

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, April 12, 2005 at 5:00 PM at the Narraganset Bay Commission Boardroom – One Service Road, Providence, RI.

MEMBERS

Mike Tikoian, Chair
Paul Lemont, Vice Chair
Jerry Sahagian
Jerry Zarrella
Ray Coia
Bob Ballou
Dave Abedon
Joe Shekarchi

STAFF PRESENT

Grover Fugate, CRMC Executive Director

Jeff Willis, CRMC Deputy Executive Director
Ken Anderson, CRMC Senior Engineer
Dave Alves, CRMC Aquaculture Coordinator
Megan Higgins, CRMC Policy Analyst

John Longo, Deputy Legal Counsel

1. Chair Tikoian called the meeting to order at 5:03 P.M.

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

Mr. Coia seconded by Mr. Zarrella moved approval of the March 29, 2005 minutes. The motion was carried on a unanimous voice vote.

2. **STAFF REPORTS**

Mr. Fugate passed out a copy of the "Saltwater Angler" newsletter which had articles on their public access program and right-of-ways to council members

Mr. Fugate also passed out a copy of a notice from the Ethic Commission regarding gift limits.

3. **SUBCOMMITTEE REPORTS**

There were no subcommittee reports.

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

5. CONTINUANCES:

2002-10-038 SALT POND OYSTER COMPANY -- Establish and maintain a one-acre aquaculture farm for the culture of the American Oyster, Quahogs and Bay Scallops. The proposed farm is to be located in Point Judith Pond, Narragansett

The applicant was not present. Chair Tikoian stated that the applicant was out to sea and unable to attend the meeting. Chair Tikoian continued the application to the May meeting.

2004-06-020 INVESTCO -- Rhode Island Assent to Alter Freshwater Wetlands in the Vicinity of the Coast for the purposes of: constructing a three (3) bedroom dwelling and attached deck, permeable driveway and landscaping grading. The dwelling will be serviced by local sewer and water tie-ins. Proposed alterations to freshwater wetlands in the vicinity of the coast include: construction of a three (3) bedroom dwelling, a permeable driveway and parking area and landscaping planting and grading. The project, as proposed, will result in the alteration and/or disturbance of at least (3,875) square feet, or (0.11) acres of freshwater wetland as well as (no) linear feet of watercourse as noted above. Located at plat N-R, lots 541 and 542, Bonnet Shores, Fairway Drive, Narragansett, RI.

The applicant was not present. Chair Tikoian noted that the applicant had requested a continuance because there was a conflict with the applicant's witnesses. The application was continued at the applicant's request.

6. COASTAL HABITAT RESTORATION TRUST FUND APPLICATIONS BEFORE THE FULL COUNCIL FOR REVIEW AND DECISION:

- Mapping Submerged Aquatic Vegetation in Narragansett Bay (NBEP, Narragansett Bay)
- Factory Brook Fishway (DEM, South Kingstown)
- RI Coastal Wetlands Inventory (CRMC, statewide)
- Narragansett Bay Journal

Mr. Willis gave council members a brief summary on the coastal habitat restoration trust fund applications. Mr. Willis stated that there were four (4) applications that had requested habitat restoration funds. Mr. Willis noted that the funds application request totaled \$132,500 and that the balance in the trust fund was \$99,725, which was \$32,775 over the trust fund amount balance. Mr. Willis said there was one (1) habitat restoration project; two (2) planning projects; and one (1) outreach project. Chair Tikoian also passed out a spreadsheet he had prepared which showed the state dollars against the federal dollars for each project. Chair Tikoian's spreadsheet also showed the three (3) projects (Town Pond, Walker Farm and Kickemuit Fish Ladder) already approved by the council. Chair Tikoian noted that the amount of the habitat trust fund was \$250,000 and the three (3) projects approved totaled \$150,275. Chair Tikoian said they asked staff to look at each project and the amounts requested to see what could be done to make all parties happy. Mr. Willis stated that Megan Higgins of staff had contacted the Army

Corps regarding the RI Coastal Wetlands Inventory project to see what could be done and it was determined that they could fund at less state funds and receive matching federal funds which could be carried over to the next year. Mr. Willis stated that they recommended \$14,725 for the RI Coastal Wetlands Inventory project instead of the \$32,500 requested and they also recommended that the Narragansett Bay Journal project receive zero dollars instead of the \$15,000 that they requested. Mr. Willis said they recommend that the Factory Brook Fishway project be approved for \$35,000; the Mapping Submerged Aquatic Vegetation in Narragansett Bay project be approved for \$50,000; and that the RI Coastal Wetlands Inventory project be approved for \$14,725. These amounts totaled \$99,725 which was the total remaining funds in the trust fund. Mr. Shekarchi, seconded by Mr. Zarrella and Mr. Coia moved approval of staff recommendation for approval of the Factory Brook Fishway project in the amount of \$35,000; the Mapping Submerged Aquatic Vegetation in Narragansett Bay project in the amount of \$50,000; and that the RI Coastal Wetlands Inventory project in the amount of \$14,725. The motion was carried on a unanimous voice vote. Mr. Abedon asked if the projects should be separated and if he should recuse himself from the URI project. Mr. Ballou asked if he should recuse himself from the DEM project. Mr. Longo replied that it was not necessary. Mike Taber, URI, stated that there had been a large review process for these grants and requested that the council approve the requests for funding of these projects. Mr. Ballou asked if there had been a prioritized order for these projects. Chair Tikoian noted that these project requests had been before the Policy and Planning Subcommittee and they decided not to act on these requests and sent them to the full council for decision. The motion was carried on a unanimous voice vote.

7. REQUEST FOR SALE OF AQUACULTURE LEASE BEFORE THE FULL COUNCIL FOR DECISION:

2001-08-080 SPATCO/MOONSTONE OYSTERS – Four acre aquaculture lease on Rome Point in North Kingstown to be sold to William Blank and Russell Blank, Rome Point LLC.

John West, Vice President of Spatco and Russell and William Blank, the purchasers of the aquaculture lease were present. Mr. Alves gave council members a brief summary on the proposed sale of the existing aquaculture lease from Robert Rheault to Russell and William Blank. Mr. Alves noted that the Blanks had experience in aquaculture. Mr. Alves stated that he recommended approval of the sale of the aquaculture lease to the Blanks. Mr. Shekarchi, seconded by Mr. Coia and Mr. Zarrella moved approval of the sale of the aquaculture lease with all staff stipulations. The motion was carried on a unanimous voice vote.

8. REQUEST FOR EXTENSION OF ASSENT BEFORE THE FULL COUNCIL FOR DECISION:

2001-01-47 RALPH CONTE – Extension request for permit granted to build recreational boating facility at 244 East Shore Road, Jamestown, RI; plat 4, lot 107.

Ralph Conte, the applicant was present. Turner Scott, attorney for the applicant was also present on behalf of the applicant. Mr. Fugate stated that this was a second request for an extension of an assent. Mr. Fugate said he had already approved a one (1) administrative extension of the assent and this was the first extension request before the full council. Mr. Scott stated that dock was on deck and they were ready to go. Mr.

Scott requested a one (1) year extension of the assent. Vice Chair Lemont, seconded by Mr. Coia moved approval of a one (1) year extension of the assent. The motion was carried on a unanimous voice vote

2001-01-011 DOMINIC & PATRICIA MUNAFO – Extension request for permit granted to build recreational boating facility at 1163 North Main Road, Jamestown, RI; plat 3, lot 484.

Patricia Munafo, the applicant was present. Turner Scott, attorney for the applicant was also present on behalf of the applicant. Mr. Fugate stated that this was a second request for an extension of an assent. Mr. Fugate said he had already approved a one (1) administrative extension of the assent and this was the first extension request before the full council. Mr. Scott stated that dock was ready to go and would be built after Mr. Conte's dock was built by the same contractor. Mr. Scott requested a one (1) year extension of the assent. Vice Chair Lemont, seconded by Mr. Coia moved approval of a one (1) year extension of the assent. The motion was carried on a unanimous voice vote.

9. APPLICATIONS WHICH HAVE BEEN OUT TO NOTICE FOR 30 DAYS AND ARE BEFORE THE FULL COUNCIL FOR FINAL DECISION:

2004-08-043 GREGORY HAYES -- Construct and maintain a residential boating facility consisting of 4' x 45' fixed timber pier with a ramp that leads to a 150 square foot terminal float. The proposed structure is to extend 50 ft seaward of the cited Mean Low Water mark. The structure is to be located within 3 feet of the western property line extension and is thus variant to standard 300.4.E.3.j of the RICRMP. Located at plat 10, lot 68; 255 Tockwotten Cove Road, Charlestown, RI (Ninigret Pond).

Gregory Hayes, the applicant was present. Ernest George, the applicant's engineer was present on behalf of the applicant. Mr. Anderson gave council members a brief summary on the application. Mr. Anderson stated that the application was to construct a residential boating facility consisting of a 4' x 45' fixed timber pier with a 150 s.f float. Mr. Anderson stated that there was no staff objection to the application and no variances were necessary. He said staff recommended approval of the application. Joan Hoelzel, an objector, stated that she was not opposed to a dock but felt the plan did not show the cove correctly. Ms. Hoelzel explained that there were two (2) private docks, a commercial dock and a mooring field in the cove. She felt the area was congested. Ms. Hoelzel wanted the applicant to have a smaller structure or use a mooring and have a dinghy dock. Ms. Hoelzel stated that there was a mooring off the property and wanted to know why the applicant could not use the mooring. Chair Tikoian asked where her property was. Ms. Hoelzel replied that her property is to the west. Mr. Anderson explained that the cove is a designated mooring field. Mr. Anderson said he spoke with the Town and the Town Harbormaster and they had no objection to the dock. Mr. Anderson stated that the dock met CRMC standards and they saw no navigational issues. Mr. Hayes stated that he does have a mooring which is 10' after the end of the dock and he would pull the mooring out once the dock is built. Ms. Hoelzel felt a mooring was less intrusive than a dock. Chair Tikoian noted that the applicant had followed all the CRMC rules and met the program. Chair Tikoian said there was no staff objection to the application. Ms. Hoelzel asked if the right-of-way owners could put a dock in if they wanted to. Mr. Fugate replied no and explained that a

dock had to be contiguous to a residence. Ms. Hoelzel wanted the applicant to put in a wooden ramp instead of the aluminum ramp because it would be less noisy. Mr. Hayes agreed. Mr. Sahagian, seconded by Mr. Coia moved approval of the application with all staff stipulations. The motion was carried on a unanimous voice vote.

2004-10-55 RUUD and LAURIE BOSMAN -- Construct and maintain: a residential boating facility to consist of a 4' x 96' fixed pier to a 3' x 25' ramp to an 8' x 20.75' +/- float with a lift system. Located at plat 385, lot 71, 152 Beacon Avenue, Warwick, RI.

Ruud Bosman, the applicant was present. Mr. Fugate gave council members a brief summary on the application. Mr. Fugate stated that the application was to construct a residential boating facility to consist of a 4' x 96' fixed pier to a 3' x 25' ramp to an 8' x 20.75' float. Mr. Fugate stated that the application required a 16' length variance. Mr. Fugate stated that the application requested an electric boat lift system and was before the full council because of the electric boat lift system. Mr. Neill noted that there was no biologist report in the packet. Mr. Fugate explained that Greg Baribault, staff engineer, under this supervision reviewed applications to determine if there was any biological impact and if it was determined that there was no biological impact a biologist report was not needed. Mr. Fugate stated that if it was determined that no biologist report was needed the application can be expedited to the full council. Vice Chair Lemont, seconded by Mr. Zarrella and Mr. Coia moved approval of the application with all staff stipulations and the variance. The motion was carried on a unanimous voice vote.

2004-11-024 ELIZABETH SMITH -- construct and maintain: a residential boating facility to consist of a 4' x 92' fixed timber pier, a 3' x 25' ramp to a 10' x 16' float and two tie-off pilings and an electric float and boat lift system. Located at plat 385, lot 39, 10 Broadview Avenue, Warwick, RI.

Elizabeth Smith, the applicant was present. Herb Sirois, the applicant's engineer was also present on behalf of the applicant. Mr. Fugate gave council members a brief summary on the application. Mr. Fugate stated that the application was to construct a residential boating facility to consist of a 4' x 92' fixed timber pier, a 3' x 25' ramp to a 10' x 16' float and two tie-off pilings and an electric float and boat lift system. Mr. Fugate said the application was before the full council because of the electric boat lift. Mr. Fugate stated that no variances were required. Mr. Coia, seconded by Mr. Zarrella moved approval of the application with all staff stipulations. The motion was carried on a unanimous voice vote.

2004-11-049 RIEDC/RHODE ISLAND MOORING -- Construct and maintain: six (6) new boat slips at existing 16-slip marina (CRMC Assent 2001-10-056) facility, and revise marina perimeter limit (MPL) to incorporate new slips plus additional, existing 15-slip facility to south (formerly Narragansett Dock Works) for which lease was acquired by RI Mooring Services. Total resulting facility capacity will be 37 slips. Located in Little Allen Harbor, plat 193, portion of lot 4, 15 Patrol Road, North Kingstown, RI.

Steven King, RIEDC and Turner Scott, attorney for Rhode Island Mooring, the applicants were present. Mr. Anderson gave council members a brief summary on the application. Mr. Anderson stated that the application was to add six (6) additional slips at a CRMC approved marina facility, which would be consolidated with an existing facility. Mr. Anderson said there was no staff objection to the application and staff

recommended approval of the application. Mr. Scott stated that they had read the staff stipulations and agreed to them. Mr. Coia, seconded by Mr. Shekarchi and Mr. Zarrella moved approval of the application with all staff stipulations. Mr. Ballou asked if the pump out facilities was part of the stipulations and the application. Mr. Scott replied yes, the pump out facilities were part of the staff stipulations. The motion was carried on a unanimous voice vote.

2002-06-027 MARILYN MUNGER/CONANICUT MARINE -- Construct modifications to CRMC Assent A2002-06-027, by replacing the authorized sixteen-inch (16") diameter pilings with factory alternate chain and embedment anchoring system. Located at plat 9, lot 354; 1 Ferry Wharf, Conanicut Island; Jamestown, RI.

William Munger, husband of the applicant was present on behalf of his wife. Mr. Anderson gave council members a brief summary on the application. Mr. Anderson stated that this was a modification of an approved facility to change the anchoring method from pilings to a chain mooring system. Mr. Anderson explained that the chains would be beneath the floats and would be crossed. Mr. Anderson said the anchorage area exceeds the marina perimeter limit and was determined a structure. He said the marina perimeter limit would not be changed from the original marina perimeter limit. Chair Tikoian asked if this would set a marina perimeter limit precedent as long as the expansion is under the marina limit and not the marina perimeter limit itself. Mr. Fugate replied yes and explained that staff gave the applicant an opportunity to expand the marina perimeter limit but the applicant decided not to expand the marina perimeter limit. Mr. Fugate said that the trade off was for the anchorage system which was less intrusive than pilings and would have less environmental impact. Mr. Abedon stated that the depth of the chains does not impact boat traffic or water use. Mr. Fugate replied yes. Mr. Anderson stated that the water depth is 22-28 feet. Mr. Anderson said the SAV issue had been raised but it was determined that the depth was too deep for SAV. Mr. Gray asked why the applicant wanted to change from traditional pilings to a chain and anchor system. Mr. Munger explained that the pilings are 16" and required at every 12" and they felt this was too visual and decided to use the chain and anchor system to get a better view corridor and have less impact on the structure. Mr. Zarrella, seconded by Mr. Gray moved approval of the application with all staff stipulations. The motion was carried on a unanimous voice vote.

2005-01-039 STEVE CRANDALL -- Establish and maintain a one acre aquaculture farm for the culture of the American Oyster, Quahogs and Bay Scallops. The proposed farm is to be located in Winnapaug Pond. Located in Winnapaug Pond, Westerly, RI.

The applicant was not present. Chair Tikoian continued the application.

9 Enforcement Report – March, 2005

There were none held.

10. **Category "A" List**

There were none held.

Chair Tikoian reminded council members that there would be a meeting on the Filippi application on Tuesday, April 19th at 5:00 p.m. and that the next full council meeting would be held on Tuesday, April 26th at 6:00 p.m.

There being no further business before the council the meeting, the council adjourned at 5:43 p.m.

Respectfully submitted,

Grover Fugate
Executive Director CRMC

Reported by Lori A. Field