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AGENDA

Semi-Monthly Meeting – Full Council

Tuesday, April 07, 2009; 6:00 p.m.

Conference Room A, Administration Building
One Capitol Hill, Providence, RI

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

Request for Withdrawal of Application before the Full Council:

2008-06-031 ELTON R. DURFEE – Construct and maintain a 2-bedroom residence serviced by public water and by a denitrifying ISDS. Located at plat R-3, lot 46; Barnacle Road, Narragansett, RI.

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

2009-01-020 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – Construct 18' x 112' extension to existing fixed timber pier (“working pier”) at State commercial fishing facility; Construct maintenance repairs to existing “L-Dock” (no “footprint” expansion).

2008-04-054 QUONSET DEVELOPMENT CORPORATION -- Construct Phase 2 of the Cross Park Avenue Project which will provide an access road within the Quonset Business Park which is intended to improve vehicle circulation through the business park. The project is considered a significant alteration of a freshwater wetland and is being processed as an “Application to Alter” pursuant to Section 9.05 of the CRMC’s Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast. Located at plat 183 lot 17 and 184 lot 11; Cross Park Avenue, North Kingstown, RI.

2002-05-034 PERRY RASO -- Modify existing aquaculture lease by expanding the lease by two acres. Located in Potters Pond, South Kingstown, RI.

2006-11-050 JOHN SOMYK – Construct and maintain a residential boating facility to consist of a 4' x 192' fixed pier with a 4' x 20' lower access terminus, and a boat lift system. The terminus of the fixed pier will extend to 148' beyond Mean Low Water (MLW) requiring a 98' length variance from the 50' MLW standard. Located at plat 16, lot 232; 401 Sea Side Drive, Jamestown, RI.

2008-05-052 JOHN RICHIE – Demolish existing two bedroom dwelling; construct new three bedroom dwelling, two car garage and individual sewage disposal system.

Public Hearing on Changes to the RI Coastal Resources Management Program:

RI Coastal Resources Management Program - **Management Procedures**

Revise Section 5.12 – Permit Extensions - as follows:

Where the Council has issued a permit to undertake an activity in accordance with this Program, said permit shall require such activity licensed or permitted there under to be completed within (3) years from the date of issuance unless specifically granted a longer period by the Council. Extensions may be granted for good cause demonstrated by the applicant. Additionally, in determining whether to grant an extension, the council will consider whether there has been a substantial change in the environmental conditions on the site, whether the CRMP has been amended such that the activity would now require variances or special exceptions, or additional variances or special exceptions, and whether the applicant has made a good faith effort to undertake construction of the permitted activity. In the event an applicant or his agents cannot complete said activity within the three (3) year permitted time, unless specifically granted a longer period of time by the Council, the permit shall expire unless the applicant files a timely petition with the Council for a permit extension. The applicant may, prior to the expiration of said time, petition the Council in writing for an extension. Extensions may be granted for projects only if it has been determined by staff that the work accomplished is in compliance with the conditions of approval established by the Council.

The Executive Director in his discretion for cause shown may administratively grant an extension for a period of time up to one (1) year from the expiration date of the permit. The Executive Director may grant a maximum of three (3) one (1) year extensions. A fourth and final one (1) year extension may be granted only by the Council and only for a period of time up to one (1) year. However, for projects associated with public infrastructure, the Council may grant extensions for more than one (1) year.

Large Scale Projects are commercial projects which due to their size, complexity and scope have construction schedules which, at reasonable rates of build-out, exceed seven (7) years. The applicant may, prior to the expiration of a permit, petition the Council in writing for an extension. The Council may grant an extension that exceeds the permitted assent completion date upon demonstration of a good faith effort to meet construction timelines. The granting of an extension by the Council shall be the minimum necessary to complete the project, but shall not exceed 10 years. In granting this extension the Council may place additional conditions on the previous permit that may be necessary to bring remaining elements of the project in conformance with current regulatory standards.

RI Coastal Resources Management Program:

- Coastal Development Regulations/Aquidneck Island Special Area Management Plan

Announced last year and presented at several public work shops on Aquidneck Island, the Rhode Island Coastal Resources Management Council (CRMC) is developing the Aquidneck Island Special Area

Management Plan (SAMP) for the west side of the island in collaboration with the communities of Portsmouth, Middletown, and Newport, along with the Aquidneck Island Planning Commission, URI Coastal Resources Center/RI Sea Grant, Naval Station Newport and other partners. The SAMP planning boundary is identical to the West Side Master Plan (Master Plan) boundary. The CRMC, however, will require permits only for projects located along the shoreline within its jurisdiction (i.e., within tidal waters, on a coastal shoreline feature or within 200-feet of a coastal shoreline feature) and any freshwater wetlands in the vicinity of the coast.

The proposed Coastal Development Regulations herein provide an option for development projects located within the Redevelopment Zones in the identified areas to select between the standard setback and buffer requirements of the Coastal Resources Management Program (CRMP) or installing and maintaining a coastal greenway along the project shoreline. The proposed Redevelopment Zones are shown in Figure 2 of the proposed coastal development regulations. The SAMP will also identify Areas of Particular Concern that will be comprised of significant, ecologically important habitat areas or those areas that provide publicly-owned access, open space, and recreation areas. Habitat identification and mapping is underway and will be amended to the Coastal Development Regulations at a later date. The Aquidneck Island SAMP and the Coastal Development Regulations will seek a balance between desirable coastal development and protection of significant ecologically sensitive areas and public recreational and open spaces.

A coastal greenway is essentially a replacement for a coastal buffer normally required for projects in other shoreline areas of the SAMP or state. And unlike a standard coastal buffer, a coastal greenway provides a public access pathway along the shoreline. The benefit to developers in choosing this option is that the coastal greenway allows most development projects to be located closer to the shoreline, while the public benefits by gaining access to and along the project shoreline. The developer must also convey a conservation easement for the coastal greenway to the CRMC to ensure continued public access. While the project owners still retains ownership of the land on which the coastal greenway is located, they are responsible for maintaining and preserving the coastal greenway for the public's use and benefit. Overall, implementation of the Aquidneck Island Coastal Development Regulations will help CRMC meet its legislative mandate to “preserve, protect, develop and where possible restore coastal resources for this and succeeding generations” (See R.I.G.L. § 46-23-1).

Please see www.crmc.ri.gov/regulations for the complete proposed Aquidneck Island SAMP Coastal Development Regulations.

Purpose: to provide a permitting option that clarifies and streamlines the regulatory process for coastal development projects within a planned special area management plan for Aquidneck Island, and to create greater flexibility in meeting the state and federal requirements of the Coastal Resources Management Program. The Coastal Development Regulations therefore establish specific standards regarding overall vegetation of the site, management of stormwater runoff, and public access along and to the shoreline within the planning boundary.

RI Coastal Resources Management Program - Greenwich Bay Special Area Management Plan

Revise water types within the Greenwich Bay SAMP area (figures attached) as follows:

1. Chepiwanoxet Point – change from Type 2 to Type 1 the tidal areas bounded by the lots 11, 29, 83, and 94 in plat 221 to a distance of 500 feet offshore.
2. Greenwich Cove – relocate the existing line delineating Type 5 waters southward to coincide with a line drawn from the tip of Long Point northwesterly to the opposite shoreline and intersecting the most northeasterly corner boundary of the Marina Perimeter Limit for Norton’s Marina authorized under CRMC Assent 2002-05-005. The corner boundary coordinate is 343158E, 212929N. The existing Type 2 waters west of Chepiwanoxet Point shall extend southward until meeting the amended line delineating Type 5 waters.
3. Baker’s Creek barrier spit - change from Type 2 to Type 1 the tidal area bounded by lot 201 in plat 367 to a distance of 500 feet off shore.
4. Baker’s Creek headland area - change from Type 2 to Type 1 the tidal area bounded by lots 114 and 116 in plat 367 to a distance of 500 feet off shore.

Revise the Greenwich Bay SAMP Greenwich Cove quahog resource preserve area as follows:

Modify the southern boundary line of the quahog resource preserve (Section 390.2A.1.b) to be coincident with the proposed amended line for Type 5 waters, as described in the aforementioned proposed water type revisions above and as follows.

390.2 Open waters
390.2A Regulations
Policy

1. The following areas are designated as quahog resource preserves:
 - a. Mary’s Creek and the area delineated by the northern and southern edge of the Mary’s Creek salt marsh due east to the federal navigation channel
 - b. The area delineated by the shoreline and lines from Long Point ~~due~~ westerly and coincident with Type 5 waters and the southernmost point of Chepiwanoxet Point due south to Long Point.

The purpose of this proposed change is to revise water types in implementation of the Greenwich Bay SAMP, and to make the Greenwich Cove quahog resource preserve boundary consistent with water type boundaries.

Category “A” List

Executive Session pursuant to RIGL-42-46-5.2 - Litigation

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