

STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL

ENFORCEMENT REPORT
February 11, 2025

RE: CRMC Enforcement File 23-0222
LOCATION: Plat 369, Lot 109, Budlong Farm Road, Warwick
OWNER: Leonard T. Maynard Trust Agreement

BACKGROUND

Permit History: None

Prior Enforcement: None

PROGRAMMATIC VIOLATIONS

- Unauthorized earthwork (filling, removing, and grading) on a coastal feature
 - ❖ Redbook (650-RICR-20-00-1) §1.3.1(B)(1)(b) *“All filling, removing or grading activities shall be done in accordance with the policies and standards of this section and the standards and specifications set forth in the most recent edition of the Rhode Island Soil Erosion and Sediment Control Handbook.”*
- Unauthorized construction of a riprap revetment on a coastal feature
 - ❖ Redbook (650-RICR-20-00-1) §1.3.1(G)(3)(b) *“The Council shall prohibit the use of hybrid or structural shoreline protection to protect undeveloped land or structures not integral to the primary structure.”*
- Unauthorized construction of stairs on a coastal feature
 - ❖ Redbook (650-RICR-20-00-1) §1.3.1(C)(1)(a) *“It shall be the policy of the Council to undertake all appropriate actions to prevent, minimize or mitigate the risks of storm damage to property and coastal resources, endangerment of lives and the public burden of post storm disaster assistance consistent with policies of the State of Rhode Island as contained in the Hazard Mitigation Plan element of the State Guide Plan when considering applications for the construction of residential, commercial, industrial and recreational structures, including utilities such as gas, water and sewer lines, in high hazard areas.”*
- Unauthorized cutting of natural buffer zone vegetation
 - ❖ Redbook (650-RICR-20-00-1) §1.1.11(D)(1) *“All alterations within established coastal buffer zones or alterations to natural vegetation (i.e., areas not presently maintained in a landscaped condition) within the Council's jurisdiction may be required to submit a buffer zone management plan for the Council's approval that is consistent with the requirements of this section and the Council's most recent edition of buffer zone management guidance. Buffer zone management plans shall include a description of all proposed alterations and methods of avoiding problem areas such as the proper placement and maintenance of pathways. Applicants should consult the Council's most recent edition of buffer zone management guidance when preparing a buffer management plan.”*
 - ❖ *utilities such as gas, water and sewer lines, in high hazard areas.”*

- Unauthorized installation of impervious surface
 - ❖ Redbook (650-RICR-20-00-1) §1.3.1(F)(4)(d) *“Residential, commercial, industrial or public recreational structures as defined in § 1.3.1(C) of this Part shall provide treatment and management of stormwater runoff for all new structural footprint expansions, including building rooftops, greater than six (600) hundred square feet in size and any new impervious pavement, driveways, sidewalks, or parking areas, regardless of size. Applicable projects shall submit a stormwater management plan that demonstrates compliance with the eleven (11) minimum stormwater management standards and performance criteria as detailed in the most recent version of the RIDEM Rhode Island Stormwater Design and Installation Standards Manual. Singlefamily dwelling projects, however, may meet these provisions as detailed below in §§ 1.3.1(F)(3)(h) and (i) of this Part, below.”*

RECOMMENDATIONS

- Enforcement staff recommend that the Council issue an Order to Restore that requires Leonard T. Maynard Trust Agreement to restore and stabilize the coastal feature by May 15, 2025.
- Enforcement staff recommend that the Council requires Leonard T. Maynard Trust Agreement to submit an acceptable restoration plan prepared by a qualified professional by April 4, 2025.
- Enforcement staff recommend that the Council requires Leonard T. Maynard Trust Agreement to submit a complete acceptable application to address all as-built work landward of the coastal feature by April 4, 2025.

FILE SUMMARY

- April 3, 2023, CRMC enforcement staff inspected the above-referenced site and found that the following unauthorized activities had been undertaken:
 - ❖ Earthwork (filling, removing, and grading) on a coastal feature.
 - ❖ Cutting of natural buffer zone vegetation.
 - ❖ Earthwork (filling, removing, and grading) in the intertidal zone.
- April 3, 2023, verbal Cease & Desist Order given to contractor Chris Cipriano. Mr. Cipriano was told that all work on site must immediately stop.
- September 25, 2023, follow-up site inspection undertaken by CRMC enforcement staff. Staff found that the owners of the property went back to work after they received the Cease & Desist Order. The unauthorized riprap wall, stairs, and earthwork were completed in violation of the Cease & Desist.
- September 28, 2023, Cease & Desist Order 23-0222 and \$10,000 Notice of Administrative Fine issued.
- November 28, 2023, meeting held with attorney Paul DeMarco, engineer Joe Caselli, and contractor Chris Cipriano.
- March 28, 2024, letter sent requiring a complete acceptable restoration plan to be submitted by April 15, 2024, and restoration of the site by May 24, 2024.
- April 29, 2024, letter sent stating that the April 15, 2024, deadline for submitting a restoration plan was not met. The letter stated that the matter would be scheduled for an Enforcement Hearing in front of the Coastal Council.
- September 30, 2024, on-site meeting held with attorney Chris D’Ovidio.
- October 21, 2024, email sent to attorney Chris D’Ovidio. Email set a November 22, 2024 deadline to submit a restoration plan.
- January 13, 2025, letter sent stating that the required restoration plan had not been submitted, and the matter was to be scheduled for an Enforcement Hearing in front of the Coastal Council on February 11, 2025.
- January 27, 2025, Notice of Enforcement Action scheduled for the February 11, 2025, Coastal Council meeting.

PHOTOS

1. Aerial Photo, RIDEM 2008
2. Aerial Photo, RIDEM 2024
3. Photo, dated April 3, 2023
4. Photo, dated April 3, 2023
5. Photo, dated September 25, 2023
6. Photo, dated September 25, 2023
7. Photo, dated September 25, 2023
8. Photo, dated September 25, 2023

ATTACHMENTS

- A. CRMC Cease and Desist Order number 23-0222, September 28, 2023
- B. \$10,000 Notice of Administrative Fine, dated September 28, 2023
- C. Letter to Leonard T. Maynard Trust Agreement, dated March 28, 2024
- D. Letter to Leonard T. Maynard Trust Agreement, dated April 29, 2024
- E. Email to attorney Chris D'Ovidio, dated October 21, 2024
- F. Letter to Leonard T. Maynard Trust Agreement, dated January 13, 2025
- G. Notice of Enforcement Action, dated Januar



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

September 28, 2023

Leonard T. Maynard Trust Agreement
597 Buttonwoods Avenue
Warwick, RI 02886

Cease and Desist Order

Dear Leonard T. Maynard Trust Agreement:

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 unauthorized construction of a riprap retaining wall and stairs on a coastal feature; earthwork (filling, removing, & grading), clearing of natural buffer zone vegetation, construction of a fence, and installation of an impervious surface, on and within 200 feet of a coastal feature at your property located at Plat 369, Lot 109, Budlong Farm Road, Warwick, 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 23-0222, dated September 28, 2023, 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, Senior Environmental Scientist
Coastal Resources Management Council

/jla



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
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September 28, 2023

Leonard T. Maynard Trust Agreement
597 Buttonwoods Avenue
Warwick, RI 02886

Notice of Administrative Fine

Violation Site: Budlong Farm Road, Warwick; Plat: 369 Lot: 109
Violation File No.: 23-0222

Dear Leonard T. Maynard Trust Agreement:

On September 25, 2023, CRMC staff visited Plat 369, Lot 109; in the City of Warwick, and discovered that you and your agent have undertaken unauthorized construction of a riprap retaining wall and stairs on a coastal feature; earthwork (filling, removing, & grading), clearing of natural buffer zone vegetation, construction of a fence, and installation of an impervious surface, on and within 200 feet of a coastal feature at your property.

In accordance with per Rhode Island General Laws Sections 46-23-7 and 46-23-7.1, you are hereby assessed an Administrative Fine of \$10,000. In addition, a per diem fine of \$1000 for each day can be assessed during which this violation continues upon issuance of a separate Cease and Desist Order from the Council.

You have the right to file an appeal for an Administrative Hearing, within 21 days from the receipt of this notice. The request for an Administrative Hearing must be delivered to the Council at the above address, in writing within this 21 day period. This request shall specify in detail the statements contested by you. Additionally, this request must contain a valid phone number or e-mail address where we can contact you when necessary. If no hearing is requested after the expiration of 21 day period, the Council shall issue a final order assessing the penalties specified in the notice. The penalty is due when the final order is issued.

Please be advised that the levy of this fine does not preclude any further Council action regarding this violation. In addition, should the Council determine there are other violations on said property, you may be assessed additional administrative fines. This notice of administrative fine will be filed in the land evidence records.



Laura Miguel, Deputy Director
Coastal Resources Management Council

/jla

7019 2280 0000 4949 2489



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March 28, 2024

Leonard T. Maynard Trust Agreement
597 Buttonwoods Avenue
Warwick, RI 02886

Violation Site: Budlong Farm Road, Warwick
Plat: 369 Lot: 109
Violation File No. 23-0222

RE: Plat 369, Lot 109, Budlong Farm Road, Warwick
CRMC Cease & Desist Order 23-0222, dated September 28, 2023
\$10,000 Notice of Administrative Fine, dated September 28, 2024

Dear Leonard T. Maynard Trust Agreement:

On September 28, 2023, you were issued Cease & Desist Order 23-0222 for the following unauthorized activities: construction of a riprap retaining wall and stairs on a coastal feature; earthwork (filling, removing, & grading), clearing of natural buffer zone vegetation, construction of a fence, and installation of an impervious surface, on and within 200 feet of a coastal feature at your property. These unauthorized activities are in violation of the Rhode Island Coastal Resources Management Program.


In order to resolve these violations, you must submit a complete, acceptable restoration plan, prepared by a qualified professional, to the CRMC by April 15, 2024. Once approved by CRMC staff, the restoration, including removal of all unauthorized riprap and structures, stabilization of the coastal feature, and installation of proposed native plantings, must be completed by May 24, 2024.

The proposed restoration plan must include the following:

- Removal of all unauthorized riprap and associated backfill.
- Stabilization of the coastal features.
- Proposed native shrub and tree plantings, of appropriate size and density, throughout all areas of previously vegetated natural buffer zone.

If a restoration plan is not submitted by April 15, 2024, your enforcement action may be referred to the Coastal Council for an "Order to Restore."

Sincerely,


Brian Harrington, Environmental Scientist III
Coastal Resources Management Council

/jla



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April 29, 2024

Leonard T. Maynard Trust Agreement
597 Buttonwoods Avenue
Warwick, RI 02886

RE: CRMC Cease & Desist Order 23-0222, dated September 28, 2023
Plat 369, Lot 109, Budlong Farm Road, Warwick
\$10,000 Notice of Administrative Fine, dated September 28, 2023

Dear Leonard T. Maynard Trust Agreement:

On September 28, 2023, you were issued Cease & Desist Order 23-0222 for the following unauthorized activities: earthwork (filling, removing, and grading) on a coastal feature; construction of a riprap retaining wall and stairs on a coastal feature; construction of timber structures on a coastal feature; cutting of natural buffer zone vegetation; earthwork (filling, removing, and grading), clearing of natural buffer zone vegetation, construction of a fence, and installation of an impervious surface, on and within 200 feet of a coastal feature. These unauthorized activities are in violation of the Rhode Island Coastal Resources Management Program.

On March 28, 2024, you were sent a letter requiring that you submit a complete, acceptable restoration plan, prepared by a qualified professional, to the CRMC by April 15, 2024, and as of today a restoration plan has not been submitted.

This matter will be scheduled for an Enforcement Hearing at the next available Coastal Council meeting. At this meeting, CRMC staff will be requesting that the Coastal Council issue an "Order to Restore".

Sincerely,

Brian A. Harrington, Environmental Scientist III
Coastal Resources Management Council

/jla

From: bharrington@crmc.ri.gov
Sent: Monday, October 21, 2024 1:58 PM
To: 'DOvidioLaw'; 'Devon Robinson'
Subject: RE: Maynard CRMC Violations

Hi Chris,

Your notes are correct. We are going to set a deadline of November 22, 2024, to get a restoration plan in for all areas that need to be restored and complete acceptable applications for all as-built work that appears to be permissible. I will discuss the issuance of a violation to the contractor with CRMC legal counsel and get back to you.

Thanks,
Brian

From: DOvidioLaw <chris@dovidiolaw.com>
Sent: Monday, September 30, 2024 4:24 PM
To: Brian Harrington <bharrington@crmc.ri.gov>; Devon Robinson <d robinson@crmc.ri.gov>
Subject: Maynard CRMC Violations

Brian and Devon

Per our conference today, the following memorializes our discussion regarding the Maynard CRMC violation(s) matter.

There are 4 areas of concern (see aerial of site depicting the 4 areas of concern).

1. **Area 1 - Lot 109 (Volleyball Court):** The modifications include, loss of vegetation, installation of a parking lot, volleyball court, and retaining wall/stairway (see and compare attached 2008 and 2024 aerial photographs). Area 1 is subject to a 50' vegetative buffer. The parking area and volleyball court can be permitted as an "as-built. The area must be revegetated to reestablish a 50' vegetative buffer from the coastal feature (approximately the shoreline). The wall and stairway must be removed.
2. **Area 2 - Lot 111 (Swale):** The modifications include, loss of vegetation associated with a coastal wetland, extension of an existing tar swale, installation of rocks along shore and a walkway to the shore (see and compare attached 2008 and 2024 aerial photographs). The area must be revegetated to reestablish a 50' vegetative buffer from the coastal wetland, which translates to revegetation to 2008 conditions. Removal of extension of an existing tar swale, rocks along shore and walkway to the shore.
3. **Area 3 - Lot 111.22:** The modifications include loss of vegetation associated with a coastal wetland, landscaped stairs, installation of rocks on embankment and along shore and a walkway to the shore (see and compare attached 2008 and 2024 aerial photographs). The area must be revegetated to reestablish a 50' vegetative buffer from the coastal wetland, which translates to revegetation to 2008 conditions. Removal of all rocks and walkway to the shore. The landscaped stairs and rocks on embankment may have been permitted - Maynard will investigate and confirm. If permitted, these features may remain.
4. **Area 4 - Lot 111.5 (Kayak):** The modifications include, installation of wooden walkway and loss of vegetation associated with a coastal wetland caused by the placement of rocks along the shore. The path can remain but no vegetation can be removed and the path must be maintained by foot traffic. The wooden walkway and rocks must be removed. The area where rocks were installed must be revegetated.

Please confirm/comment.

Insofar as issuing a notice of violation to the contractor who installed the above-enumerated violations. RIGL 46-23-7 and CRCMP 1.1.13.B provides for the issuance of a violation to the contractor. As you explained, the CRMC staff witnessed his equipment on the shore and he later admitted to doing the work. Issuance of a violation may facilitate the most expeditious and least costly remedial action enumerated above.

The contractor's information:

Registration/License number GC-25069
CIPCO DEVELOPMENT LLC
CHRISTOPHER J. CIPRIANO
280 Mayfield Ave Cranston, RI 02920 (401) 641-2558
148 ATWOOD AVENUE SUITE 324 CRANSTON, RI 02920

Please advise.

Thanks.



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January 13, 2025

Leonard T. Maynard Trust Agreement
597 Buttonwoods Avenue
Warwick, RI 02886

RE: CRMC Cease & Desist Order 23-0222, dated September 28, 2023
Plat 369, Lot 109, Budlong Farm Road, Warwick

Dear Leonard T. Maynard Trust Agreement:

On September 28, 2023, you were issued Cease & Desist Order 23-0222 for the following unauthorized activities: earthwork (filling, removing, and grading) on a coastal feature; construction of a riprap retaining wall and stairs on a coastal feature; construction of timber structures on a coastal feature; cutting of natural buffer zone vegetation; earthwork (filling, removing, and grading), clearing of natural buffer zone vegetation, construction of a fence, and installation of an impervious surface, on and within 200 feet of a coastal feature. These unauthorized activities are in violation of the Rhode Island Coastal Resources Management Program.

On March 28, 2024, you were sent a letter requiring that you submit a complete, acceptable restoration plan, prepared by a qualified professional, to the CRMC by April 15, 2024. As of today's date, a restoration plan has not been submitted. This matter will be scheduled for an Enforcement Hearing in front of the Coastal Council on February 11, 2025.

Sincerely,

Brian A. Harrington, Environmental Scientist III
Coastal Resources Management Council

/jla

7019 2280 0000 4947 7493



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Fax (401) 783-2069

January 27, 2025

Sent Via Email and Certified Mail – 7019 2280 0000 4949 1017

Leonard T. Maynard Trust Agreement
597 Buttonwoods Avenue
Warwick, RI 02886

RE: CRMC Enforcement File No. **23-0222**

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 369, lot 109; Budlong Farm Road, Warwick.**

Specifically, the alleged violations are the unauthorized construction of a riprap retaining wall and stairs on a coastal feature; earthwork (filling, removing, & grading), clearing of natural buffer zone vegetation, construction of a fence, and installation of an impervious surface, on and within 200 feet of a coastal feature.

If proven, these activities constitute a violation of the Red Book (650-RICR-20-00-1), specifically CRMP § 1.1.11, § 1.3.1 (C), § 1.3.1 (F), & § 1.3.1(G)(3)(c).

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

The hearing before the CRMC is scheduled for **Tuesday, February 11, 2025; 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.

Sincerely,


Laura Miguel, Deputy Director
Coastal Resources Management Council

/lat

Certified Mail

cc: Christopher D'Ovidio, Esq, (Via Email)

1
2008



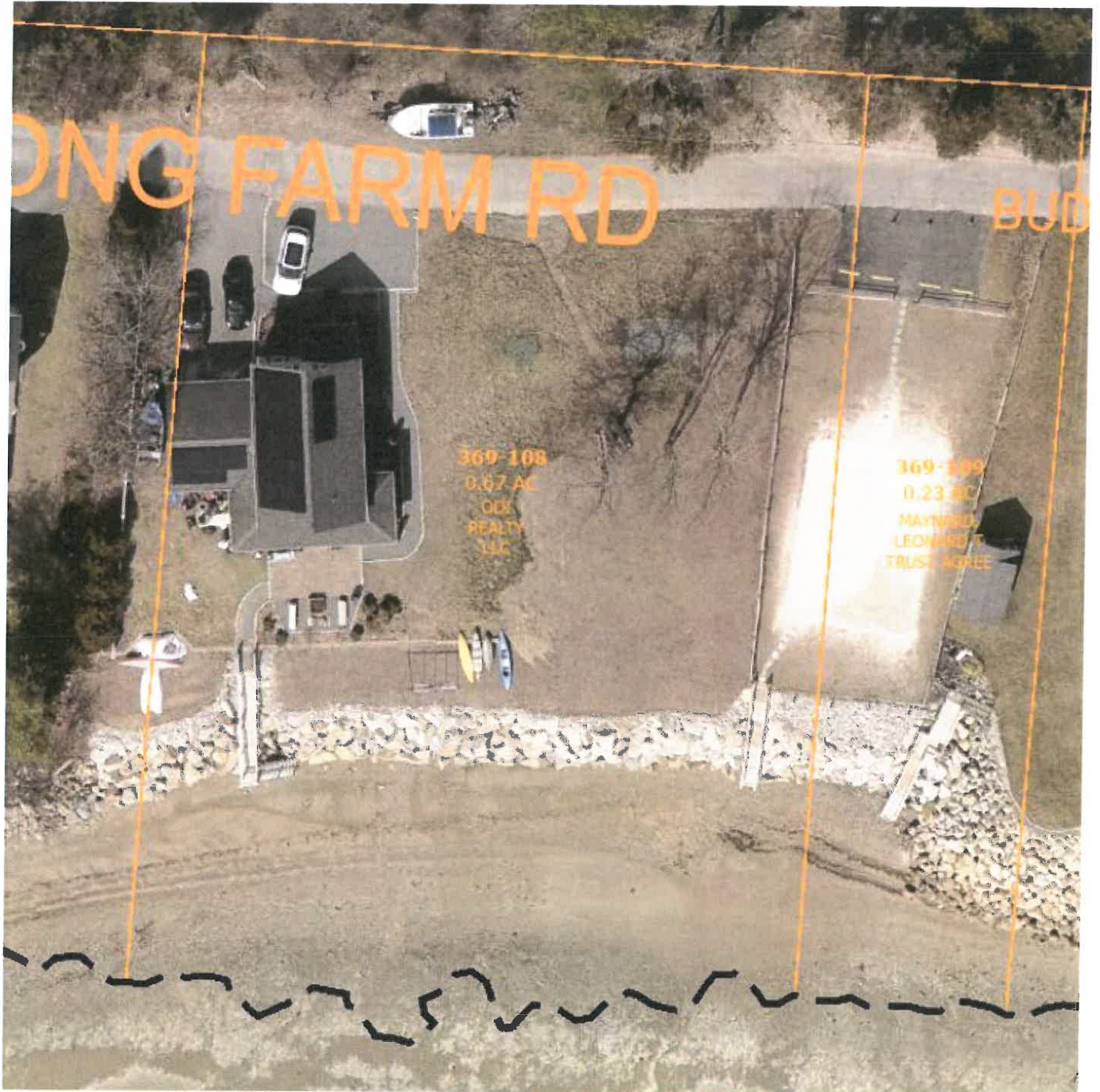
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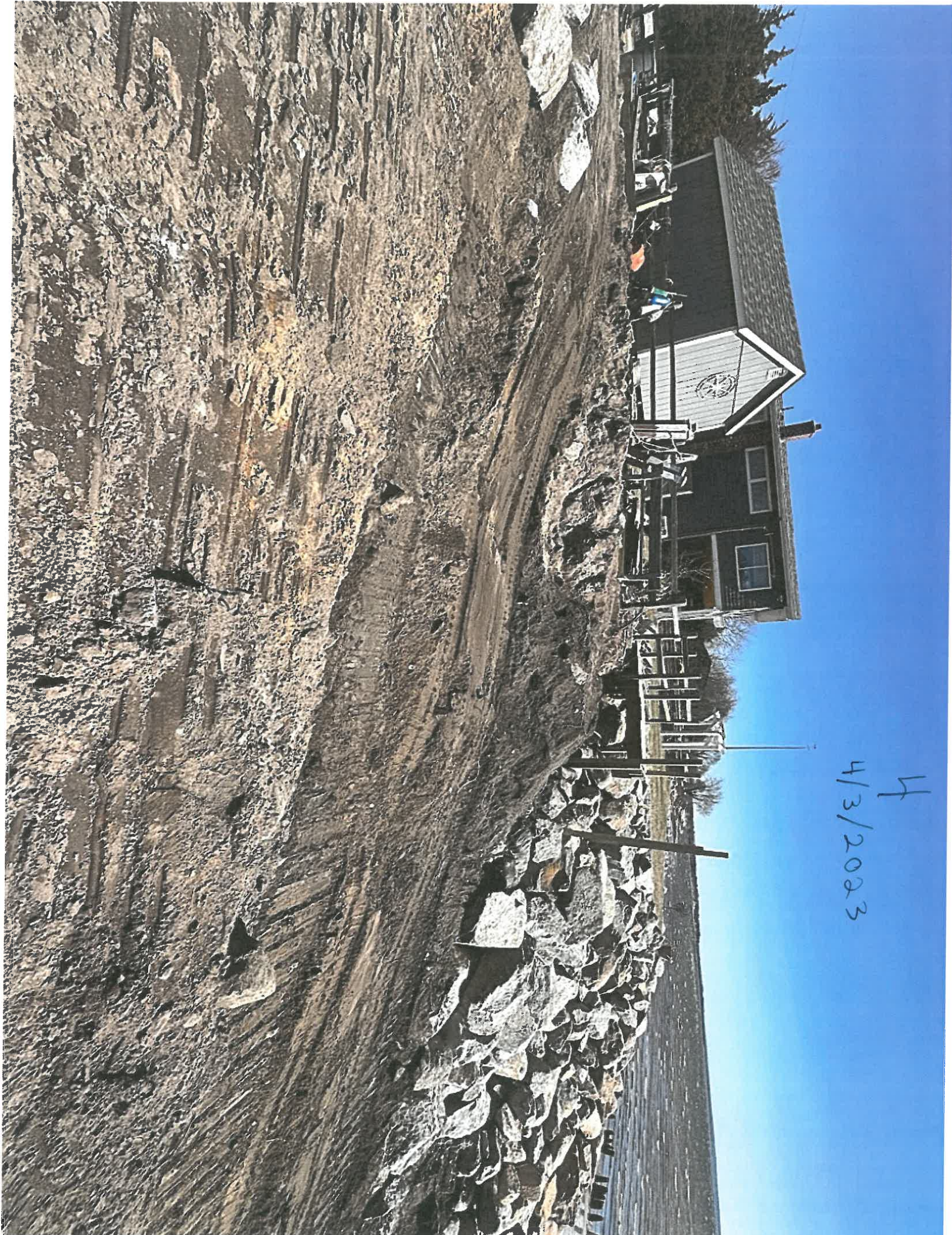
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