



AGENDA

Semi-Monthly Meeting – Full Council
Tuesday, September 26, 2006; 6:00 p.m.
Narragansett Bay Commission, Boardroom
One Service Road, Providence, RI

Reading of the minutes of the previous meeting.
Subcommittee Reports.
Staff Reports

Presentation -- Coastal Erosion

Applications requesting an Extension of existing Assent:

1993-03-041 PICERNE PROPERTIES – Extension of existing coastal assent; 2nd full Council extension request. Project location: 172 Ocean Road, Narragansett.

Applications which have been Out to Notice for 30 days and are before the Full Council for Decision:

1973-08-015 NANCY GILBANE – To alter the design of the floating dockage at an existing residential boating facility. As initially permitted in 1994 the floating dock consisted of a 200 square foot (20' x 10') float that extended 35 +/- feet seaward of the fixed pier. In 2004 the design was modified to allow the use of a 33' x 4' access float which extended 40 +/- feet seaward of the fixed pier and which was used to access a 20' x 6' float and a 20' x 4' float (total SF 200 SF). The applicant now seeks permission to alter the float design as shown on the attached plans. The design calls for the installation of two 20' x 5' floating docks and a 26' x 6' float for a total terminal float SF of 356 SF. The new float arrangement will extend 40' +/- feet seaward of the fixed pier and 75' +/- beyond MLW. The proposed design is variant to RICRMP Standard 300.4.E.3.d by 206 square feet. Project location: plat 26, lot 20; 140 Adams Point Road, Barrington, RI.

2004-12-015 CAPITOL CONSTRUCTION EXCHANGE – for a State of Rhode Island Assent to construct and maintain: Modification of existing approved residential timber pier consisting of 21.7' seaward extension of approved design resulting in new dimensions of: 4'x 165.6' fixed timber pier including 4' x 20' "L" at terminus and tie-off pile. Facility extends a maximum of 124.7' seaward of MLW requiring a 99.7' variance from section 300.4.E.3.(k). Located at plat 12, lot 25B, 94 Washington Street, Newport, RI.

- 2006-03-007 WATER’S EDGE, INC** – Construct re-subdivision of 36 commercial lots, into one lot equaling (114,587 square feet) into five (5) residential house lots. The project will include removal of four (4) commercial storage buildings, as (asphalt) paved parking lot, the formation of five (5) residential house lots and associated utilities and a 50-foot planted buffer zone and 75-foot setback. Buffer zone variance required. Located at plat 21, lot 159; Park Avenue, Portsmouth, RI.
- 2005-10-054 DAVID WHITE** – The project will include construction of a residential dock that is 108’ long, 9’ beyond MLW with a 5’ x 30’ floating dock. The project also consists of 480 cubic yards of dredging to accommodate the float. Located at plat 1, lot 263; 10 Sheldon Street, Cranston, RI.
- 2006-06-033 PETER BROWN** – Establish a 2 acre aquaculture farm to culture the *American Oyster*. Located in the East Passage of Narragansett Bay, Portsmouth, RI.
- 2005-02-018 RICHARD and JANE HENDRICKS** -- Construct a one-bedroom addition with garage onto a single family residence, to be serviced by existing well and recently installed ISDS. Location: 27 Fire Lane 3, South Kingstown (Site 18 in Jerry Brown Farm), AP 82-1, Lot 1-04

Public Hearing on Changes to the Rhode Island Coastal Resources Management Program and Management Procedures:

RICRMP

1. Revise Section 300.4.B.13. Policies

13. Outhauls are subject to the regulatory jurisdiction of the Council. The Council may authorize a municipality to administer an annual permit for such provided said municipality has a Council approved and active harbor management plan and ordinance which contains the following:

- a. municipal documentation that demonstrates that
 - i. except as provided below, an outhaul(s) is/are to be permitted to the contiguous waterfront property owner; and,
 - ii. up to two (2) outhauls may be allowed per waterfront property; and,
 - iii. outhauls are not permitted on properties which contain a recreational boating facility; and,
 - iv. procedures have been adopted to ensure that permits are issued only consistent with the RICRMP, including the provisions of 300.18; and,
 - v. their procedures acknowledge that the CRMC retains the authority to revoke any permits issued by the municipality if it finds that such permit conflicts with the RICRMP; and,
 - vi. from November 15 to April 15, when a boat is not being secured by the device on an annual basis, the outhaul cabling system shall be removed; and,

- vii. outhauls may be “grandfathered” in their current location upon annual harbormaster documentation that such outhauls have been in continuous use at such location since 2004, and, the contiguous property owner(s) agree in writing to such, however, such “grandfathering” is extinguished whenever a recreational boating facility is approved at the location.

The purpose of this proposed change is to address the management of those outhauls that pre-date the regulation.

2. Revise Section 300.4.E.3. Standards

(s): A minimum depth of 18 inches of water (MLW) and, except when provided for as per Section 300.18, a maximum depth of three (3) feet (MLW) shall be obtained at the terminus (seaward end) of the dock, floating dock or pier. Any variance to this standard shall be addressed in writing and pursuant to Section 120.

The purpose of this proposed change is to address a maximum water depth at residential docks

3. Add New Section 300.14.B.9. Standards

9. See Table 4a for maintenance provisions for dwelling additions and rebuilds within the 50 foot setback zone on developed, moderately developed, and undeveloped barriers.

Table 4a.

Dwelling Rebuilds and Additions for Maintenance Activities under Section 300.14

Section 210.7 (Dunes): Within the 50 Foot Dune Setback Zone			
DEVELOPED BARRIERS			MODERATELY DEVELOPED AND UNDEVELOPED BARRIERS*
All Structural Alterations other than will be Required to: Move Beyond the 50 foot Setback Area and Meet Flood Plain Elevation Requirements			
Additions (On Ground)	Prohibited		
	Allowed: 25 sq.ft. Cantilever Decks at a minimum of 8 feet above grade (in 50 foot setback area only)		

If Foundation is NOT FEMA Compliant and: 1. Rebuild In-kind 2. Anything Else	Not Allowed Not Allowed	Note: Before any work can be done, structure's foundation must be made FEMA-compliant (i.e.: move up) and meet Section 140 (move back) & other applicable RICRMP sections.	Not Allowed* Not Allowed
If Foundation IS FEMA Compliant and: 1. Rebuild In-kind 2. Anything Else (Add 2 nd Floor (Demolition/ Add 2 nd Floor	Allowed (as Maintenance) Not Allowed Allowed only if Activity is built beyond 50 foot Setback and meets Flood Plain Elevation) Allowed only if Activity is built beyond 50 foot Setback and meets Flood Plain Elevation)	Note: If structure is within the 50 foot setback area, and cannot relocate beyond 50 foot setback area, application will be determined to be a Maintenance activity and the structure will be allowed to be rebuilt in-kind.	Allowed* Not Allowed Not Allowed Not Allowed

These are for typical maintenance activity reviews. In unusual circumstances, the Executive Director may invoke the maintenance provision allowances of Section 300.14.

*On Moderately Developed and Undeveloped Barriers, only in-kind maintenance is allowed. If a lot can support it, the structure may be moved back and up (FEMA-compliant). However, in-kind rebuild is still only allowance.

The purpose of this proposed change is to provide specified maintenance provisions for dwelling additions and rebuilds on developed, moderately developed, and undeveloped barriers.

4. Revise Section 300.4 Recreational Boating Facilities

The Council proposes to revise in its entirety **Section 300.4 Recreational Boating Facilities** of the RI Coastal Resources Management Program. The proposed revisions affect definitions, findings, policies, prerequisites, prohibitions and standards pertaining to recreational boating facilities which comprise commercial facilities such as marinas, yacht clubs and boatyards, as well as residential docks. The purpose of these proposed changes is to revise the various sections of this set of regulations such that they are more up-to-date, address safety issues and better account for the use of the public trust resources of the state.

5. Urban Coastal Greenways/Providence Harbor SAMP

The Coastal Resources Management Council is developing an Urban Coastal Greenway (UCG) regulatory program for the Metro Bay Region, which comprises the shorelines of the municipalities of Cranston, East Providence, Pawtucket, and Providence. The UCG is a new regulatory approach for coastal vegetative buffers in the urbanized environment of northern Narragansett Bay, and is intended for projects bordering the Providence, Seekonk, Moshassuck, and Woonasquatucket Rivers. The purpose of the proposed Urban Coastal Greenways program is to provide a mechanism to redevelop the urban waterfront of the Metro Bay Region in a manner that integrates economic development with expanded public access along and to the shoreline, as well as the management, protection, and restoration of valuable coastal habitats.

The purpose of the UCG program is intended to provide a permitting option that clarifies and streamlines the regulatory process for urban coastal development, and to create greater flexibility in meeting the state and federal requirements of the Coastal Resources Management Program. The UCG therefore establishes specific standards regarding overall vegetation of the site, management of stormwater runoff, and public access along and to the shoreline within the Metro Bay Region.

Enforcement Report -- August 2006

Category “A” List

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