

In accordance with notice to members of the Rhode Island Coastal Resources Management Council a meeting was held on Tuesday, August 5, 2003 at 6:00 PM at the Department of Administration – Conference Rooms B & C – One Capitol Hill, Providence, RI.

MEMBERS

Mike Tikoian, Chair
Paul Lemont, Vice Chair
Ray Coia
Jerry Sahagian
Jose Skekarchi
Tom Ricci
Neill Gray
Laurence Ehrhardt
Joe Paolino
Sen. Dan DaPonte
Sen. Susan Sosnowski

STAFF PRESENT

Grover Fugate, CRMC Executive Director

Ken Anderson, CRMC Senior Engineer

Brian Goldman, Legal Council

1. Chair Tikoian called the meeting to order at 6:12 PM.

Chair Tikoian welcomed Mr. Paolino back and welcomed new council member Laurence Ehrhardt to the council.

Chair Tikoian made a brief statement of clarification on the council's permitting process.

Mr. Coia, seconded by Vice Chair Lemont moved approval of the minutes of June 28, 2003 meeting. The motion was carried on a unanimous voice vote.

2. **CONTINUANCES:**

'2003-05-150 RIVERVIEW PARTNERS – Subdividing the existing two lots into three lots and constructing three residential family houses. Located at Plat 31, Lots 58 and 62; Sowans Road, Barrington, RI.

The applicant was not present. Chair Tikoian stated that the application had been continued to allow the applicant to address staff's concerns on the application. The matter was continued.

3. **STAFF REPORTS**

There were no staff reports.

Chair Tikoian requested that Dan Goulet give council members an update on the Providence Dredging Project at the September 9th meeting.

4. **SUBCOMMITTEE REPORTS**

Vice Chair Lemont informed council members that the policy planning subcommittee met on August 1st as a result of a meeting to vote to amend the Providence Harbor SAM Plan to include the Providence Capitol Center District. Vice Chair Lemont requested that this be received and put out to public notice.

5. **APPLICATIONS THAT HAVE BEEN OUT TO NOTICE AND ARE BEFORE THE FULL COUNCIL FOR DECISION:**

'2003-03-065 RHODE ISLAND DEPARTMENT OF TRANSPORTATION – Construct and maintain roadway improvements along the U.S. Route 1 corridor in South Kingstown between Mooresfield Road (Route 138) and the Stedman Government Center. The improvements include the installation of additional turn lanes and signal modifications at the Rt. 138/Rt. 1 intersection, and the construction of jug-handle type turnarounds in the vicinity of Half Moon Trail and at Torrey Road. The RIDOT also proposes to install stormwater treatment devises as part of the project. Located at Route 1 and Route 138, South Kingstown, RI.

Emily Holland and Mr. Bennett were present on behalf of the RI Dept. of Transportation. Mr. Michael, the applicant's engineer was also present on behalf of the applicant. John Shock, Town Planner for the Town of South Kingstown and Andrew Teitz, the assistant solicitor were also present. Joseph Ferrucci, attorney for the objector, Mr. D'Ambra, was also present. Mr. Anderson gave council members a brief summary on the application. Mr. Anderson stated that this was a roadway improvement application to Route 1 in South Kingstown and North Kingstown. Mr. Anderson said staff reviewed the application and recommended approval of the application. Ms. Holland stated that RIDOT was all set with the application as it is before the council and had nothing to add to the application. Mr. Ferrucci requested that the council approve the alternate site for the jug-nut and not what is before the council. Mr. Ferrucci submitted copies of the alternate plan location that RIDOT had submitted and a copy of the first page of the plan before the council as exhibits. Mr. Ferrucci stated that the abutter wanted the alternate plan because there would be less impact on the wetlands and less impact on the abutter. Mr. Ferrucci said if they pushed the roadway improvement 90 feet southerly there would be less impact on the abutter's property than the plan submitted. Mr. Ferrucci said the plan submitted had more impact to the coastal wetland. Mr. Ferrucci also said there was a practical reason to consider – the cost. Mr. Ferrucci said the cost would be \$140,000 less than the first proposal. Mr. Ferrucci stated that he filed a formal objection to the application because of the direct loss of property to the abutter. Mr. Ferrucci said the abutter owns Plat 26, Lot 3-34. Mr. Ricci asked if this was less expensive to the taxpayers and how much less. Mr. Ferrucci said the alternate location would cost \$140,000 less than the proposed project. Mr. Ricci said there would be less impact on the coastal area. Mr. Ferrucci replied yes. Mr. Shekarchi asked who pays for the proposed access point to the D'Ambra property. Mr. Ferrucci replied Mr. D'Ambra would pay the cost. Mr. Shekarchi asked if RIDOT was in favor of the alternate plan why the Town of South Kingstown was opposed to it. Mr. Ferrucci felt the Town did not realize the impact to the D'Ambra property and that it would cost less. Mr. Shekarchi asked if the D'Ambra property was zoned residential or commercial. Mr. Ferrucci replied residential. Mr. Bennett addressed the points raised by Mr. Ferrucci. Mr. Bennett said the operational plans are the same for both and safety wise they are the same. Mr. Bennett stated that because of the ledge face in front of Mr. D'Ambra's property, which heads in a southbound direction it would be costly to remove the ledge for construction.

Mr. Bennett stated that if you looked at the alternate plan there is less excavation of the ledge and it would be about \$140,000 savings to the state. Mr. Bennett stated that the wetland impact in the alternate plan was 690 s.f. Mr. Bennett stated that the reason they prefer one versus the other was because they were working with municipalities and the roads are through local access so they work with the town and defer to them for their option. Mr. Bennett said the Town felt the plan before the council was a better option for their citizens. Mr. Sahagian asked if the Town of South Kingstown supported the alternate plan would they put the alternate plan before the council. Mr. Bennett replied yes. Sen. Sosnowski asked if the \$140,000 savings was brought up at the town council meeting and the issue that there would be less impact on the wetlands. Mr. Bennett said yes. Vice Chair Lemont asked if both plans were before the town council. Mr. Bennett replied yes. Vice Chair Lemont asked if it was the vote of the elected officials for the original plan before the council. Mr. Bennett stated yes. Vice Chair Lemont asked how binding the vote is if DOT changed to the alternate plan. Mr. Bennett said they would have to go back before the council to vote on the alternate plan. Mr. Shock, Town of South Kingstown, said the Route 1 project is very important to the town for safety of the highway. Mr. Shocky said there have been numerous accidents on Route 1. Mr. Shock said that at the 2/24/03 town council meeting they endorsed the original plan submitted by DOT. Mr. Shock stated that they met with DOT to look at the alternate plans for the jug-handles and the town had a work session with DOT and they adopted the original plan submitted by DOT. Mr. Shock said there were a number of concerns about closures along Route 1. Mr. Shock said the jug-handles were to prevent stacking out onto Route 1. Mr. Shock stated that the alternate plan would need to have a preliminary determination and the town wanted the first plan so they could move quickly on the project. Mr. Shock stated that the town council at its 5/12/03 meeting again approved the first plan submitted by DOT. Chair Tikoian asked what the distance was of the stacking and the jug-handle. Mr. Bennett replied approximately 90 feet. Chair Tikoian asked how many vehicles would be served by the alternate plan. Chair Tikoian said looking at the state side there would be cost savings to the state. Chair Tikoian asked if the alternate plan would address abutters concerns. Mr. Shock replied that some people are not going to be happy because they have to travel ¼ mile to turn. Chair Tikoian asked if DOT looked at safety issues. Mr. Bennett stated yes and there would be adequate stacking during certain hours but there would be the same amount of stacking on both plans and both plans addressed the safety concerns. Mr. Bennett felt that 90 feet was not a lot of distance and felt you would never have cars backed out into the highway. Chair Tikoian asked if they had statistics. Mr. Bennett said yes. Chair Tikoian asked if the Town reviewed the statistics. Mr. Shock stated that the town met with DOT to discuss the statistics. Mr. Ricci asked if he believed there was a safety issue involved. Mr. Shock felt the extra length gave better safety. Mr. Shock said the wetland in the alternate plan would require a preliminary determination and they did not want to delay the project. Chair Tikoian asked if at the public hearing there were a number of people outraged at the second plan. Mr. Shock said there were both pros and cons on the project. Mr. Shock said right now people can access Route 1 from their driveways going either north or south now they would have to use jug-handles to turn. Mr. Ferrucci asked if Mr. Shock was present at the public hearings. Mr. Shock replied yes. Mr. Ferrucci asked what the objections to the project were. Mr. Shock said the objectors did not want a jug-handle at this location. Mr. Bennett said they met with the neighborhood groups and town to relocate the jug-handle and this addressed their concerns. Chair Tikoian said the application was only before the council because of the wetland. Mr. Fugate stated yes. Chair Tikoian asked if both plans met the CRMC policies. Mr. Fugate replied yes and the applicants would have to submit a stormwater management plan. Mr. Fugate asked if they had a determination on who had

jurisdiction over the wetland CRMC or DEM. Ms. Holland replied yes, CRMC had jurisdiction. Chair Tikoian asked what happens with the determination for the alternate location. Mr. Bennett replied he was not sure he would have to talk to the director to see what he wanted to do. Mr. Bennett said they would do whatever CRMC wanted this would legally bond DOT. Mr. Ferrucci was in favor of the alternate plan because it had less impact on the wetland and the cost saving to the state. Mr. Ferrucci wanted CRMC to approve the alternate plan and wanted the town to retract their approval for the original plan and approve the alternate plan. Mr. Teitz stated that both plans are safe but the town felt that the original plan was safer than the alternate plan. Mr. Teitz said the town felt the alternate plan would have more impact on the wetland. Chair Tikoian asked how many years they had been working on this. Mr. Bennett replied since 1982. Senator Sosnowski said CRMC had jurisdiction on the wetland. Senator Sosnowski stated that there were a lot of public hearings in the town and they heard a lot of testimony and town approved the safer plan. Senator Sosnowski said they wanted to make this area safer not more dangerous. Senator Sosnowski stated that there was a lot of public input on the project. Senator Sosnowski was in favor of what the town approved. Vice Chair Lemont stated that the town had four meetings on this and there was an interest in this. Vice Chair Lemont stated the original plan was the plan approved by the town fathers in South Kingstown and they voted on a plan that the town approved. Vice Chair Lemont said he would vote no on the alternate plan and deferred to the town for their wisdom. Mr. Teitz said the town did look at the alternate plan and made their decision to support the original plan and not Mr. D'Ambra's alternate plan. Mr. Gray said there is no access to the D'Ambra's property on the original plan and asked if there would be access to Route 1. Mr. Ferrucci replied no, the property would be undeveloped. Mr. Ferrucci said they would not have access to Route 1 because the project would block his access to Route 1. Senator Sosnowski asked how Mr. D'Ambra would access Route 1. Senator Sosnowski said the plan shows he owns 2 acres to Route 1 and it's attached to another large acre. Senator Sosnowski said he would have access through this parcel as Mr. D'Ambra said this lot would not be developed and would be leaving it as a family compound. Mr. Shock explained that Mr. D'Ambra had access to Route 1. Chair Tikoian said in the proposed alternate plan the access road is in the middle of both lots. Mr. Ferrucci said no just for lot 3-34. Mr. Teitz said there is access to the property now and that will not change but there would be no direct access to Route 1 and this would also affect a lot of other property owners not just Mr. D'Ambra. Mr. Ricci said the council was not ignoring Mr. D'Ambra's concerns but it was the DOT's testimony that there would be less impact on the wetland and a cost savings of \$140,000 to the state if they used the alternate plan. Mr. Ricci felt he could not support the original plan. Mr. Gray asked why they couldn't cut into the jug-handle. Mr. Bennett said it was not impossible but it would be a lot of work. Mr. Bennett said the stacking lane was not an issue with DOT. Mr. Gray asked if the applicant could have a cut into the jug-handle. Mr. Bennett replied that this is not a freeway and abutters have to go north to access but they would work with the owner. Mr. Bennett said using the alternate plan the driveway would not enter the jug-handle directly and was a better way to gain access to Route 1. Mr. Coia, seconded by Mr. Ricci moved to modify the application and recommended approval of the alternate plan as depicted in Exhibit 1 page 2 with all staff stipulations. Chair Tikoian called for a roll call vote:

On the motion for approval of the alternate plan.

Mr. Sahagian	Yes	Mr. Shekarchi	Yes
Mr. Coia	Yes	Mr. Paolino	Yes
Mr. Gray	No	Sen. Sosnowski	No

Sen. DaPonte	Yes	Vice Chair Lemont	Yes
Mr. Ehrhardt	Yes	Chair Tikoian	Yes
Mr. Ricci	Yes		

8 Affirmative 3 Negative 0 Absentation

The motion carried.

Chair Tikoian called for a recess at 7:18 p.m. Chair Tikoian called the meeting back to order at 7:26 p.m.

6. APPLICATIONS THAT HAVE BEEN OUT TO NOTICE ARE BEFORE THE FULL COUNCIL FOR DECISION:

'1987-11-039 HARBOR REALTY, LLC – For a fixed pier 12' x 20' (northerly from 30' x 110'); Series of floats around large fixed pier and extending into northern "basin" area, namely, (1)-5' x 30', (1)-12' x 20', (1)-7' x 20', (1)-5' x 347' +/-; elimination of "interior" public dinghy float in "corral" area; final location of pump-out sewer line; reconfiguration of interior float layout; slight revision to marina location (<10'); plat sheet 3 of 3 reflects Judgement Item #5 – the linear feet of float is essentially unchanged along the north bulkhead, but a 105' section of "boardwalk" (pier) is relocated over land rather than tidal waters. A 7' x 20' float is added at transition. It is noted that plan 2 of 3 depicts replacement boat locations per Judgement Item 2 and 3. Location of the project is Waites Wharf, Newport, RI.

William Devereaux, the applicant's attorney was present on behalf of the applicant. Andrew Teitz, attorney for the objector and S. Paul Ryan, attorney for the objector, Friends of the Waterfront were also present. Mr. Goldman stated that Mr. Paolino recused himself from this application because of an ethic opinion. Chair Tikoian made a brief statement on the application. Chair Tikoian stated that the application had a subcommittee recommendation and was before the full council for final decision. Chair Tikoian stated that there were a number of public hearings and a workshop on the application. Chair Tikoian thanked the subcommittee members for their work on this application. Chair Tikoian stated that under rule 1.11 the council could only hear new evidence that was not available at the subcommittee hearing. Chair Tikoian said they were here to act on the subcommittee recommendation. Vice Chair Lemont gave council members a brief summary of the subcommittee process and explained the subcommittee recommendations. Vice Chair Lemont stated that in recommendation #33 there needed to be a balance on the rights of the owner and the public. He felt there needed to be public access. Vice Chair Lemont stated that the applicant's requested a modification to the subcommittee recommendation. Chair Tikoian asked what the executive director's position was on Stipulation #39 regarding the administrative fee. Mr. Fugate stated that the time of staff and enforcement issues was well over 30 hours and the fee would be in excess of \$5,000 to reimbursement for the time spent on this application. Mr. Fugate recommended that maximum fee of \$5,000 be issued. Mr. Anderson stated that the subcommittee recommendation #40 requested that the applicant meet with staff to go over the gate removal, obstruction of Waites Wharf and the water taxi sign. Mr. Anderson said staff has identified these. Mr. Devereaux said that they agreed to most of the subcommittee recommendations and reviewed their report. Mr. Devereaux asked the council to consider four modifications to the subcommittee recommendation. Mr. Teitz objected to the modifications of the subcommittee recommendation. Mr. Devereaux stated that the four modifications were:

1) location of the gates on the boardwalk; 2) amend the closing time from 12:00 a.m. to 6:00 a.m. to 11:00 p.m. to 7:00 a.m.; 3) shortening of the 20' x 12' jog; and 4) removal of the interior dinghy dock. Mr. Devereaux stated that they agreed to a 100 foot dinghy dock for public access for the town. Mr. Devereaux said they would come back before the council for this public dinghy dock if they could forgo the interior dinghy dock because they have installed the 100' dinghy dock for public access. Mr. Devereaux submitted photographs of the dinghy dock that has been constructed to the council as an exhibit. Mr. Devereaux also submitted a copy of an incident report dated 7/4/03 at 11:00 p.m. to the council. Vice Chair Lemont stated that during the course of the testimony they had received a number of police reports regarding incidents at this site and this issue was addressed at the subcommittee hearings. Vice Chair Lemont felt the council should not accept this as new evidence. Mr. Teitz agreed with Vice Chair Lemont that the incident report should be excluded and felt it was irrelevant. Mr. Teitz objected to the council considering the dinghy dock and felt that it should not be considered at this time. Mr. Teitz felt it should be addressed separately as recommended by the subcommittee. Mr. Devereaux explained the gates. Mr. Devereaux said there would be a gate across Waites Wharf Road and the gate would be locked from 11:00 p.m. to 7:00 a.m., there would be another gate flushed to the building and access to the boardwalk would be closed during this time. Mr. Devereaux said that CRMC had designated Waites Wharf a right-of-way and this would leave access to the water open 24 hours. Mr. Devereaux said they were just asking to close an hour earlier and open an hour later. Mr. Devereaux felt this would enhance public safety. Mr. Gray stated that the gate locations that Mr. Devereaux was speaking about were not the same gate locations in his request for modification to the subcommittee recommendation. Mr. Devereaux said he was trying to clarify and modify the subcommittee report. Chair Tikoian asked staff where they recommended the gates be located. Mr. Anderson replied there would a gate at the north end of the building, a gate at the end of Waites Wharf and a gate at the "J" dock. Mr. Anderson said the subcommittee recommended that they eliminate the gate at the north end of the building and the gate at the end of Waites Wharf and allow the gate across the 30' fixed pier at the bulkhead line. Mr. Anderson said the design of the gate at the end of the "J" dock had been approved by the subcommittee. Mr. Devereaux said they want to keep what is there now a 5' wooden fence. Mr. Devereaux said the 12' x 20 fixed pier that the subcommittee recommended that they take down to the first piling and they wanted to keep it as is. Mr. Devereaux felt this wouldn't cause a navigational hazard. Mr. Devereaux stated that the subcommittee wanted them to put a water taxi sign near the bulkhead. Mr. Devereaux stated that they wanted to put the water taxi sign near the 100' dinghy dock that is along the boardwalk. Mr. Devereaux explained that they wanted to eliminate the small dinghy dock in the interior of the harbor because they put in the 100' public dinghy dock. Mr. Devereaux said the subcommittee recommended that this issue of the dinghy dock come back before the full council but they wanted the council to modify the subcommittee recommendation and allow them to eliminate the dinghy dock. Mr. Devereaux said they wanted to amend the closing times from Memorial Day to Labor Day to April 15th to Sept. 30th. Chair Tikoian summarized the modifications that the applicants' were requesting: 1) extend as built facility to keep as is when the subcommittee recommended that they reduce the 12'x20' length to the first piling; 2) change the closing hours from 12:00 a.m. to 6:00 a.m. to 11:00 p.m. to 7:00 a.m. and change the time period from Memorial Day to Labor Day to April 15th to Sept. 30th; 3) modify the location of the gates relative to the staff recommendation to where they want them; 4) replace the small interior dinghy dock with the 100' dinghy dock; and 5) change the location water taxi sign. Mr. Devereaux stated that they wanted the water taxi stand where the 12'x20' pier is not on the 100' public dinghy dock.

Mr. Anderson explained that the original assent had the water taxi stand at the end of Waites Wharf at the 30' pier and there was no public dinghy dock. Mr. Teitz said he sent a letter to the executive director on 6/25/03 objecting to the case notice referring to judgement and boat. Mr. Goldman stated that the subcommittee dealt with the issue of the notice and it had been corrected. Mr. Teitz objected to amending the petition. Mr. Teitz stated that they wanted to cut out the jog in the fixed pier and the applicant wants to keep it in. Mr. Teitz felt it should be kept in as the subcommittee recommended. Mr. Teitz stated that there are three nightclubs along the boardwalk and felt the club owners were trying to protect themselves and their liquor license. Mr. Ricci pointed out that the subcommittee recommended closing the boardwalk from 12:00 a.m. to 6:00 a.m. from Memorial Day to Labor Day. Mr. Teitz said he would accept this but does not agree with it. Mr. Ricci asked if he was objecting to the closing time from 11:00 p.m. to 7:00 a.m. from April 15th to Sept. 30th. Mr. Teitz replied yes. Mr. Teitz felt this was not for the protection of the public but for the protection of the nightclub owners and their liquor licenses. Mr. Teitz said you might as well fence off all of the Newport waterfront. Mr. Teitz felt the public should be allowed to have public access year round. Mr. Teitz said they do not support any gates at all and felt the subcommittee recommended no gates. Mr. Teitz said they did not want to see blocking of anything but the floating dock. Mr. Teitz addressed the water taxi issue. Mr. Teitz introduced photographs of the dinghy dock taken on 7/31/03, which depicted an aerial view of the dinghy dock as exhibits. Mr. Teitz stated that there is a steel barge in front of Casey's and it blocks use of the dinghy dock. Mr. Teitz felt the 100' dinghy dock should not be heard by the council. Mr. Teitz stated that even if the 100' dinghy dock is usable which he suggests that it is not felt they should have the other interior public dinghy dock as well. Mr. Teitz explained that a water taxi is not people coming in with dinghies but a small water taxi launch to take people from place to place and he felt there is no way for a water taxi to get in and out of this area easily. Mr. Teitz wanted to make sure all the issues raised had been addressed and that all exhibits had gone out to council members. Mr. Goldman explained that all exhibits are copied and given to council members in their packets. Mr. Teitz stated that he had a petition signed by over 1800 people to support the subcommittee recommendation.

Chair Tikoian called for a recess at 8:40 p.m. Chair Tikoian called the meeting back to order at 8:45 p.m.

Mr. Ryan address two issues the closing times and the gates. Mr. Ryan wanted to keep the subcommittee recommendation on the closing times from Memorial Day to Labor Day and closing hours from 12:00 a.m. to 6:00 a.m. Mr. Ryan stated that his clients are opposed to any gates and felt signs would be sufficient. Mr. Ryan said it was his client's position that they could understand having a gate at the end of the "J" dock because of the boats. Mr. Ryan said the West Extension Street allows public access to the water and they were opposed to putting a gate on the fixed pier and felt there should just be a sign. Mr. Ryan stated that they were opposed to putting a gate to block lateral access. Mr. Ryan said the water taxi/dinghy dock would be owned by the City of Newport and the city would have to be involved with the water taxi issue. Mr. Anderson stated that the dinghy dock extends off of West Extension Street. Mr. Goldman said no one owns the land it is in a public trust. Mr. Izzi stated that the dinghy dock extends off of a public right-of-way and it was approved by the council. Mr. Ehrhardt wanted to address points 4 and 5. Mr. Ehrhardt stated that he had visited the site twice in the last four days. Mr. Ehrhardt stated that the public dinghy dock was not included at the subcommittee hearing and was excluded and felt that to bring it up now was not appropriate. Mr. Ehrhardt felt the public dinghy dock needed to be addressed fully and

in detail by the council and also felt there were a number of issues raised by the dinghy dock that needed to be addressed. Chair Tikoian stated that the applicant wanted the council to approve the dinghy dock and allow removal of the interior dinghy dock. Chair Tikoian said the question was whether one dinghy dock should replace the other. Mr. Ehrhardt felt a water taxi could not move in and out and turn around in this area. Mr. Gray asked who owns the dinghy dock as of today. Mr. Devereaux stated that the dinghy dock has not been transferred as of today because of a question on the riparian lines. Chair Tikoian stated that the subcommittee recommendation is before the council as well as the petition to modify the subcommittee recommendation. Mr. Gray pointed out that the written document submitted by the applicants' to the council was not the same as the testimony given. Chair Tikoian called for closing arguments.

Closing Arguments.

Mr. Devereaux stated that they were concerned with public safety and they were not trying to close off public access to the water it was a matter of public safety. Mr. Devereaux felt they need to balance the public safety versus public access. He asked that the council consider that the jog is not a hindrance to navigation. He stated that if the barge needed to be removed they would move it. Mr. Devereaux said they wanted to keep the fixed pier as is and not cut it down to the first piling. Mr. Devereaux stated that the dinghy dock was put in at the expense of the owner and would be transferred over to the City of Newport. Mr. Devereaux requested that the council approve their petition for modification to the subcommittee report. Mr. Teitz did not feel that the applicant was concerned with public safety. Mr. Teitz stated that there are no other locked gates in Newport and this would set a bad precedent. Mr. Teitz requested that if there were gates that they not have locks on them because he felt this would be a hazard. Mr. Teitz agreed with Mr. Devereaux that there had to be a balance regarding public safety and public access. Mr. Teitz stated that he objected to all proposed amendments to the subcommittee recommendation by the applicants. Mr. Ryan stated that they only objected to the closing hours of access and the time periods. He also stated that they agreed with having a gate at the "J" dock but objected to the other two gates. Chair Tikoian called for a roll call vote on the reading of the transcript:

On the reading of the transcript.

Mr. Sahagian	Yes	Mr. Ricci	Yes
Mr. Coia	Yes	Mr. Shekarchi	Yes
Mr. Gray	Yes	Sen. Sosnowski	Yes
Sen. DaPonte	Yes	Vice Chair Lemont	Yes
Mr. Ehrhardt	Yes	Chair Tikoian	Yes

10 Affirmative 0 Negative 0 Absentation

Vice Chair Lemont made brief comments on the subcommittee recommendation. Vice Chair Lemont explained that they attempted to balance the applicants' concerns and the concerns of Friends of the Waterfront. Vice Chair Lemont said his overall reaction was that he no problem with substituting the as built dock extension of West Extension Street if there were two additional 20' sections put in. Vice Chair Lemont referred to the picture submitted by Mr. Teito's depicting the westerly end of the yacht at the end of the extension. Vice Chair Lemont recommended that they modify the extension and put the landing site there and dedicate the end of the dock solely to water taxi use and not as a docking berth for another boat. Vice Chair Lemont stated that they were not trying to block off access to the public that it was a public safety concern for people on their

boats so they don't have to worry about people coming down the dock. Vice Chair Lemont did not want the gates along the boardwalk to block access. Vice Chair Lemont agreed that there should be a gate at the "J" dock. He said he was not concerned whether the closing time was 12:00 a.m. to 6:00 a.m. or 11:00 p.m. to 7:00 a.m., it could be either. Vice Chair Lemont stated that he agreed to extending the time period from Memorial Day to Labor Day or before this time frame was fine. Vice Chair Lemont stated that some of the proposed changes were common sense. Mr. Gray stated that he stood by the subcommittee recommendation. Mr. Gray commended the applicant for requesting alternating one dinghy dock for another but felt this could not be done until a formal request was made. Mr. Gray felt the public dinghy dock would address this concern. Mr. Gray said a public launch could not get in or out easily at the inner dinghy dock. Mr. Gray address the reduction of the 12' x 20' pier and said it was not permitted by the Army Corps and they recommended removal as well as CRMC. Mr. Gray said they could compromise on the length of the pier. He said he was not sure it could accommodate public access but it would have to be kept clear. Mr. Gray said there was no argument presented tonight to convince him to change the hours for public access. Mr. Gray felt safety did not have to be at the cost of public access and felt that safety ladders needed to be installed if someone fell in the water. Mr. Gray stated that there were many ways to improve public safety. He said they agreed to gates on the "J" pier and the 30' wide dock but no gate to block lateral access around the property. Mr. Gray agreed to talk about the design of the gates and felt they should not stop view to the harbor. Mr. Gray stated that he had no problem with staying with the subcommittee recommendation and would only consider a change in the reduction of the 12' x 20' dock and putting additional length on dock for water use taxi. Chair Tikoian stated that the request for modification was not to reduce the length. Mr. Sahagian, seconded by Mr. Coia moved to accept the applicant's modification for the as built dock at the north end of the structure. Mr. Gray, seconded by Vice Chair Lemont amended the motion to add that the western float be dedicated to public launching and that there be no boats on the extension to block access. Chair Tikoian called for a roll call vote:

On the amendment:

Mr. Sahagian	No	Mr. Ricci	No
Mr. Coia	No	Mr. Shekarchi	Yes
Mr. Gray	Yes	Sen. Sosnowski	Yes
Sen. DaPonte	Yes	Vice Chair Lemont	Yes
Mr. Ehrhardt	Yes	Chair Tikoian	Yes

7 Affirmative 3 Negative 0 Absentation

The amendment was passed. Chair Tikoian called for a roll call vote on the motion for modification #1:

On the motion for modification #1.

Mr. Sahagian	Yes	Mr. Ricci	Yes
Mr. Coia	Yes	Mr. Shekarchi	Yes
Mr. Gray	Yes	Sen. Sosnowski	Yes
Sen. DaPonte	Yes	Vice Chair Lemont	Yes
Mr. Ehrhardt	Yes	Chair Tikoian	Yes

10 Affirmative 0 Negative 0 Absentation

The motion carried.

Mr. Sahagian, seconded by Mr. Shekarchi moved to modify the closing time from 12:00 a.m. to 6:00 a.m. to 11:00 a.m. to 7:00 a.m. Chair Tikoian called for a roll call vote:

On the motion for the closing hours:

Mr. Sahagian	Yes	Mr. Ricci	Yes
Mr. Coia	Yes	Mr. Shekarchi	Yes
Mr. Gray	No	Sen. Sosnowski	Yes
Sen. DaPonte	Yes	Vice Chair Lemont	Yes
Mr. Ehrhardt	No	Chair Tikoian	Yes

8 Affirmative 2 Negative 0 Absentation

The motion carried.

Mr. Sahagian, seconded by Mr. Shekarchi moved to modify the subcommittee recommendation on the time frame for the closing time on the gates from Memorial Day to Labor Day to April 15th to September 30th as requested by the applicant. Vice Chair Lemont, seconded by Mr. Shekarchi moved to amend the motion to limit the time to May 1st to September 15th. Chair Tikoian called for a roll call vote:

On the motion for the closing time period.

Mr. Sahagian	Yes	Mr. Ricci	Yes
Mr. Coia	Yes	Mr. Shekarchi	Yes
Mr. Gray	Yes	Sen. Sosnowski	Yes
Sen. DaPonte	Yes	Vice Chair Lemont	Yes
Mr. Ehrhardt	Yes	Chair Tikoian	Yes

10 Affirmative 0 Negative 0 Absentation

The motion carried.

Chair Tikoian stated that the third modification was the location of the gates. Chair Tikoian said the gates as recommended by staff is in concurrence with the subcommittee recommendation and the applicant request that there be no access. Vice Chair Lemont, seconded by Mr. Gray moved approval of the subcommittee recommendation for the location of the gates. Chair Tikoian called for a roll call vote:

On the motion for the gates.

Mr. Sahagian	Yes	Mr. Ricci	Yes
Mr. Coia	Yes	Mr. Shekarchi	Yes
Mr. Gray	Yes	Sen. Sosnowski	Yes
Sen. DaPonte	Yes	Vice Chair Lemont	Yes
Mr. Ehrhardt	Yes	Chair Tikoian	Yes

10 Affirmative 0 Negative 0 Absentation

The motion carried.

Chair Tikoian stated that the fourth modification was the dinghy dock. Chair Tikoian said the subcommittee recommended that the interior dinghy dock be left in and the applicant was requesting that it be removed and replaced with another public dinghy dock. Vice Chair Lemont recommended that the interior dinghy dock be removed and they extend two sections at the end of the pier to be designated for public use. Chair Tikoian referred the dingy dock issue back to the subcommittee for the review and determination. Sen. DaPonte wanted to be sure the barge would not be in the way of access to the dock. Chair Tikoian felt the council should hold consideration on the proposed alternate public dinghy dock. Mr. Gray said the timeframe is coming to a close and said even if they uphold the subcommittee recommendation the applicant can still file an application for the new proposed public dinghy dock and it could be handled before the next boating season. Mr. Devereaux stated that a number of issues had been raised concerning the proposed public dinghy dock that needed to be addressed. Mr. Devereaux withdrew the request for modification on the proposed public dinghy dock. Chair Tikoian stated that the water taxi issue had been resolved. Mr. Devereaux stated that he had nothing to add to the water taxi issue. Mr. Teitz felt the subcommittee recommendation was a good compromise and that there were three items in recommendation # 40 that needed to be resolved. He said the clearing of Waites Wharf had not been addressed and the dock master shed was on the right-of-way and wanted the right-of-way cleared and wanted the council to set a time limit on this. Sen. DaPonte wanted the locks issue addressed to address the safety issues to allow emergency vehicles in. Chair Tikoian stated that he would have staff look at this issue. Mr. Anderson stated that it looked like there was 6' of the shed on the Waites Wharf right-of-way. Mr. Gray stated that this could not be addressed tonight. Chair Tikoian remanded the issues of the dinghy dock and the shed back to the subcommittee for their review and determination. Chair Tikoian stated that recommendations #39 and 40 needed to be clarified. Chair Tikoian stated that recommendation #39 needed to say a fee of \$5,000. Chair Tikoian stated that #40 should add that the see through gate design needed to be approved by the executive director and staff, delete the water taxi issue and the issue of the dinghy dock and that the shed encroachment were remanded back to the subcommittee for their review and determination and the executive director is to review the signage language. Mr. Ehrhardt asked about the signage language on Page 6 #c. Mr. Goldman stated that the signage would state the hours that the dock is open and closed to the public. Mr. Shekarchi, seconded by Mr. Sahagian moved approval the subcommittee recommendation as amended. The motion was carried on a unanimous voice vote.

7. **Enforcement Report – June, 2003**

There were none held.

8. **Category "A" List**

There were none held.

There being no further business before the council the meeting, the council adjourned at 10:00 p.m.

Respectfully submitted,