

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, March 8, 2016 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, DEM Rep  
Raymond Coia  
Don Gomez  
Jerry Sahagian  
Joy Montanaro  
Paul Beaudette  
Mike Hudner

Staff Present

Grover J. Fugate, Executive Director  
Jeffrey Willis, Deputy Director  
David Beutel, Aquaculture Coordinator  
Richard Lucia, Spv Civil Engineer  
  
Brian Goldman, Legal Counsel

Excused Members

Tony Affigne

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 February 23, 2016 Semimonthly meeting; seconded by Mr. Beaudette. Motion carried on unanimous voice vote.

3. **SUBCOMMITTEE REPORTS**

None heard.

4. **STAFF REPORTS**

Mr. Goldman reported on the following item:

- The Mercurio court decision which was remanded back to the Council for clarification on the Council's voting stance and must be heard within 60 days of the court remand. DVDs with administrative record on it were distributed to Council for their review prior to the Council meeting which will be scheduled for April 26, 2016. Mr. Goldman will reach out to Court and see if April 26th is ok as that date will be beyond the 60 days limit). Mr. Goldman stated that it must be a Date Certain due to court deadline.

Mr. Fugate reported on the following items:

- Ocean SAMP stakeholder meeting will be held on Tuesday, March 29<sup>th</sup>, 2016. There will be post Sandy presentations from researchers which used SAMP financing. Deepwater Wind will also update the Stakeholder Group. Meeting to be held at the Bay Campus.

- Regional Ocean Planning Council, which is run by Janet Coit and Grover Fugate will be releasing a Draft Plan on March 11<sup>th</sup> which is intended for internal comment only, it is not to be circulated.
- A grant which was recently given to the New England states to develop real time search forecasting – green infrastructure to combat erosion on our coastline 400k award notice today— meeting on shortly to start that project off.

Mr. Beutel reported on the following:

- The Aquaculture industry has continued to increase through the 2105 season. There was an increase in acreage which went from 206 acres to 241 acres -- an increase of 35 acres. Mr. Beutel stated that there was an overall increase in the number of oysters harvested but that the individual oyster farmers had harvested less, therefore, the increase was slightly less steep than expected, based on the increase of the previous two years, due to the winter kill from the severity of the winter of 2015.

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

**2015-09-030 JASON PEET – Conduct an aquaculture operation to grow oysters using two sites in Quonochontaug Pond. One site will be a 0.79 acre year round area to grow oysters in floating bags. The second site proposed is a 0.13 acre area for temporary winter storage of oysters in cages from November 1 to May 1. Located in Quonochontaug Pond, Charlestown, RI.**

The applicant, Mr. Peet, was present. There was no one present in opposition of the application.

Mr. Beutel gave a brief overview of the application to the Council stating that it is unusual because the applicant was proposing two small but separate locations for his lease – a .79 acre grow out area in a shallow area of Quonochontaug Pond which consists of muddy sediment using the only method that would work in this location, a floating bag system for oysters. Mr. Beutel stated that in their site assessment they did not find eel grass and there was a very low density of native shellfish. Mr. Beutel explained that the second part of the proposal would be a winter storage area which is necessary for this project as the grow-out site is so shallow, the product would not survive the winter months. Mr. Beutel explained that during their site assessment they found deeper water containing a very rocky bottom. Mr. Beutel stated that the location would only be available for winter storage from November 1<sup>st</sup> through April 30<sup>th</sup> – stating that the timeframe for the seasonal lease if this area was negotiated between CRMC and DEM staff based on shellfish regulations. Mr. Beutel informed the Council that although there is a high density of native quahogs in this area which was pointed out by the Shellfish Advisory Panel their concerns were allayed because the area is not used for shellfishing and it would be open for harvest of shellfish from May 1 through October 31<sup>st</sup>.

Mr. Sahagian asked about additional staff stipulations. Mr. Beutel stated he intended to apply standard stipulations.

Mr. Sahagian motioned, seconded by Vice Chair Lemont, approval of the application

Mr. Beaudette asked for clarification regarding the DEM comments on vibrio infections. Mr. Beutel stated that the aquaculture community has worked hard to control vibrio as it is a human health concern and that the standard letter from DEM always contains that language.

The motion carried on unanimous voice vote.

**2015-08-101 MANUEL SOUSA – Perform aquaculture on a one acre oyster aquaculture farm using cages on the bottom in Gull Cove (aka Island Park Cove) of Portsmouth, RI.**

The applicant, Manuel Sousa, was present. There was no one present in opposition of the application.

Mr. Beutel gave a brief overview of the application to the Council stating that it is a one acre site in Gull Cove in Portsmouth for growing oysters in cages. Mr. Beutel stated in their site assessment they found a low density of quahogs but that the area is not used. Mr. Beutel stated that an objection was received from DEM based upon the proximity of this lease to the shellfish closure line and that Mr. Sousa is aware of implications of that. Mr. Beutel checked with DEM Water Resources and he was told that the particular line in questions has not moved in 25 years and will not be moved in the near future. Mr. Beutel stated that he felt the objection based on water quality is not relevant as the site is in water approved for harvesting shellfish. Mr. Beutel stated that water depth at MLW is 1’ and 3’ at MHW; use available for kayakers and motor boats, however, the project is not in the main thoroughfare. Mr. Beutel stated that there is a lot of recreational shellfishing in the pond but not in this area. Mr. Beutel stated that it is Staff opinion that Mr. Manuel has met all requirements of CRMP and he recommends approval.

Chair Livingston asked for clarification on the water quality situation. Mr. Beutel explained DEM process based on his dealings with aquaculture.

Mr. Gomez asked if there was a possibility of freshwater runoff to make that line change. Mr. Beutel explained that the area was very calm and he was not worried about the line shifting. Mr. Gomez stated that he was familiar with the area and that people frequent other areas for shellfishing.

Mr. Gomez motioned, seconded by Mr. Beaudette, for approval of application.

Motion carried on a unanimous voice vote.

6. **Applications requiring Public Hearing for Special Exception before the Full Council for Council Decision:**

**2015-11-027 TOWN OF NARRAGANSETT -- Construct and maintain a flood proofing barrier in order to protect the existing Scarborough Waste Water Treatment Facility (WWTF). The flood proofing barrier will consist of driven steel sheet piles and a cast-in-place concrete wall to accommodate utilities. The cast-in-place concrete wall shall be approximately 70 linear feet, and the steel sheet pile wall shall be approximately 360 linear feet, all fronted by a riprap revetment. The top of the barrier will be constructed to +20 feet (NAVD88) which provides about 4 feet of freeboard above the FEMA Flood Zone VE elevation of 16 feet (NAVD88). A special exception is required for the installation of the shoreline protection facility adjacent to Type 1 waters (conservation area). Located at plat K, lot 496; 990 Ocean Road, Narragansett, RI.**

Mr. Lucia gave a brief overview of application to the Council stating that the project to protect the Wastewater Treatment Facility at Scarborough consisted of a flood proofing barrier using sheetpile and a “cast in place” concrete wall with a berm. Mr. Lucia explained that the project required a Special Exception for the installation of shoreline protection adjacent to Type 1 waters. Mr. Lucia stated that

one objection was received from Save The Bay asking that the barrier be pulled back 50 feet landward. Mr. Lucia stated that staff reviewed the application based on Save The Bay's comments and found that moving the barrier 50' landward was not possible due to the presence of underground utilities and headworks. Mr. Lucia stated that the Town agreed to replenish the property with sand to provide for public access in the event that a storm causes excess erosion. Mr. Lucia finished stating that based on the file submittal, staff believed the application met the special exception criteria and recommended approval of the Town's application.

Chair Livingston asked for clarification on how the Town met the special exception criteria. Mr. Lucia explained that by moving the structure as far back as they could and incorporating beach nourishment to assure public access, the Town complied with Special Exception criteria. Mr. Lucia confirmed that the Land Evidence recording stipulation would be in the Assent. Mr. Lucia explained that the area of beach that needed sand replenishment was somewhat protected by a groin which stopped lateral transport of sand so erosion rates are not that great, however, may not be the case during a significant storm event.

Mr. Beaudette asked about the Town's plans for operation and management of the beach replenishment requirement and what budgetary limitations the Town might have regarding beach nourishment. Mr. Goldman reassured the Council that if the beach nourishment is a condition of the assent and it is recorded in the land evidence records, the Town must comply with the assent or CRMC could issue and order to comply, revoke the permit or fine the Town for non-compliance.

Mr. Lucia explained that it would be in the Town's best interest to replenish the sand in front of the wall as it is protection for the Wastewater Treatment facility.

Chair Livingston opened the public hearing.

Applicants were sworn in and identified themselves for the record as, David Arpin from RT Group, Jeff Ceasrine from the Town of Narragansett, and Greg Roebuck from Whitecap Engineering.

Mr. Roebuck explained how he used the transect lines to calculate the size of the waves to help reduce the cost of insurance by building the barrier to a certain height so that it can be remapped to be out of the flood zone.

Mr. Ceasrine explained how it would be in the Town's best interest to replenish the area to help maintain the revetment. Mr. Ceasrine also explained that the fund for the Wastewater Treatment Facility was very stable and shows a small yearly profit and has for the past 20 years. Mr. Ceasrine explained that it will be through this fund that the beach nourishment will be funded. Mr. Ceasrine stated that the Town received a recovery grant from Storm Sandy of \$1,000,000 which will fund the project.

Mr. Beaudette asked for explanation on why the Town proposed to use sheetpile and not concrete. Mr. Arpin explained that sheetpile was more cost effective and will provide better protection to prevent seepage from coming from the facility in the event of scouring.

Mr. Beaudette asked about stormwater runoff and why the project did not incorporate more pervious areas. Mr. Arpin explained that the drainage system is adequate for the site but they added sand filters for additional stormwater conveyance.

Mr. Ceasrine explained that changing impervious to pervious would be beyond the scope of project and that areas were needed for trucks that come for maintenance of the facility. Mr. Lucia assured the

Council members that the Town and staff did work together on stormwater management and that the project complied with RI Stormwater Management regulations. Mr. Lucia also explained that the Town was not required to provide any further stormwater treatment but through working with staff, they agreed to the sand filter system.

Chair Livingston acknowledged the use of Stormtools in review of the application. Mr. Ceasrine stated that CRMC staff encouraged the use of Stormtools.

Chair Livingston closed the public hearing.

Mr. Sahagian began by saying based on the fact that staff recommended approval and that the application proved there was a compelling public purpose thereby meeting the special exception criteria, he motioned to approve the granting of the special exception.

There was a roll call vote by Mr. Goldman for the motion to grant the special exception:

Mr. Hudner	Yes
Mr. Beaudette	Yes
Mr. Gagnon	Yes
Ms. Montanaro	Yes
Mr. Sahagian	Yes
Mr. Gomez	Yes
Mr. Coia	Yes
Vice Chair Lemont	Yes
Chair Livingston	Yes

Motion carried.

Mr. Sahagian motioned for the approval of the application with a second from Vice Chair Lemont.

Motion carried on unanimous voice vote.

## 8. **ADJOURN**

Vice Chair Lemont motioned, seconded by Mr. Gomez, to adjourn.

Motion carried on unanimous voice vote. Meeting adjourned at 6:46 p.m.

Respectfully submitted,

Lisa A. Turner  
Recording Secretary