

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, December 8, 2015 at 6:00 p.m. in Conference Room A of the Administration Building, One Capitol Hill, Providence, RI.

Members Present

Anne Maxwell Livingston, Chair
Paul Lemont, Vice Chair
Ron Gagnon
Raymond Coia
Don Gomez
Tony Affigne
Jerry Sahagian
Joy Montanaro
Paul Beaudette

Staff Present

Grover J. Fugate, Executive Director
Jeffrey Willis, Deputy Director
Richard Lucia, Spv Civil Engineer

Brian Goldman, Esq., Legal Counsel

Excused Absence

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**

Chair Livingston called for approval of the minutes from the previous meeting.

Mr. Coia motioned for the approval of the minutes from the November 24, 2015 Semimonthly meeting; seconded by Vice Chair Lemont. Motion carried on unanimous voice vote.

3. **SUBCOMMITTEE REPORTS**

Vice Chair Lemont reported that the Policy and Planning Subcommittee have approved and forwarded out a change from Section 154 of the RICRMP to change the method of estimating sea level rise to the NOAA sea level rise curves.

4. **STAFF REPORTS**

Mr. Fugate reported on the following items:

- Climate Change Workshop on Tuesday, December 1st sponsored by CRMC, SeaGrant, and Roger Williams University was very well attended.
- Half page advertisement in the Providence Sunday Journal by Save The Bay to the Governor's office in support of staffing for enforcement to both RIDEM and RICRMC.
- On Thursday, December 10, 2015, there will be a summit at the official Whitehouse – Offshore Wind Energy Summit -- cosponsored by the US Department of Energy and the US Department of the Interior. Mr. Fugate will be in attendance.

6. **APPLICATION WHICH IS REQUESTING MODIFICATION TO CRMC ASSENT, HAS BEEN OUT-TO-NOTICE, AND IS BEFORE THE FULL COUNCIL FOR DECISION:**

1994-10-032 J. ANDREW CRAIG – Modification – Revise the existing authorized Marina Perimeter Limit. Located at plat 3, lot 279; 110 Rocky Hollow Road, East Greenwich, RI.

Mr. Willis gave a brief update to the Council stating that the marina predated the Council. Mr. Willis gave a brief background of the history between this marina and the Harris Marina which was an illegal marina, explaining that now that the Harris Marina is no longer there Mr. Craig wish to reestablish the marina and the Marina Perimeter Limit back to its historic location. Mr. Willis stated that CRMC staff recommended approval. Mr. Sahagian asked about specific stipulations. Mr. Willis stated that the stipulations would be our usual stipulations.

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

Motion carried on a unanimous voice vote.

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

2015-05-016 TOURISTER MILL LLC – Convert the existing dormant industrial mill complex into a mixed-use development with residential and commercial uses that will include the renovation of existing buildings, building demolition, new building construction, new drainage and utility construction, new sidewalks, seawall repairs and reconstruction, new pavement and new landscaping. The proposed mixed-use residential development will include 290 new residential apartment units and approximately 93,839 square feet of new commercial space. Located at plat 1, lot 4; plat 2, lots 1, 2, 19; 91 Main Street, Warren, RI.

Mr. Lucia gave a brief summary to the Council regarding the application. Mr. Lucia explained that two written comments were received during the comment period and that the applicant has adequately addressed the concerns. Mr. Lucia explained that the application is variant to the buffer zone regulations but that staff recognizes the site constraints is does not object to a variance which they defer to the Council on matter of undue hardship. Mr. Lucia stated that should the Council approve the variance, staff has no objections to the issuance of assent and have specific stipulations which will be added to the Assent.

Mr. Lucia explained that there were ten designated parking spaces specifically for the riverwalk, with the remainder of the area having 260 public parking spaces to be available for everyone but specifically designated area for accessing the board walk.

Bruce Hagerman from Crossman Engineering and Attorney Jon McCoy were both sworn in and identified themselves for the record.

Mr. Hagermen addressed the Council and explained the project using a large scale drawing to show the buildings and the river walkway. Mr. Hagerman explained why the variance was necessary and

the an undue hardship caused due to the positioning of the historic buildings being incorporated in the development leaving them no choice but to be variant in the buffer situation. Mr. Hagerman explained all points of access for pedestrian and vehicles, also explaining that the owner has agreed to allow public use of the exterior parking spaces (536 in total) with some of the spaces assigned for the residents of the development.

Mr. Gomez asked if provisions were made for climate change and sea level rise. Mr. Lucia explained that the plan was to elevate to 6' which will be okay for normal tidal fence but during a 25 year storm the site may flood. Mr. Lucia explained that the FEMA code directed that the first floor could not be residential so the first floor was deemed commercial only.

Mr. McCoy confirmed that the Town of Warren had granted all their approvals and the project just needed CRMC and RIDEM permits.

Mr. Lucia explained that the Warren Conservation commission had concerns regarding public access and that CRMC staff thinks the applicant adequately addressed the concerns.

Fishing pier – put boardwalk along there. May not be able to put fishing pier due to current.
Pervious areas – pervious parking (asphalt pervious) and increase the buffer zone areas

Mr. Lucia explained that the RICRMP does not require view corridors but Mr. Hegerman explained that the new building will have archways to allow visibility from Water Street.

Mr. Hegerman stated that they would like to be finished with the project within 18 months.

Mr. Gomez asked about the historic structures. Using the Site Map, Mr. Hegerman explained that they had HPHC approval for renovations to be done on most of the building except for one that will be removed. Mr. Lucia confirmed that he had discussed the project with HPHC.

Mr. Gomez made a motion to approve the project with staff stipulations. The motion was seconded by Vice Chair Lemont.

Mr. Affigne questioned letter of objection from the Water Street Association stating that they were going to sue CRMC. Mr. Lucia explained that the issue the Water Street Association is objecting to is beyond the scope of the RI CRMP and that the applicant did get approval from RIDEM on both issues of water quality and air quality which was confirmed by Mr. Gagnon.

Mr. Beaudette asked about the undue hardship aspect of the variance. Mr. Hegerman explained that for purposes of access to maintenance equipment and emergency vehicle access, the buffer zone requirement was difficult to fulfil with the location of the historical buildings being where they are, on the shoreline. Mr. Fugate confirmed that CRMC staff did not have an issue with the variance due to the nature of the historic site.

Motion carried on a unanimous voice vote.

5. **Matunuck Update** -- GJF

Mr. Fugate updated the Council on the proposals for the Matunuck Beach erosion control project explaining that Kevin Finnegan and the Town were working together on a solution.

Mr. Fugate explained that there were enforcement orders against all the affected properties on the beach front starting with The Ocean Mist to the left.

Mr. Fugate stated that Mr. Finnegan complicated matters. Town has bought property to the west to build the wall behind it. Mr. Finnegan petitioned with signatures and wants to pay for the maintenance of the previous wall that is basically rubble now. Town wants him to put pin piles on his structure.

Mr. Fugate explained that the Town has now co-signed with Mr. Finnegan, an application for maintenance on the wall, as of now, the CRMC has not accepted it as of yet. In addition Mr. Finnegan has submitted a PD application to elevate his building drive concrete piles, elevate the structure and proposed a small burrito or large sand bags with composite material. The other property owners are waiting to see if Mr. Finnegan decides to do this or not. Staff indicated to the other property owner, if they chose one system it would be better than many different systems as a mishmash of various systems will likely fail. Mr. Finnegan is trying to convince the others to pursue a unified system.

Mr. Fugate stated that Mr. Finnegan has indicated that he will buy three of the properties to provide access. Once the wall is built, the beach will rapidly disappear. Mr. Finnegan has had all the engineering done on this, and it appears that they have proposed something that looks beyond maintenance. In theory, it looks like a classified manmade shoreline.

Mr. Fugate stated that the Town has indicated that they will sell their parcel to Mr. Finnegan as well.

Mr. Fugate has stated that there are issues with moving the Ocean Mist building which may cause the structure to fall apart and will need to be rebuilt.

Chair Livingston stated that the Council is looking forward to reviewing the application and finding a solution which is a long time in the making.

8. **ADJOURN**

Paul Beaudette motioned, seconded by Vice Chair Lemont, to adjourn.
Motion carried on unanimous voice vote. Meeting adjourned at 6:45 p.m.

Respectfully submitted,

Lisa A. Turner
Recording Secretary