully submitted,  
Lisa A. Turner, Recording Secretary

