

In accordance with notice to members of the Rhode Island Coastal Resources Management Council a meeting was held on Tuesday, October 14, 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
Jerry Sahagian
Joe Shekarchi
Dave Abedon
Tom Ricci
Neill Gray
Laurence Ehrhardt
Rep. Eileen Naughton
Joe Paolino

STAFF PRESENT

Grover Fugate, CRMC Executive Director

Dave Reis, CRMC Biologist
Dave Alves, CRMC Aquaculture Coordinator

Brian Goldman, Legal Council

1. Chair Tikoian called the meeting to order at 6:00PM.

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

Mr. Paolino, seconded by Mr. Shekarchi moved approval of the September 23, 2003 minutes. The motion was carried on a unanimous voice vote.

2. **STAFF REPORTS**

There were no staff reports.

3. **SUBCOMMITTEE REPORTS**

Mr. Goldman requested that the council receive the subcommittee recommendation for the application of Margaret Slosberg, application #99-10-58, which is a request for a modification of a previous assent. Mr. Goldman requested that the application go out to public notice and be placed on the agenda.

Chair Tikoian announced that he had appointed Vice Chair Lemont, Mr. Abedon and Mr. Sahagian to a subcommittee to review the 312 Evaluation Report issued by Washington and to come up with recommendations and a response to the federal report. Vice Chair Lemont noted that the subcommittee would be meeting on October 17th at 1:00 p.m. to begin reviewing the report.

4. Chair Tikoian read through the agenda to see which applicants/attorneys were present.

5. **CONTINUANCES:**

'2003-04-030 – BRISTOL COUNTY ELKS LODGE #1860 – Construct and maintain a commercial boating facility extending 45' +/- beyond the cited MLW mark. The facility shall consist of a 3' x 25' aluminum ramp that leads to a set of floats that total 528 s.f. Located at Plat 10, Lot 63; 1 Constitution Street, Bristol, RI.

The applicants were not present. Chair Tikoian stated that the applicants' attorney requested a continuance within the 24-hour continuance period so that they can work out the objections to the application. Chair Tikoian continued the application.

'2003-05-160 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 applicant's attorney requested a continuance on the application because their expert witness had a family emergency and could not present. Chair Tikoian continued the application.

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

'2003-07-040 CITY OF NEWPORT – Construct and maintain a 6' x 30' float (approx.) and 2 inch diameter "receiving station" (connection) to existing sewer line, to allow emptying sewage pumpout boat to existing municipal sewer line. Located at Plat 16, Long Wharf Avenue, Newport, RI.

Timothy Mills, the Newport Harbormaster and Susan Cooper, the Director of the City of Newport's Park and Recreation were present on behalf of the applicant. Mr. Niles, RIPEC was also present. Mr. Reis gave council members a brief summary on the application. Mr. Reis stated that the application was to install a float to service a pumpout boat and install a 2" pipe to the existing sewer line. Mr. Reis stated that the City proposed to reduce the float to 8' x 18' to address navigation concerns. Mr. Reis stated that staff recommended approval of the application. Mr. Gray stated that he spoke with Ken Anderson regarding a point of order that came up. Mr. Gray said the property has a restriction to access in the deed. Mr. Gray wanted it to be made clear why the council may grant a dock for public use and not as private use. Mr. Gray wanted to make sure this was part of the record. Mr. Goldman stated that there had been long litigation with Mr. Boulder on this and the restriction of the wall was well noted. Mr. Mills agreed. Mr. Gray stated that the applicant said this would be used for a pumpout boat and wanted to make it clear that it would be used for all pumpout boats. Ms. Cooper stated that this was clarified in a memo and that the dock would be open to the public. Mr. Shekarchi, seconded by Mr. Gray moved approval of the application with all staff stipulations. The motion was carried on a unanimous voice vote.

'2003-05-044 CHRIS CLARENDON – Establish and maintain an aquaculture farm under a dock owned by the Town of Portsmouth. Located at Glen Manor Dock, Portsmouth, RI.

Chris Clarendon, the applicant was present. Mr. Alves gave council members a brief summary on the application. Mr. Alves stated that the application was to grow shellfish under a dock owned by the Town of Portsmouth at Glen Manor. Mr. Alves stated that

the applicant had both local and DEM approval. Mr. Alves explained that the applicant would use under dock cages and they would not interfere with fishing off the pier. Mr. Alves stated that staff recommended approval of the application. Rep. Naughton, seconded by Mr. Paolino moved approval of the application with all staff stipulations. The motion was carried on a unanimous voice vote.

'2003-01-052 THOMAS PEARSON – Construct and maintain a 4' x 102' +/- fixed timber pier. The terminus of the proposed pier will extend to 50-feet beyond MLW. Located at Plat 14, Lot 1&, 15 Seaside Drive, Jamestown, RI.

Thomas Pearson, the applicant was present. Jim Flannagan, the applicant's attorney was also present on behalf of the applicant. Mr. Reis gave council members a brief summary on the application. Mr. Reis stated that the application was for a residential dock to extend 50' beyond MLW. Mr. Reis said there was eelgrass located in the survey. Mr. Reis stated that staff recommended approval of the dock with modifications on the design of the dock to protect the eelgrass. Mr. Reis said staff recommended that the applicant extend the dock an additional 16' beyond MLW and turn the "L" portion of the dock to the north to allow light under the dock. Mr. Reis stated that staff recommended approval of the application with the modification. Mr. Flannagan said they had no objection to the modifications recommended by staff. Mr. Shekarchi stated that there was an objector, the Donnelly's, and wanted to know if they received notice of the hearing. Chair Tikoian replied yes that CRMC notices go out to all the abutters. Mr. Paolino, seconded by Mr. Shekarchi moved approval of the application with the staff modification and stipulations. Mr. Sahagian asked staff to explain the recommendations on the design of the dock to the applicant. Mr. Reis explained that the height of the dock had to high enough to allow light under the dock with a maximum height of 15' from the marine bottom and the turn at the end of the dock would be 10' off the marine bottom. Chair Tikoian was concerned with building by the Burdick & Short model because of the height of the dock sticking out of the water. Mr. Reis felt the Burdick & Short model was good for the Jamestown area because of the eelgrass. Mr. Reis stated that he would not recommend using this model in a salt pond area. Mr. Reis said even using the Burdick & Short model there would still be about a 50% impact to the eelgrass. Rep. Naughton asked if staff has looked at other Burdick & Short models and the effect they have on eelgrass. Mr. Reis replied yes they have monitored these docks and were in the process of doing a report. Rep. Naughton asked when they would have the report. Mr. Reis stated that Virginia Leigh, URI, hopes to have an intern in the spring to work on this report and have it ready by the end of the summer. The motion was carried on a unanimous voice vote.

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

There were none held.

8. **Category "A" List**

There were none held.

9. **ANNOUNCEMENT/COMMENTS**

Rep. Naughton announced that there would be an Aquaculture Conference on October 23 & 24 at Whispering Pines at Alton Jones. Rep. Naughton said she could email the information to council members that are interested in attending. Rep. Naughton also

announced that they were in the process of forming a regional organization for aquaculture. Mr. Gray requested a copy of the information on the aquaculture conference. Rep. Naughton will send the information to all council members by email.

Chair Tikoian stated that they had their first Citizens Advisory Council Meeting and the next meeting was scheduled for October 22nd to address the SAM Plan and Warwick Sewer Authority regarding the water quality chapter.

Chair Tikoian posed a question to council members regarding the opportunity for council members to get together with staff to become familiarized with the components of the program regarding buffer zones and docks so that council members can see where staff is coming from when they render their reports. This will allow council members to have the red book in front of them and staff can point out certain areas in the red book on how they came to their decision. Chair Tikoian stated that some council members are retired and others have full time jobs and it would be difficult for a day meeting and that it was hard for staff to have a night meeting. Chair Tikoian suggested either meeting in the morning or late in the afternoon. Council members agreed that late afternoon meetings would be better. Chair Tikoian suggested having two meetings for two hours. Mr. Shekarchi requested an updated council membership list, which outlines the areas they represent, telephone numbers and email addresses. Chair Tikoian stated that they would set up these meetings for early November on Thursdays at 3:00 p.m. the location of the meetings will be determined. Chair Tikoian stated he, the executive director and staff supervisors will pick out a couple of sections of the plan they would like to talk about to get council members up to speed on. Chair Tikoian said that when they come out of this meeting and there are things that council members want to know about they could have a follow-up meeting. Chair Tikoian felt this was a two-fold process, it would allow them to learn the program better and it would be a good opportunity for council members to meet staff.

There being no further business before the council the meeting, the council adjourned at 6:25 p.m.

Respectfully submitted,