

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, November 10, 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

Staff Present

Grover J. Fugate, Executive Director
Jeffrey Willis, Deputy Director
David Reis, Spv Environmental Scientist

Brian Goldman, Esq., Legal Counsel

Members Excused

Mike Hudner
Paul Beaudette

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.

Vice Chair Lemont motioned for the approval of the minutes from the October 27, 2015 Semimonthly meeting; seconded by Mr. Coia. Motion carried on unanimous voice vote.

3. **SUBCOMMITTEE REPORTS**

None heard

4. **STAFF REPORTS**

Mr. Fugate informed the Council on the following:

- A national conference was held last week called Rising Seas. Speakers from all over the United States (a few international) came together to talk about sea level rise, the impact to cities and towns, and the solutions that are being researched. Mr. Fugate made a presentation during the conference and Storm Tools was presented by Teresa Crane from URI. Mr. Fugate stated that RI is in the forefront in the US on this issue.

5. **Public Access Plan Update:**

2002-10-045 QUONSET DEVELOPMENT CORPORATION – Five Year update on the Public Access Plan for Quonset Davisville Port and Park, North Kingstown, RI.

Mr. Reis briefed the Council stating that in a previous permit to the Quonset Business Park the council approved the development of a public access plan which was required by Section 335 which requires a public access plan along development of the shoreline. Mr.

Reis explained that the intent of the plan was such that individual developments that occurred at the park would not have to apply individually. Mr. Reis further explained that when the Council approved the original public access plan for the entire park, it was stipulated that five (5) year updates be given. Mr. Reis stated that this update was the second one and that not many changes had been made to the plan other than updates to text, photos, maps and corrections to a few minor errors. Mr. Reis stated that staff feels it is appropriate for the business park and that if the Council agrees the next five-year update could be done administratively.

Mr. Fugate clarified that the Council needed to approve the plan for another five years as it had done in the past. Mr. Affigne liked the plan but was not in favor of waiving Council review in five year.

Mr. Affigne motioned to approve the five year plan. Motion was seconded by Mr. Gagnon.

Motion carried on a unanimous voice vote.

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

2015-09-104 PROVIDENCE REDEVELOPMENT AGENCY -- Port Expansion Activities: To support the expansion of Port operations and capabilities, ProvPort proposes to develop Lot 288 as a stabilized, paved, open storage yard for temporary storage of approved materials associated with port activities. Specifically, the proposed work represents "Phase 2" of the redevelopment of Lot 288 to include erosion and sediment controls, site grading, construction of a pavement and landscape cap (over contaminated soils), installation of gas vents, construction of stormwater treatment practices including a grass swale and sand filter and other associated landscaping. Phase 1 activities, primarily surface debris and vegetation removal, were previously approved by CRMC Assent A2015-06-036. Phase 3 of the project will include the development of a buffer zone with public access along a portion of the Providence River shoreline. Located at plat 56, lot 288; Harborside Boulevard, Providence, RI.

Mr. Reis gave a brief overview of the application explaining that the project, consisting of the redevelopment of lot 288, falls within the jurisdiction of the MetroBay SAMP. Mr. Reis explained that expansion of port activities is allowed for projects bordering Type 6 waters and that the part of the project that borders Type 4 waters needs to meet the polices of the MetroBay SAMP dealing with areas of particular concern. Mr. Reis explained that the project was permitted in phases with Phase I being approved administratively with the temporary granting of a variance of a 150' buffer zone requirement. Mr. Reis stated that Phase II is before the Council as they need to confirm the variance which CRMC supports. Mr. Reis explained that a 75' buffer is being provided along the Type 4 waters which is half the requirement but that the Port Authority is also providing a 75' buffer along Type 6 waters which is not required, but staff feels adequately compensates for the variance. Mr. Reis stated that staff recommended approval and explained that the remainder of the application can be handled administratively is the Council confirms the variance. Mr. Reis explained that there were standard stipulations recommended for the project. Mr. Reis added that

along with the variance, staff is asking the Council to consider the timing for providing public access associated with Phase III of the project. Mr. Reis explained that the applicant provided a project schedule at staff's request which he felt was pretty laid out and the timing is appropriate however there is a note that says the timing is subject to project funding. Mr. Reis reiterated that staff recommended approval.

Mr. Reis confirmed that the parcel was the former Fields Point landfill and that Save The Bay was constructed on the same landfill, bordering the project site. Mr. Reis stated that the intent is to link the two public access trails which will be evaluated in Phase III submittal. Mr. Reis stated that the filling and grading was being done to direct the stormwater to the treatment facilities associated with the project.

Shawn Martin, Professional Engineer with Fuss and O'Neill was sworn in and identified himself for the record. Mr. Martin explained that the cove that Vice Chair Lemont was inquiring about was part of Phase III of the project which will include buffer enhancement and capping of the previous landfill. Mr. Reis added that public access will be provided in Phase III to the cove as well.

Mr. Martin explained that the grading would provide a clean cap over the landfill materials to allow for the paved surfaces and the vegetation.

Mr. Affigne asked what would be stored on the paved area. Mr. Martin confirmed that not toxic materials would be piled and that "at this time" vehicles would be stored for shipping overseas to sell. Vice Chair Lemont expressed his concern over the use of the term "at this time." Mr. Martin explained that any industrial activity at this site would have to satisfy the requirements of the DEM multi-sector general permit. Mr. Martin stated that the storage of hazardous materials would be prohibited on this type of property.

Mr. Gomez asked if there was a guarantee that Phase III would happen and expressed concern with the term "subject to project funding." Mr. Reis explained that CRMC has received a project schedule. Mr. Martin explained that project construction could be delayed beyond the expected date due to potential funding needs. Mr. Martin confirmed that the \$300K allocation for the project is guaranteed. Mr. Martin expressed concern about potential problems that might come up that are not seen right now – such as the shoreline that has a steep vertical gradient with limited shoreline protection and areas where waste has been dumped in an attempt to apply riprap protection. Mr. Martin stated that meeting with CRMC, DEM and Save The Bay will be necessary to come up with conceptual design and budgeting. Mr. Martin stated that the Providence Redevelopment Agency is on the hook for remediating the site; they are obligated under the remedial action work plan to do the work.

Mr. Martin explained that public access is available through Phase II and that there is no alteration to the buffer zone as it stands. The goal for phase III is to make it better. Mr. Reis confirmed for Council inquiry that the Phase III portion is an improvement to existing public access.

Mr. Fugate suggested stipulating a specific date for Phase III to which Mr. Goldman added that the stipulation could be subject to revocation of assent if not completed by date. Mr. Gomez stated that would be suitable to him and motioned that it be part of the stipulations. No second.

Bruce Waterson, Waterson Terminal Service, managers of ProvPort, and Don Gralak, Director of the Providence Redevelopment Agency for the City of Providence, were both sworn in and identified themselves for the record.

Mr. Waterson addressed council and gave his personal history of living in state and expressed his commitment that Phase III is the most important part of the project and that Waterson terminal is providing the funding for capital improvements.

Mr. Gomez stated that he still felt that a timeframe needed to be established. Mr. Gomez asked Mr. Reis if the 75' buffer along Type 4 waters required plantings. Mr. Reis stated that the area needed to be evaluated for capping and that he is hoping that the existing vegetation does not need to be removed and that a minor amount of soil could be used just as a cover. Mr. Reis referenced the East Greenwich landfill project.

Mr. Affigne stated that the CRMC needed to make clear with our assent, with our stipulations, and with our deadline that the approving of cove area requires public access as an essential part.

Mr. Waterson explained for informational purposes that eight acres would be paved for the car business that is already there and that business is improving at the port. Mr. Waterson stated that they are trying to come up with the best management of the 115 acres they have now.

Mr. Gomez made a motion to approve the Phase II of the project with the stipulation for the revocation of assent if project not completed by June 1, 2017. Mr. Goldman clarified the motion.

Mr. Gralak expressed concern stating that working with permitting agencies can be uncertain in timeframe. Mr. Goldman clarified that timeframe extensions can be asked for. Mr. Reis suggested that the June 1, 2017 date can be a timeframe to schedule a status hearing before the Council.

The motion was seconded by Mr. Affigne and Mr. Sahagian.

The motion carried with one opposed (Vice Chair Lemont).

7. **ADJOURN**

Vice Chair Lemont motioned, seconded by Mr. Sahagian, to adjourn.
Motion carried on unanimous voice vote. Meeting adjourned at 6:48 p.m.

Respectfully submitted,

Lisa A. Turner
Recording Secretary