STATE OF RHODE ISLAND

COASTAL RESOURCES MANAGEMENT COUNCIL

ENFORCEMENT REPORT

RE:

CRMC Enforcement File 22-0255

LOCATION:

Plat 15, Lot 12, 26 Swamp Road, Little Compton

OWNER:

Karen McGuinness

FILE SUMMARY

- On February 11, 2005, CRMC assent W2004-12-070 was issued to construct a single-family dwelling to be serviced by ISDS (DEM #0118-1975), at Plat 15, Lot 12, Little Compton. The assent required a buffer zone of various widths off of the freshwater wetland.
- On December 7, 2022, CRMC Cease & Desist Order 22-0255 was issued to Karen McGuiness for undertaking unauthorized clearing of freshwater wetland vegetation and earthwork (filling, removing, & grading) in a freshwater wetland in nonconformance with CRMC assent 2004-12-070.
- As of October 19, 2023, Ms. McGuinness has not submitted a restoration plan to resolve the violation as required by the letter dated May 23, 2023 (sent via email June 6, 2023) and has continued to mow the freshwater wetland vegetation and CRMC designated buffer zone in nonconformance with CRMC assent W2004-12-070, and in violation of CRMC Cease & Desist Order 22-0255.

PROGRAMMATIC VIOLATIONS

Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (650-RICR-20-00-9)

§9.5.5 Prohibitions

(A) Except as provided in §9.6 of this Part, no person may excavate; drain; fill; place trash, garbage, sewage, road runoff, drainage ditch effluents, earth, rock, borrow, gravel, sand, clay, peat, or other materials or effluents upon; divert water flows into or out of; dike; dam; divert; clear; grade; construct in; add to or take from or otherwise change the character of any freshwater wetland, buffer, floodplain, area subject to flooding or area subject to storm flowage as defined within this Part, in any way, without first obtaining a permit from the CRMC; or (B) Undertake any project or activity within a jurisdictional area that may alter the character of the freshwater wetland, buffer or floodplain without first obtaining an approval from the CRMC.

§9.5.6 Regulatory Applicability

(A) Projects or activities within a jurisdictional area that may alter freshwater wetlands, buffers, floodplains, areas subject to flooding or areas subject to storm flowage are subject to regulation and are required to obtain approval from the CRMC in accordance with these Rules. Certain limited activities are exempt in accordance with § 9.6 of this Part.

Redbook (650-RICR-20-00-1)

§1.1.3 Requirements for Applicants

(A)(5) Persons proposing any project or activity which may alter the character of any freshwater wetland in the vicinity of the coast, and which is not specifically exempt under the Rules and Regulations for the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (Part 2 of this Subchapter) or as provided in R.I. Gen. Laws § 46-23-6(2)(iv), are required to apply for a Council Assent. When it is not clear as to whether or not freshwater wetlands exist in the area of any proposed activity, or whether the proposed activity requires a Council Assent, persons should consult with the Council prior to undertaking any activity.

RECOMMENDATIONS

- Enforcement staff recommends that the Council issue an Order to Restore that requires Karen McGuinness to restore the site in its entirety by May 15, 2024.
- Enforcement staff recommends that the Council requires Karen McGuinness to submit an acceptable restoration plan prepared by a qualified professional by January 15, 2024.

ATTACHMENTS

- A. CRMC Assent W2004-12-070 and approved plans dated approved February 11, 2005
- B. CRMC Cease and Desist Order number 22-0255, dated December 7, 2022
- C. Letter to Karen McGuinness dated March 20, 2023
- D. Letter to Karen McGuinness dated May 12, 2023
- E. Email to Karen McGuinness dated June 2, 2023
- F. Letter from attorney D'Addario dated June 2, 2023
- G. Email to attorney D'Addario dated June 21, 2023
- H. Email to attorney D'Addario dated September 15, 2023
- Letter from attorney D'Addario dated September 16, 2023
- J. Notice of Enforcement Action dated October 4, 2023
- K. Email from attorney D'Addario dated October 6, 2023
- L. Email to attorney D'Addario dated October 6, 2023
- M. Lien recorded on October 10, 2023

PHOTOS

- 1. Photo of site taken by Brian Harrington on November 17, 2022
- 2. Photo of site taken by Brian Harrington on November 17, 2022
- 3. Photo of site taken by Brian Harrington on November 17, 2022
- 4. Photo of site taken by Brian Harrington on November 17, 2022
- 5. Photo of site taken by Brian Harrington on October 13, 2023
- 6. Photo of site taken by Brian Harrington on October 13, 2023
- 7. Photo of site taken by Brian Harrington on October 13, 2023
- 8. Photo of site taken by Brian Harrington on October 13, 2023
- 9. Aerial photo, dated 2014, from Town of Little Compton GIS site
- 10. Aerial photo, dated Summer 2022, from Town of Little Compton GIS site

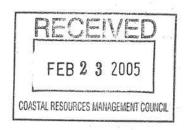
CHRONOLOGY

2/11/2005	CRMC assent W2004-12-070 issued to "construct a single-family dwelling to be serviced by ISDS (DEM #0118-1975)".
2/16/2005	CRMC assent W2004-12-070 registered in the Town of Little Compton land evidence records.
11/17/2022	CRMC enforcement staff inspected the above-referenced site and found unauthorized cutting of vegetation and earthwork (filling. Removing, & grading) had taken place in a freshwater wetland and CRMC designated buffer zone in nonconformance with CRMC assent 2004-12-070.
12/7/2022	Cease & Desist Order 22-0255 issued to Karen McGuiness for undertaking unauthorized clearing of freshwater wetland vegetation and earthwork (filling, removing, & grading) in a freshwater wetland in nonconformance with CRMC assent 2004-12-070.
12/12/2022	Cease & Desist Order 22-0255 was received by Ms. McGuinness.
12/12/2022	Phone call with Ms. McGuinness. Ms. McGuiness asked to be able to get through the holidays before working on resolving the violation. CRMC enforcement staff agreed to this request, and Ms. McGuinness said she would be contacting staff mid-January 2023 to start working on resolving the violation. Staff told Ms. McGuinness that they had to cease mowing the buffer zone and wetland.
3/20/2023	Letter sent to Karen McGuinness requiring that a restoration plan be submitted by April 24, 2023, with restoration completed by May 24, 2022. Letter came back unclaimed on April 11, 2023.
5/12/2023	Letter resent to Karen McGuinness requiring that a restoration plan be submitted within 45 days, with restoration completed by October 15, 2023. Letter came back unclaimed on June 1, 2023.
6/2/2023	A copy of the letter sent on May 12, 2023, was emailed to Karen McGuiness.
6/2/2023	Karen McGuinness's attorney Richard D'Addario, emailed CRMC enforcement staff a letter contesting Cease & Desist Order 22-0255 and CRMC assent 2004-12-070.
6/21/2023	Email sent to attorney D'Addario with CRMC assent 2004-12-070 and the approved plan attached.
9/15/2023	Email sent to attorney D'Addario asking them to contact CRMC enforcement staff. Attorney D'Addario was told that a restoration plan had not been submitted and that enforcement staff was planning to bring the matter to the coastal council for an "Order to Restore". The email reiterated that Ms. McGuinness had to cease mowing the buffer zone and wetland.
9/16/2023	Attorney D'Addario sent a letter via email to CRMC staff reiterating that he was contesting Cease & Desist Order 22-0255 and CRMC assent 2004-12-070.
9/19/2023	Phone call with attorney D'Addario. Staff explained what the violations were and what was required to resolve the violation. Attorney D'Addario said that he would contact his client about scheduling a meeting with CRMC enforcement staff.
10/13/2023	Letter sent to the Town of Little Compton requesting that CRMC Cease & Desist Order 22-0255 be placed in the land evidence records for the Town of Little Compton.
10/4/2023	"Notice of Enforcement Action" sent via email and certified mail to Attorney D'Addario and Ms. McGuinness scheduling a hearing before the Full Council to consider an "Order to Restore".
10/6/2023	Attorney D'Addario sent an email stating that Ms. McGuinness was planning on restoring the area west of her house. He also requested that the enforcement action be delayed.

- 10/6/2023 CRMC enforcement staff sent an email to attorney D'Addario stating that the hearing was already scheduled, and that staff was looking for full restoration of all areas of freshwater wetland and buffer zone that had been disturbed, not just the area to the "west of the house".
- 10/10/2023 Copy of lien recorded in the land evidence records for the Town of Little Compton received.
- 10/13/2023 CRMC enforcement staff conducted a site inspection at Ms. McGuinness's property. Ms. McGuinness walked the property with enforcement staff. Enforcement staff took photos of the property documenting that Ms. McGuinness never stopped mowing the freshwater wetland or buffer zone in violation of Cease & Desist Order 22-0255 and in nonconformance with CRMC assent 2004-12-070



COASTAL RESOURCES MANAGEMENT COUNCIL Oliver H. Stedman Government Center 4808 Tower Hill Road, Suite 3 Wakefield, R.I. 02879-1900



(401) 783-3370 FAX: (401) 783-3767

ASSENT

CRMC File No.

2004-12-070

CRMC Assent No. W2004-12-070

Whereas, of

William/JeannineMoore 540 Long Highway Little Compton, RI 02837

has applied to the Coastal Resources Management Council for assent to: Construct a single family dwelling to be serviced by ISDS (DEM #0118-1975); as shown on the approved plans, and hereby represents that They are the owners of any rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: construct a single family dwelling to be serviced by ISDS (DEM #0118-1975). Located at 26 Swamp Road, plat 15, lot 12, Little Compton, RI, in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before February 11, 2008 after which date this assent is null and void, (unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date).

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to applicant's property to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

Jeannine and William Moore CRMC Assent No. W2004-12-070 February 11, 2005 Page Two

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

A copy of this Assent shall be kept on site during construction.

Application for future construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in tidal and/or fresh waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States, shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit.

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and

Jeannine and William Moore CRMC Assent No. W2004-12-070 February 11, 2005 Page Three

void. Plans for any future alteration of the feature or construction or alteration within the jurisdiction of the CRMC must be submitted for review to the CRMC prior to commencing such activity.

ATTENTION: AS APPLICABLE, ALL STRUCTURES AND FILLED AREAS IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:

- 1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
- The Superior Navigation Servitude of the United States;
- 3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE COASTAL WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.

SPECIFIC STIPULATIONS OF APPROVAL

Fresh Water Wetland Stipulations

- A. Within thirty (30) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of <u>Little Compton</u> and supply the CRMC with written documentation obtained from the City/Town showing this permit was recorded.
- B. The approved plans shall be those titled "Proposed ISDS Alteration, Jeannine & William Moore..." last revised 12/15/04 by Civil Engineering Concepts Inc. and stamped CRMC approved.
- C. Where the terms and conditions of the permit conflict with the approved site plan(s), these terms and conditions shall be deemed to supersede the site plan(s).
- D. The effective date of this permit is the date this letter was issued. This permit expires three (3) years from the effective date unless renewed pursuant to Rule 9.07.
- E. Prior to commencement of site alterations, you shall post the CRMC assent card. This assent card must be maintained at the site in a conspicuous location until such time that the project is complete.

Jeannine and William Moore CRMC Assent No. W2004-12-070 February 11, 2005 Page Four

- F. The approved ISDS plan shall be that plan having DEM/ISDS approval number 0118-1975 dated 8/6/04. Except/unless as stipulated herein, all details and specifications thereon shall be strictly adhered to.
- G. The septic tank shall be maintained as per DEM/manufacturer's specifications.
- H. The buffer zone (Ref. Rule 5.14) shall be that area of land between the delineated wetland and the limit of disturbance as shown on the approved plan.
- I. As of the date of assent issuance, all vegetation in the coastal buffer zone is to remain in a permanently undisturbed condition. Any and all activities or alterations within the buffer zone not specifically addressed herein including mowing, pruning, trimming, thinning, require written authorization from the CRMC.
- J. The buffer required by condition of this CRMC permit must be restored to an undisturbed naturally vegetated condition in accordance with Rule 5.14 of CRMC Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast.
- K. Prior to initiating any work on site, permanent markers at least 24" above grade must be installed along the inland edge of the buffer zone from each affected property boundary to any points in between which represent angle points necessary to delineate the full limit of the CRMC approved buffer zone by line-of-sight between markers. The intent of these markers is to provide permanent reference points on-site which are clear to present and future property owners. Acceptable permanent-type markers include 4" x 4" pressure treated timber posts, galvanized fence posts with cap or granite or concrete bounds. A permanent-type fence at least 24" tall may be substituted for markers where desired. Prior to initiating any unauthorized work or other alterations within the CRMC approved buffer zone, written CRMC approval must be obtained.
- L. No work on site may be initiated until the buffer zone markers required by condition of this CRMC assent are properly installed. Upon installation of the markers, work on the project may be initiated as herein approved.
- M. Any material utilized in this project must be clean and free of matter which could pollute any freshwater wetland.
- N. Temporary erosion and sediment controls detailed or described on the approved site plans shall be properly installed at the site prior to or commensurate with site alterations. Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the life of this project to minimize soil erosion and to prevent sediment from being deposited in any wetlands not subject to disturbance under this permit.
- O. The standards and specifications set forth in the most recent RI Soil Erosion and Sediment Control Handbook (RISESCH) shall be strictly adhered to.

Jeannine and William Moore CRMC Assent No. W2004-12-070 February 11, 2005 Page Five

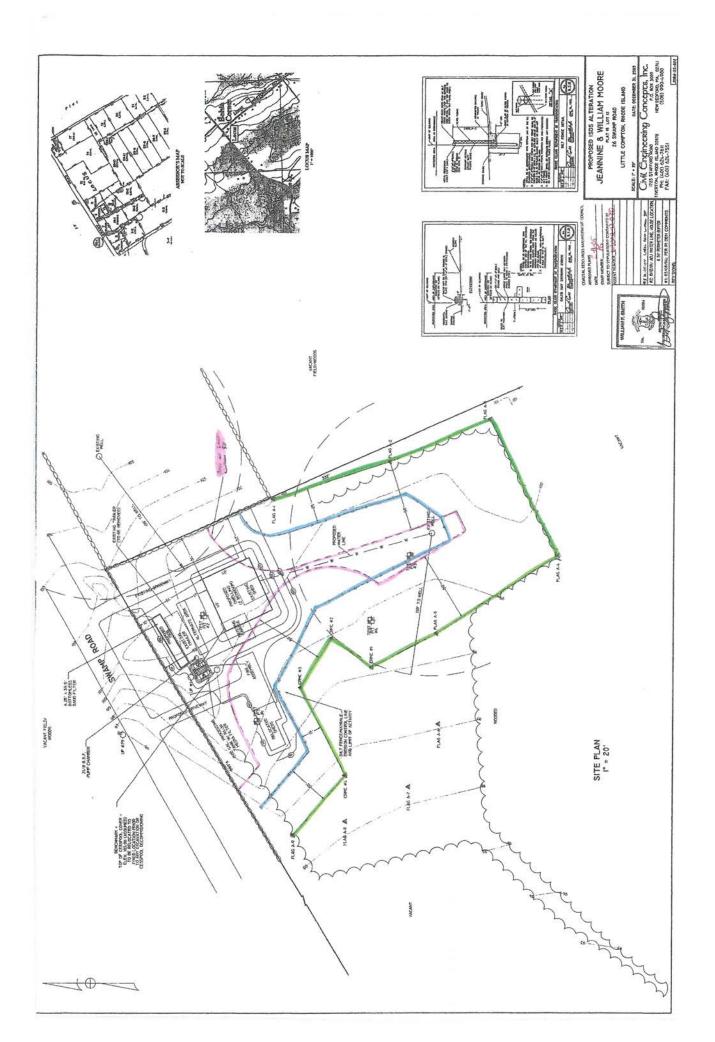
- P. Upon successful stabilization of exposed soils, haybales and stakes shall be removed from the site and disposed of at a suitable, legal, upland location.
- Q. All areas of exposed soil which are disturbed by construction and related activities shall be revegetated as immediately as is physically possible so as to minimize erosion and sedimentation. If the season is not conducive to immediate revegetation, all exposed soils shall be temporarily stabilized with hay mulch, jute mat netting or similar erosion control materials. Soil stabilization methods shall be employed during, as well as after, the construction phase to the maximum extend possible.
- R. You are responsible for the proper operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands.
- S. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plans in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.
- T. All driveway and parking area shall have a permeable pavement and subbase consisting of gravel, crushed stone, shells, or similar highly permeable material.
- U. All runoff of surface water into the stipulated buffer zone shall be maintained as sheet flow. No concentrated sources of runoff flow (such as pipes or swales) shall be directed into the buffer zone.

In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this <u>eleventh</u> day of <u>February</u> in the year two-thousand-five.

Grover J. Fugate, Executive Director Coastal Resources Management Council

/pjc

Filed in the Town Clerk's Office
Little Compton, RI on Hebruary
16, 2005 at 9:10 o'clock A M
Witness
Town Clerk







State of Rhode Island Coastal Resources Management Council Oliver H. Stedman Government Center 4808 Tower Hill Road, Suite 116 Wakefield, RI 02879-1900

(401) 783-3370 Fax (401) 783-2069

December 7, 2022

Karen McGuinness P.O. Box 495 Little Compton, RI 02837

Cease and Desist Order

Dear Ms. McGuinness:

Under the regulations of the Rhode Island Coastal Resources Management Program (RICRMP), any construction, grading, or filling activities or other alterations within 200 feet of coastal feature associated with tidal waters or coastal ponds of the state or in CRMC's freshwater wetlands in the vicinity of the coast jurisdiction, requires plans for the proposed work be submitted to the Coastal Resources Management Council (CRMC) for review, evaluation, and comment prior to the proposed activity. Failure to do so is a violation of the RICRMP. After evaluation of the plans by CRMC staff, their comments and the requirements for the proposed activities are forwarded to the applicant.

It has come to the attention of the CRMC that you or your agent have undertaken the unauthorized clearing of freshwater wetland vegetation and earthwork (filling, removing, and grading) in a freshwater wetland in nonconformance with CRMC assent 2004-12-070 at your property located at Plat 15, Lot 12, 26 Swamp Road, Little Compton; without benefit of a CRMC assent or in violation of a Council order.

This activity is in violation of the Rhode Island Coastal Resources Management Program. You are hereby issued a Cease and Desist Order Number 22-0255, dated December 6, 2022, and ordered to cease all activity at this site and to contact this office within 10 days of the date of this letter.

Failure to comply with this order shall be a violation of a duly adopted Council regulation, and subject to all fines and penalties established by law. Each day of noncompliance shall be deemed a separate and distinct violation in accordance with Section 46-23-7, G.L.R.I.

Sincerely yours

Brian-Harrington/Enforcement

Coastal Resources Management Council



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370 Fax (401) 783-3767

March 20, 2023

Karen McGuinness P.O. Box 495 Little Compton, RI 02837

RE:

Cease & Desist Order 22-0255

Dear Ms. McGuinness:

On December 7, 2022, you were issued Cease & Desist Order 22-0255 for the following: unauthorized clearing of freshwater wetland vegetation and earthwork (filling, removing, and grading) in a freshwater wetland. You have also undertaken unauthorized clearing of vegetation and earthwork (filling, removing, and grading) in a CRMC designated buffer zone and have failed to install and maintain permanent buffer zone markers required to demarcate the buffer zone. These unauthorized activities are in violation of the Rhode Island Coastal Resources Management Program and are in nonconformance with CRMC assent 2004-12-070.

In order to resolve these violations you must submit a complete, acceptable restoration plan, prepared by a qualified professional familiar with restoring freshwater wetlands and buffer zones, to the CRMC by April 24, 2023. Once approved by CRMC staff, the restoration, including fill removal, buffer zone marker installation, and installation of proposed native plantings, must be completed by May 24, 2022.

The restoration plan must include the following:

- Removal of all unauthorized fill, including but not limited to, soil, large stones and vegetative debris, from the freshwater wetland and CRMC designated buffer zone.
- Removal of all unauthorized sub drains and drainage pipes installed in the freshwater wetland and CRMC designated buffer zone.
- The location of permanent buffer zone and freshwater wetland markers in conformance with CRMC assent 2004-12-070.
- Proposed native plantings, of appropriate size and density, must be shown in the disturbed freshwater wetland and CRMC designated buffer zone.

If a restoration plan is not submitted by April 24, 2023 and the site not restored by May 24, 2023, you may be subject to further enforcement action by the CRMC, including, but not limited to, the issuance of Notice of Administrative Fine(s) and/or referral to the Coastal Council for an "Order to Restore."

Sincerely

Brian Harrington, Sr. Environmental Scientist Coastal Resources Management Council



State of Rhode Island Coastal Resources Management Council Oliver H. Stedman Government Center 4808 Tower Hill Road, Suite 3 Wakefield, RI 02879-1900

(401) 783-3370 Fax (401) 783-3767

May 12, 2023

Karen McGuinness P.O. Box 495 Little Compton, RI 02837

RE: Cease & Desist Order 22-0255

Dear Ms. McGuinness:

On December 7, 2022, you were issued Cease & Desist Order 22-0255 for the following: unauthorized clearing of freshwater wetland vegetation and earthwork (filling, removing, and grading) in a freshwater wetland. You have also undertaken unauthorized clearing of vegetation and earthwork (filling, removing, and grading) in a CRMC designated buffer zone and have failed to install and maintain permanent buffer zone markers required to demarcate the buffer zone. These unauthorized activities are in violation of the Rhode Island Coastal Resources Management Program and are in nonconformance with CRMC assent 2004-12-070.

In order to resolve these violations you must submit a complete, acceptable restoration plan, prepared by a qualified professional familiar with restoring freshwater wetlands and buffer zones, to the CRMC within 45 days. Once approved by CRMC staff, the restoration, including fill removal, buffer zone marker installation, and installation of proposed native plantings, must be completed by October 15, 2023.

The proposed restoration plan must include the following:

- Removal of all unauthorized fill from the freshwater wetland and CRMC designated buffer zone.
 Unauthorized fill includes, but is not limited to, soil, large stones, and vegetative debris,
- The location and removal of all unauthorized sub drains and drainage pipes installed in the freshwater wetland and CRMC designated buffer zone.
- The location of permanent buffer zone and freshwater wetland markers to be installed in conformance with CRMC assent 2004-12-070.
- Proposed native shrub and tree plantings, of appropriate size and density, must be shown throughout the disturbed freshwater wetland and CRMC designated buffer zone.

If a restoration plan is not submitted within 45 days, you may be subject to further enforcement action by the CRMC, including, but not limited to, the issuance of Notice of Administrative Fine(s) and/or referral to the Coastal Council for an "Order to Restore."

Sincerely

Brian Harrington, Sr. Environmental Scientist Coastal Resources Management Council



From: bharrington@crmc.ri.gov

Sent: Friday, June 2, 2023 9:56 AM

To: 'Karen McGuinness'; 'karenpersonalemail@gmail.com'

Cc: 'Devon Robinson'

Subject: CRMC Cease & Desist Order 22-0255

Attachments: McGuinness letter.pdf

Hi Karen,

I've tried sending you the attached letter twice, but it keeps getting sent back unclaimed, so I am emailing it to you.

Please note that there can be no mowing or cutting of vegetation in the CRMC designated buffer zone or freshwater wetland. If additional cutting has been undertaken since the C&D was issued, additional enforcement action may be taken by the CMRC, including, but not limited to the issuance of an Administrative Fine.

The attached letter requires that a restoration plan be submitted within 45 days. It is important that a complete acceptable restoration plan is submitted within 45 days, so enforcement staff has time to review it prior to the October 15, 2023, deadline for the restoration to be completed.

-Brian

Brian A. Harrington, Environmental Scientist II Coastal Resources Management Council 4808 Tower Hill Road Wakefield, RI 02879

Office 401-783-3370 Email bharrington@crmc.ri.gov



State of Rhode Island Coastal Resources Management Council Oliver H. Stedman Government Center 4808 Tower Hill Road, Suite 3 Wakefield, RI 02879-1900

(401) 783-3370 Fax (401) 783-3767

May 12, 2023

Karen McGuinness P.O. Box 495 Little Compton, RI 02837

RE: Cease & Desist Order 22-0255

Dear Ms. McGuinness:

On December 7, 2022, you were issued Cease & Desist Order 22-0255 for the following: unauthorized clearing of freshwater wetland vegetation and earthwork (filling, removing, and grading) in a freshwater wetland. You have also undertaken unauthorized clearing of vegetation and earthwork (filling, removing, and grading) in a CRMC designated buffer zone and have failed to install and maintain permanent buffer zone markers required to demarcate the buffer zone. These unauthorized activities are in violation of the Rhode Island Coastal Resources Management Program and are in nonconformance with CRMC assent 2004-12-070.

In order to resolve these violations you must submit a complete, acceptable restoration plan, prepared by a qualified professional familiar with restoring freshwater wetlands and buffer zones, to the CRMC within 45 days. Once approved by CRMC staff, the restoration, including fill removal, buffer zone marker installation, and installation of proposed native plantings, must be completed by October 15, 2023.

The proposed restoration plan must include the following:

- Removal of all unauthorized fill from the freshwater wetland and CRMC designated buffer zone.
 Unauthorized fill includes, but is not limited to, soil, large stones, and vegetative debris,
- The location and removal of all unauthorized sub drains and drainage pipes installed in the freshwater wetland and CRMC designated buffer zone.
- The location of permanent buffer zone and freshwater wetland markers to be installed in conformance with CRMC assent 2004-12-070.
- Proposed native shrub and tree plantings, of appropriate size and density, must be shown throughout the disturbed freshwater wetland and CRMC designated buffer zone.

If a restoration plan is not submitted within 45 days, you may be subject to further enforcement action by the CRMC, including, but not limited to, the issuance of Notice of Administrative Fine(s) and/or referral to the Coastal Council for an "Order to Restore."

Sincerely

Brian Harrington, Sr. Environmental Scientist Coastal Resources Management Council F

LAW OFFICES OF

D'ADDARIO & COLLINS

ONE COURTHOUSE SQUARE
NEWPORT, RHODE ISLAND 02840

(401) 849-0880 TELEPHONE (401) 849-0897 FACSIMILE

RICHARD P. D'ADDARIO CRYSTAL L. COLLINS

rdaddario@daddariolaw.com ccollins@daddariolaw.com

June 2, 2023

Mr. Brian Harrington Coastal Resources Management Council Oliver H. Stedman Government Center 4808 Tower Hill Road Wakefield, RI 02879-1900

Dear Mr. Harrington:

This office represents Karen McGuinness of 26 Swamp Road, Little Compton. Karen has had two separate surgeries in the past month and she received your letter of May 12, 2023 on May 30, 2023.

Please consider this letter a formal request for relief from the Cease and Desist Order 22-0255 issued on December 7, 2022.

The recent Order claims that there has been non-conformance with a CRMC Assent 2004-12-070. This Assent allowed the construction of a single-family home by the former owner and did not officially or properly delineate any wetlands, tidal waters or other coastal features. My client disputes any finding that you may have made determining what is wetlands on her property.

As indicated by historic aerial documentation, the yard in question behind the house to the easterly and southerly property lines and following the line of the wooded area around to the west behind the barn has been cleared and mowed on a regular basis since before the implementation of the Freshwater Wetlands Act. This grandfathers the property owner to be able to continue mowing this non-wooded area.

Moreover, the Rules and Regulations Governing the Protection and Management of Freshwater Wetlands Exemption 3.6.11A effective July 1, 2022 reads: "Continuing agricultural practices in a jurisdictional area, including cutting and clearing of invasive plants, by any property owner other than a

farmer are permissible in accordance with 3.6.1 of this Part provided the activities are restricted to existing or approved gardens, pastures and fields which have been in use on a regular basis."

Furthermore, any supposed wetland determination on which the 2004 Assent and the 2022 Order rely upon is invalid per 9.9.3 H of the Rules and Regulations which reads: "Any verification of a freshwater wetland edge or series of edges issued by the CRMC under these effective Rules shall be valid for a period of five (5) years from the date of issue. Any such verification issued more than four (4) years prior to the effective date of this Part, or any determination issued regarding the presence or extent of those areas previously defined as perimeter wetland or riverbank wetland prior to the effective date of this Part, is no longer valid."

Additionally, the CRMC is levying undue hardship in the form of an excessive standard upon my client by claiming she cannot mow the above-defined yard around her home. This mown yard in question is only approximately 15% of the acreage of the entire lot. It is excessive and inappropriate for the CRMC to require that this mown yard be given over to wetlands when the 2004 delineation which the recent Order is relying upon has already claimed approximately 85% of the lot without the mowed yard. The CRMC claim is excessive and unfair and would amount to almost a 100% taking of the property for wetlands. This would prevent my client from enjoying her property with her three children and a dog, and would constitute a hardship to her and her family.

Separately, there is a relatively small area to the immediate west of the grandfathered yard behind the barn that was cleared some years ago with the intention of planting a few fruit trees to create a small fruit grove. My client was unaware of the CRMC position that this is a wetland area until she was issued an Order in December 2022 and it should be noted that the GPS Mapping to which she referred to still shows this area is not wetlands. Nevertheless, without admitting that this is a wetland area, and without admitting any wrongdoing on her part, my client has agreed to remove the pile of brush, wood chips, and the boulders from this patch, and she will not proceed with the planting of any fruit trees at this time. This removal will be done once my client has fully recovered from her recent surgeries.

In consideration of the above, I would appreciate it if you acknowledge that this is an acceptable resolution of the Order (2-0255) and that my client will not be required to take any further action at this time.

If you feel that a sight visit to the property is necessary to further discuss this situation, I would be happy to make my client available at a suitable time.

I look forward to hearing from you concerning this letter.

Sincerely,

Richard P. D'Addarier

Richard P. D'Addario

By email and regular mail



bharrington@crmc.ri.gov

From: bharrington@crmc.ri.gov

Sent: Wednesday, June 21, 2023 3:00 PM

To: 'Richard D'Addario'
Cc: 'Devon Robinson'

Subject: RE: K. McGuinness, 26 Swamp Road, Little Compton Attachments: 2004-12-070.pdf; 2004-12-070 Approved Plans.pdf

Hi Richard,

I tried giving you a call last week, but your office let me know you were on vacation. I was hoping we could talk tomorrow if there is a time that works for you. I've attached a copy of CRMC assent 2004-12-070 and the approved plans to this email in case you don't have them. To make the plan easier to read, I colored in the freshwater wetland edge in green, the CRMC designated buffer zone in blue, and the 50' jurisdictional area (labeled "area of land within 50'" on the plan), in pink.

Thanks, Brian

From: Richard D'Addario < rdaddario@daddariolaw.com>

Sent: Friday, June 2, 2023 3:49 PM To: bharrington@crmc.ri.gov

Subject: K. McGuinness, 26 Swamp Road, Little Compton

Dear Mr. Harrington:

Please see attached letter on behalf of Mrs. McGuinness.

Can you please call me regarding this when you have a chance.

Thank you.

Richard P. D'Addario, Esq. D'Addario & Collins
Attorneys at Law
One Courthouse Square
Newport, RI 02840
401-849-0880
401-849-0897 fax
www.daddariolaw.com

bharrington@crmc.ri.gov

From:

bharrington@crmc.ri.gov

Sent:

Friday, September 15, 2023 10:03 AM

To: Cc: 'Richard D'Addario'
'Devon Robinson'

Subject:

RE: K. McGuinness, 26 Swamp Road, Little Compton

Hi Richard,

Can you give me a call to discuss this one? There is a significant amount of restoration that is required to resolve this violation and we have not yet received a restoration plan. I plan on bringing the matter before the Coastal Council and asking them to issue an "Order to Restore". I have also received a complaint that the mowing of the buffer and freshwater wetland has not ceased and desisted as required. We will be visiting the site at some point next week and if the mowing has continued, we will be taking further enforcement action, including the issuance of an Administrative Fine.

-Brian

Brian A. Harrington, Environmental Scientist II Coastal Resources Management Council 4808 Tower Hill Road Wakefield, RI 02879

Office 401-783-3370 Email bharrington@crmc.ri.gov

From: bharrington@crmc.ri.gov <bharrington@crmc.ri.gov>

Sent: Wednesday, June 21, 2023 3:00 PM

To: 'Richard D'Addario' < rdaddario@daddariolaw.com>

Cc: 'Devon Robinson' <drobinson@crmc.ri.gov>

Subject: RE: K. McGuinness, 26 Swamp Road, Little Compton

Hi Richard.

I tried giving you a call last week, but your office let me know you were on vacation. I was hoping we could talk tomorrow if there is a time that works for you. I've attached a copy of CRMC assent 2004-12-070 and the approved plans to this email in case you don't have them. To make the plan easier to read, I colored in the freshwater wetland edge in green, the CRMC designated buffer zone in blue, and the 50' jurisdictional area (labeled "area of land within 50'" on the plan), in pink.

Thanks, Brian

From: Richard D'Addario <rdaddario@daddariolaw.com>

Sent: Friday, June 2, 2023 3:49 PM

To: bharrington@crmc.ri.gov

Subject: K. McGuinness, 26 Swamp Road, Little Compton

Dear Mr. Harrington:

Please see attached letter on behalf of Mrs. McGuinness.

Can you please call me regarding this when you have a chance.

Thank you.

Ríchard P. D'Addarío, Esq. D'Addario & Collins
Attorneys at Law
One Courthouse Square
Newport, RI 02840
401-849-0880
401-849-0897 fax
www.daddariolaw.com

I.

LAW OFFICES OF

RICHARD P. D'ADDARIO

ONE COURTHOUSE SQUARE
NEWPORT, RHODE ISLAND 02840

(401) 849-0880 TELEPHONE (401) 849-0897 FACSIMILE

RICHARD P. D'ADDARIO CRYSTAL L. COLLINS rdaddario@daddariolaw.com ccollins@daddariolaw.com

September 16, 2023

Brian Harrington Coastal Resources Management Council Oliver H. Stedman Government Center 4808 Tower Hill Road Wakefield, RI 02879-1900

Re: McGuinness, 26 Swamp Road, Little Compton

Dear Mr. Harrington,

I left you a voicemail yesterday (Friday) regarding your recent email but did not receive a reply. I also left a voicemail for you after your last email on June 21, 2023 and we did not connect to discuss my client's property.

Your latest email seems to completely ignore my letter to you dated June 2, 2023. I am enclosing it with this letter for your reference. That letter included the plan for the small area to the west of the grandfathered yard. I informed you in that letter that, without admitting that this is wetland area, and without admitting any wrongdoing on her part, my client agreed to remove the pile of brush, wood chips and handful of boulders from this patch, and that this removal would be done once my client was fully recovered from her recent surgeries. This plan has not changed and my client has been in contact with a company that can assist her in early fall.

Regarding the mowing, my June 2, 2023 letter to you pointed out that, as indicated by historical aerial documentation, the yard in question behind the house to the easterly and southerly property lines and following the wooded line around to the west behind the barn has been cleared and mowed

Brian Harrington September 16, 2023 Page two

on a regular basis since before implementation of the Freshwater Wetland Act. This grandfathers the property and allows my client to continue mowing.

My June 2, 2023 letter further asserts that the 2004 Assent and thus the 2022 Order on which it relies are invalid per 9.9.3 H for the CRMC Rules and Regulations, which read, "Any verification of a freshwater wetland edge or series of edges issued by the CRMC under these effective Rules shall be valid for a period of five (5) years from the date of issue. Any such verification issued more than four (4) years prior to the effective date of this Part, or any determination issued regarding the presence or extent of those areas previously defined as perimeter wetland or riverbank wetland prior to the effective date of the Part is no longer valid."

I would like to discuss these legal points with you or legal counsel to the CRMC. The CRMC's position here would amount to a claim that approximately 85% of my client's property is wetland, which is excessive and would amount to undue hardship to my client.

Would you please call me on Monday, September 18, 2023 to discuss this further. Thank you.

Sincerely,

Richard P. D'Addario

Richard P. D'Addario

Enclosure
BY EMAIL AND REGULAR MAIL



State of Rhode Island Coastal Resources Management Council Oliver H. Stedman Government Center 4808 Tower Hill Road, Suite 3 Wakefield, RI 02879-1900

(401) 783-3370 Fax (401) 783-2069

October 4, 2023

Sent Via Email and Certified Mail - 7019 2280 0000 4949 0751

Karen McGuinness P.O. Box 495 Little Compton, RI 02837

RE: CRMC Enforcement File No. 22-0255

NOTICE OF ENFORCEMENT ACTION

Pursuant to statutory authority and the Rules and Regulations of the Coastal Resources Management Council ("CRMC"), the CRMC has reason to believe a violation of the provisions of Chapter 46-23-1 et seq, a rule, regulation, assent, order or decision of the CRMC has occurred at your property located at plat 15, lot 12; 26 Swamp Road, Little Compton.

Specifically, the alleged violation is unauthorized earthwork (filling, removing, & grading) and vegetative clearing, have taken place within a freshwater wetland and CRMC designated buffer zone. These unauthorized activities are in nonconformance with CRMC Assent 2004-12-070.

If proven, this activity constitutes a violation of the Red Book (650-RICR-20-00-1), specifically §1.2.2(C)(2), and the Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (650-RICR-20-00-9), specifically §9.5.5.

A hearing will be held before the Full Council to consider an Order to Restore.

The hearing before the CRMC is scheduled for Tuesday, October 24, 2023; 6:00 p.m. in Conference Room A, at the State of Rhode Island Administration Building, One Capitol Hill, Providence, RI.

You have a right to present evidence before the CRMC and to cross-examine or rebut any testimony proffered by CRMC staff. Additionally, any written reports and/or exhibits intended to be utilized by CRMC staff are available for your inspection as the office of the Coastal Resources Management Council, Oliver H. Stedman Government Center, 4808 Tower Hill Road, Suite 3, Wakefield, RI 02879.

Sincerela

Laura Miguel, Deputy Director

Coastal Resources Management Council



bharrington@crmc.ri.gov

From:

Richard D'Addario < rdaddario@daddariolaw.com>

Sent:

Friday, October 6, 2023 11:32 AM

To:

bharrington@crmc.ri.gov

Subject:

RE: K. McGuinness, 26 Swamp Road, Little Compton

Brian,

I have been out of the office most of this week, but wanted you to know that my client is working with Joseph McCue to develop a plan to restore the area west of her house. In addition he is doing an evaluation of the wetlands.

I would ask that any enforcement action be delayed until we have a report from him.

Richard P. D'Addario, Esq.

D'Addario & Collins Attorneys at Law One Courthouse Square Newport, RI 02840 401-849-0880 401-849-0897 fax www.daddariolaw.com

From: bharrington@crmc.ri.gov
 bharrington@crmc.ri.gov>

Sent: Friday, October 6, 2023 11:26 AM

To: Richard D'Addario < rdaddario@daddariolaw.com>

Cc: 'Lisa Turner' < lturner@crmc.ri.gov>; 'Karen McGuinness' < mcguinnessemail@yahoo.com>;

karenpersonalemail@gmail.com

Subject: RE: K. McGuinness, 26 Swamp Road, Little Compton

Hi Richard,

Please see the attached Notice of Enforcement Action. A hearing will be held before the Full Council to consider an Order to Restore on Tuesday, October 24, 2023.

I have also attached a copy of the lien that was sent to the Town of Little Compton.

-Brian

Brian A. Harrington, Environmental Scientist II Coastal Resources Management Council 4808 Tower Hill Road Wakefield, RI 02879

Office 401-783-3370

Email bharrington@crmc.ri.gov

From: Richard D'Addario < rdaddario@daddariolaw.com>

Sent: Saturday, September 16, 2023 1:24 PM

To: bharrington@crmc.ri.gov

Subject: RE: K. McGuinness, 26 Swamp Road, Little Compton

Brian,

Please see attached letter.

Can you call me on Monday to discuss?

Richard P. D'Addario, Esq.
D'Addario & Collins
Attorneys at Law
One Courthouse Square
Newport, RI 02840
401-849-0880
401-849-0897 fax
www.daddariolaw.com

From: bharrington@crmc.ri.gov <bharrington@crmc.ri.gov>

Sent: Friday, September 15, 2023 10:03 AM

To: Richard D'Addario < rdaddario@daddariolaw.com >

Cc: 'Devon Robinson' < drobinson@crmc.ri.gov>

Subject: RE: K. McGuinness, 26 Swamp Road, Little Compton

Hi Richard,

Can you give me a call to discuss this one? There is a significant amount of restoration that is required to resolve this violation and we have not yet received a restoration plan. I plan on bringing the matter before the Coastal Council and asking them to issue an "Order to Restore". I have also received a complaint that the mowing of the buffer and freshwater wetland has not ceased and desisted as required. We will be visiting the site at some point next week and if the mowing has continued, we will be taking further enforcement action, including the issuance of an Administrative Fine.

-Brian

Brian A. Harrington, Environmental Scientist II Coastal Resources Management Council 4808 Tower Hill Road Wakefield, RI 02879

Office 401-783-3370 Email <u>bharrington@crmc.ri.gov</u>

From: bharrington@crmc.ri.gov
bharrington@crmc.ri.gov>

Sent: Wednesday, June 21, 2023 3:00 PM

To: 'Richard D'Addario' < rdaddario@daddariolaw.com>

Cc: 'Devon Robinson' < drobinson@crmc.ri.gov>

Subject: RE: K. McGuinness, 26 Swamp Road, Little Compton

Hi Richard,

I tried giving you a call last week, but your office let me know you were on vacation. I was hoping we could talk tomorrow if there is a time that works for you. I've attached a copy of CRMC assent 2004-12-070 and the approved plans to this email in case you don't have them. To make the plan easier to read, I colored in the freshwater wetland edge in green, the CRMC designated buffer zone in blue, and the 50' jurisdictional area (labeled "area of land within 50'" on the plan), in pink.

Thanks, Brian

From: Richard D'Addario < rdaddario@daddariolaw.com>

Sent: Friday, June 2, 2023 3:49 PM

To: bharrington@crmc.ri.gov

Subject: K. McGuinness, 26 Swamp Road, Little Compton

Dear Mr. Harrington:

Please see attached letter on behalf of Mrs. McGuinness.

Can you please call me regarding this when you have a chance.

Thank you.

Richard P. D'Addario, Esq. D'Addario & Collins
Attorneys at Law
One Courthouse Square
Newport, RI 02840
401-849-0880
401-849-0897 fax
www.daddariolaw.com



From:

bharrington@crmc.ri.gov

Sent:

Friday, October 6, 2023 12:22 PM

To:

'Richard D'Addario'

Subject:

RE: K. McGuinness, 26 Swamp Road, Little Compton

Richard,

The hearing is already scheduled. We will be asking the Council to issue an "Order to Restore", that includes all areas of wetland and buffer that have been disturbed, not just the area to the "west of the house".

-Brian

From: Richard D'Addario <rdaddario@daddariolaw.com>

Sent: Friday, October 6, 2023 11:32 AM

To: bharrington@crmc.ri.gov

Subject: RE: K. McGuinness, 26 Swamp Road, Little Compton

Brian,

I have been out of the office most of this week, but wanted you to know that my client is working with Joseph McCue to develop a plan to restore the area west of her house. In addition he is doing an evaluation of the wetlands.

I would ask that any enforcement action be delayed until we have a report from him.

Richard P. D'Addario, Esq. D'Addario & Collins
Attorneys at Law
One Courthouse Square
Newport, RI 02840
401-849-0880
401-849-0897 fax
www.daddariolaw.com

From: bharrington@crmc.ri.gov
bharrington@crmc.ri.gov>

Sent: Friday, October 6, 2023 11:26 AM

To: Richard D'Addario < rdaddario@daddariolaw.com >

Cc: 'Lisa Turner' < !turner@crmc.ri.gov; 'Karen McGuinness' < mcguinnessemail@yahoo.com;

karenpersonalemail@gmail.com

Subject: RE: K. McGuinness, 26 Swamp Road, Little Compton

Hi Richard,

Please see the attached **Notice of Enforcement Action**. A hearing will be held before the Full Council to consider an **Order to Restore** on Tuesday, October 24, 2023.

I have also attached a copy of the lien that was sent to the Town of Little Compton.

-Brian

Brian A. Harrington, Environmental Scientist II Coastal Resources Management Council 4808 Tower Hill Road Wakefield, RI 02879

Office 401-783-3370 Email bharrington@crmc.ri.gov

From: Richard D'Addario < rdaddario@daddariolaw.com>

Sent: Saturday, September 16, 2023 1:24 PM

To: bharrington@crmc.ri.gov

Subject: RE: K. McGuinness, 26 Swamp Road, Little Compton

Brian,

Please see attached letter.

Can you call me on Monday to discuss?

Richard P. D'Addario, Esq. D'Addario & Collins Attorneys at Law One Courthouse Square Newport, RI 02840 401-849-0880 401-849-0897 fax www.daddariolaw.com

From: bharrington@crmc.ri.gov
bharrington@crmc.ri.gov>

Sent: Friday, September 15, 2023 10:03 AM

To: Richard D'Addario < rdaddario@daddariolaw.com > Cc: 'Devon Robinson' <drobinson@crmc.ri.gov>

Subject: RE: K. McGuinness, 26 Swamp Road, Little Compton

Hi Richard,

Can you give me a call to discuss this one? There is a significant amount of restoration that is required to resolve this violation and we have not yet received a restoration plan. I plan on bringing the matter before the Coastal Council and asking them to issue an "Order to Restore". I have also received a complaint that the mowing of the buffer and freshwater wetland has not ceased and desisted as required. We will be visiting the site at some point next week and if the mowing has continued, we will be taking further enforcement action, including the issuance of an Administrative Fine.

-Brian

Brian A. Harrington, Environmental Scientist II Coastal Resources Management Council 4808 Tower Hill Road Wakefield, RI 02879

Office 401-783-3370 Email bharrington@crmc.ri.gov From: bharrington@crmc.ri.gov <bharrington@crmc.ri.gov>

Sent: Wednesday, June 21, 2023 3:00 PM

To: 'Richard D'Addario' < rdaddario@daddariolaw.com >

Cc: 'Devon Robinson' < drobinson@crmc.ri.gov>

Subject: RE: K. McGuinness, 26 Swamp Road, Little Compton

Hi Richard,

I tried giving you a call last week, but your office let me know you were on vacation. I was hoping we could talk tomorrow if there is a time that works for you. I've attached a copy of CRMC assent 2004-12-070 and the approved plans to this email in case you don't have them. To make the plan easier to read, I colored in the freshwater wetland edge in green, the CRMC designated buffer zone in blue, and the 50' jurisdictional area (labeled "area of land within 50'" on the plan), in pink.

Thanks, Brian

From: Richard D'Addario < rdaddario@daddariolaw.com >

Sent: Friday, June 2, 2023 3:49 PM **To:** <u>bharrington@crmc.ri.gov</u>

Subject: K. McGuinness, 26 Swamp Road, Little Compton

Dear Mr. Harrington:

Please see attached letter on behalf of Mrs. McGuinness.

Can you please call me regarding this when you have a chance.

Thank you.

Richard P. D'Addario, Esq.
D'Addario & Collins
Attorneys at Law
One Courthouse Square
Newport, RI 02840
401-849-0880
401-849-0897 fax
www.daddariolaw.com





10/10/2023 03:33:54 PM 2 Pages

BK: 396 PG: 27 INST: 2023-584



State of Rhode Island Coastal Resources Management Council Oliver H. Stedman Government Center 4808 Tower Hill Road, Suite 3 Wakefield, RI 02879-1900

(401) 783-3370 Fax (401) 783-2069

October 3, 2023

Town of Little Compton Attn: Carol A. Wordell, Town Clerk 40 Commons PO Box 226 Little Compton, RI 02837

Dear Ms. Wordell:

RECEIVED OCT 13 2023

The Rhode Island Coastal Resources Management Council, under Rhode Island General Laws 46-23, is authorized to have Cease and Desist Order or Violation Notices registered in the municipal land evidence records.

This office hereby requests that the following Cease and Desist Order be recorded in the land evidence records for the Town of Little Compton: Cease and Desist Order #22-0255, dated December 7, 2023.

Please index under:

site:

Karen McGuinness P.O. Box 495 Little Compton, RI 02837 plat 15, lot 12 26 Swamp Road Little Compton

If you have any questions pertaining to this site, please call this office at 401-783-3370.

Sincerely,

Laura Miguel, Deputy Director

Coastal Resources Management Council



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

(401) 783-3370 Fax (401) 783-2069

December 7, 2022

Karen McGuinness P.O. Box 495 Little Compton, RI 02837

Cease and Desist Order

Dear Ms. McGuinness:

Under the regulations of the Rhode Island Coastal Resources Management Program (RICRMP), any construction, grading, or filling activities or other alterations within 200 feet of coastal feature associated with tidal waters or coastal ponds of the state or in CRMC's freshwater wetlands in the vicinity of the coast jurisdiction, requires plans for the proposed work be submitted to the Coastal Resources Management Council (CRMC) for review, evaluation, and comment prior to the proposed activity. Failure to do so is a violation of the RICRMP. After evaluation of the plans by CRMC staff, their comments and the requirements for the proposed activities are forwarded to the applicant.

It has come to the attention of the CRMC that you or your agent have undertaken the unauthorized clearing of freshwater wetland vegetation and earthwork (filling, removing, and grading) in a freshwater wetland in nonconformance with CRMC assent 2004-12-070 at your property located at Plat 15, Lot 12, 26 Swamp Road, Little Compton; without benefit of a CRMC assent or in violation of a Council order.

This activity is in violation of the Rhode Island Coastal Resources Management Program. You are hereby issued a Cease and Desist Order Number 22-0255, dated December 6, 2022, and ordered to cease all activity at this site and to contact this office within 10 days of the date of this letter.

Failure to comply with this order shall be a violation of a duly adopted Council regulation, and subject to all fines and penalties established by law. Each day of noncompliance shall be deemed a separate and distinct violation in accordance with Section 46-23-7, G.L.R.I.

Sincerely yours

Brian Harrington Enforcement

Coastal Resources Management Council

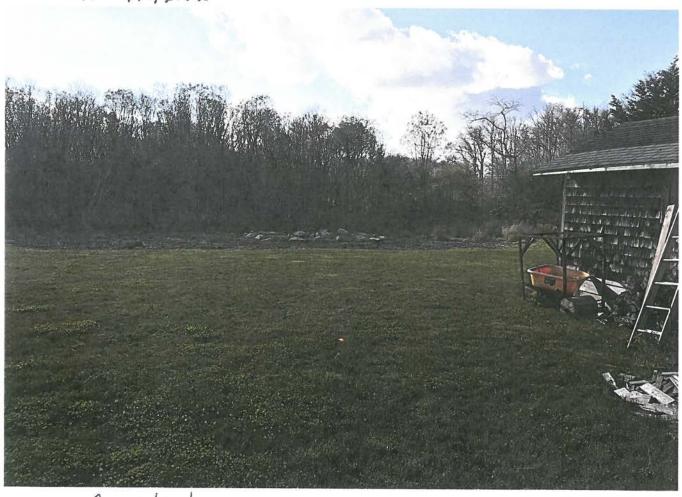
Town of Little Compton, RI 03:33:54 PM 10/10/2023

Carol a. Wordell

7019 2280 0000 4947 8285



1. 11/17/2022



2. 11/17/2022





4, 11/17/2022

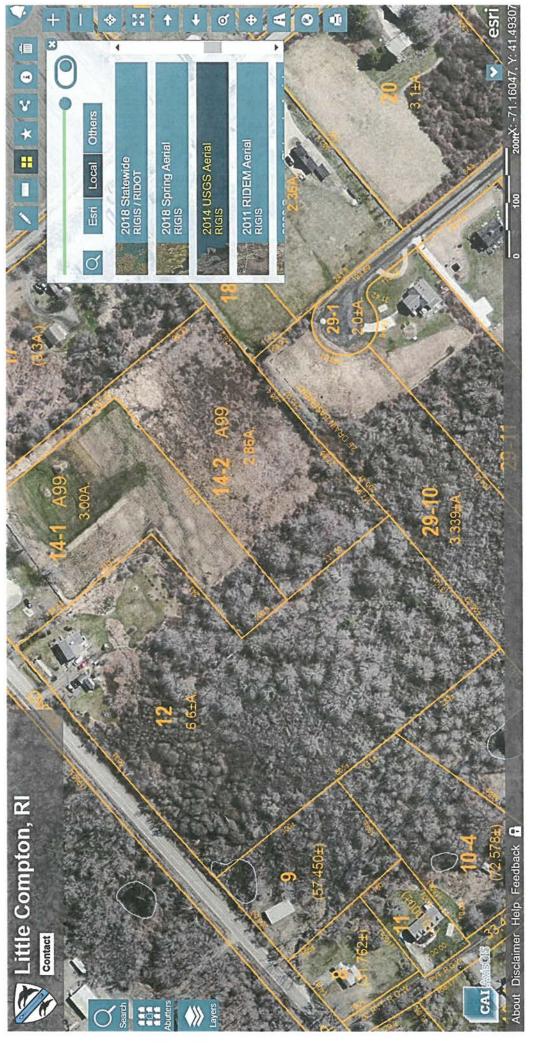


6. 10/13/2023





8. 10/13/2023



9.

0,