

STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT
COUNCIL

ENFORCEMENT REPORT
February 11, 2025

RE: CRMC Enforcement File 23-0047
LOCATION: Plat 369, Lot 108, 605 Budlong Farm Road, Warwick
OWNER: ODI Realty, LLC

BACKGROUND

Permit History: 2011-07-034, 2022-08-058 (pending)

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)(1)(a) *“The Council prefers nonstructural shoreline protection methods over all other shoreline protection methods for controlling erosion such as stabilization with vegetation and beach nourishment due to their effectiveness in preserving beaches, natural shoreline habitats and sediment dynamics.”*
 - ❖ Redbook (650-RICR-20-00-1) §1.3.1(G)(1)(b) *“In most cases the Council prefers hybrid shoreline protection methods over structural shoreline protection methods due to their effectiveness in preserving beaches, natural shoreline habitats and sediment dynamics as compared to structural shoreline protection.”*
 - ❖ Redbook (650-RICR-20-00-1) §1.3.1(G)(1)(d) *“When structural shoreline protection is proposed, the Council shall require that the owner exhaust all reasonable and practical alternatives including, but not limited to, the relocation of the structure(s) intended to be protected, landward re-contouring of the shoreline to create a more dissipative profile, and nonstructural and hybrid shoreline protection methods.”*
 - ❖ Redbook (650-RICR-20-00-1) §1.3.1(G)(3)(c) *“Filling on a coastal feature or tidal waters beyond that which is consistent with § 1.3.1(G)(5)(a) of this Part is prohibited.”*
- 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.”*

RECOMMENDATIONS

- Enforcement staff recommend that the Council issue an Order to Restore that requires ODI Realty, LLC to bring the site into conformance with CRMC regulations by June 15, 2025.
- Enforcement staff recommend that the Council requires ODI Realty, LLC, to either submit an acceptable restoration plan or a complete acceptable application to address all work on the coastal feature, that brings the site into conformance with CRMC regulations, by April 4, 2025.
- Enforcement staff recommend that the Council requires ODI Realty, LLC to submit a complete acceptable application to address all unauthorized activities landward of the coastal feature, by April 4, 2025.

FILE SUMMARY

- July 18, 2022, application for new shoreline protection submitted to the CRMC.
- 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.
 - ❖ Construction of a riprap retaining wall on a coastal feature.
 - ❖ Construction of timber structures 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.
- April 7, 2023, Cease & Desist Order 23-0047 and \$8000 Notice of Administrative Fine issued.
- April 23, 2023, Notice of Administrative Fine appealed by attorney Paul DeMarco.
- May 3, 2023, spoke to attorney Paul DeMarco about what was required to resolve the violation.

- 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 27, 2023, \$10,000 Notice of Administrative Fine issued for undertaking additional unauthorized work in violation of Cease & Desist Order 23-0047.
- October 16, 2023, \$10,000 Notice of Administrative Fine appealed by attorney Paul DeMarco.
- November 28, 2023, meeting held with attorney Paul DeMarco, engineer Joe Caselli, and contractor Chris Cipriano.
- March 12, 2024, letter sent requiring a complete acceptable restoration plan to be submitted by April 5, 2024, and restoration of the site by May 24, 2024.
- April 29, 2024, letter sent stating that the April 5, 2024, deadline for submitting a restoration plan had been extended to April 15, 2024, and that date was not met. The letter stated that the matter would be scheduled for an Enforcement Hearing in front of the Coastal Council.
- May 23, 2024, meeting held with attorney Mary Shekarchi. Discussed what was required to resolve the violation.
- 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 April 3, 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 23-0047, dated April 7, 2023
- B. \$8000 Notice of Administrative Fine, dated April 7, 2023
- C. Appeal of \$8000 Notice of Administrative Fine, dated April 24, 2023
- D. Letter to ODI Realty, LLC, dated April 29, 2024
- E. \$10,000 Notice of Administrative Fine, dated September 27, 2023
- F. Appeal of \$10,000 Notice of Administrative Fine, dated October 16, 2023
- G. Letter to ODI Realty, LLC, dated January 13, 2025
- H. Letter to ODI Realty, LLC, dated March 12, 2024
- I. Notice of Enforcement Action, dated January 27, 2025



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

April 7, 2023

ODI Realty LLC c/o Sali Siharaj
76 Jefferson Blvd
Warwick, RI 02888

Cease and Desist Order

Dear Mr. Siharaj:

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; earthwork (filling, removing, and grading) on a coastal feature; construction of a riprap retaining wall on a coastal feature; construction of timber structures on a coastal feature; cutting of natural buffer zone vegetation; earthwork (filling, removing, and grading) on an adjacent property without a CRMC assent; and earthwork in the intertidal zone, within 200 feet of a coastal feature at your property located at Plat 369, Lot 108, 605 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 23-0047, dated April 7, 2023, and ordered to cease all activity at this site, to immediately install appropriate erosion and sedimentation controls, 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
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

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

April 7, 2023

ODI Realty LLC c/o Sali Siharaj
76 Jefferson Blvd
Warwick, RI 02888

Notice of Administrative Fine

Violation Site: 605 Budlong Farm Road, Warwick; Plat: 369 Lot: 108
Violation File No.: 23-0047

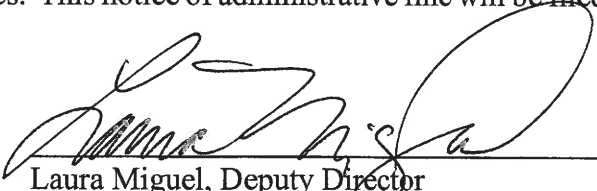
Dear Mr. Siharaj:

On April 3, 2023, CRMC staff visited Plat 369, Lot 108; in the City of Warwick, and discovered that you and your agent have undertaken unauthorized earthwork (filling, removing, and grading) on a coastal feature; construction of a riprap retaining wall on a coastal feature; construction of timber structures on a coastal feature; cutting of natural buffer zone vegetation; earthwork (filling, removing, and grading) within 200 feet of a coastal feature on an adjacent property; and earthwork in the intertidal zone 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 \$8000. 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

7018 0360 0000 8180 3436



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

ODI Realty LLC
c/o Sali Siharaj
76 Jefferson Blvd
Warwick, RI 02888

March 12, 2024

RE: CRMC Cease & Desist Order 23-0047
Plat 369, Lot 108, 605 Budlong Farm Road, Warwick dated April 7, 2023
\$8000 Notice of Administrative Fine, dated April 7, 2023
\$10,000 Notice of Administrative Fine, dated September 27, 2023

Dear Sali Siharaj:

On April 7, 2023, you were issued Cease & Desist Order 23-0047 for the following unauthorized activities: earthwork (filling, removing, and grading) on a coastal feature; construction of a riprap retaining wall on a coastal feature; construction of timber structures on a coastal feature; cutting of natural buffer zone vegetation; earthwork (filling, removing, and grading) on an adjacent property without a CRMC assent; and earthwork in the intertidal zone, within 200 feet of a coastal feature. 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 5, 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 feature.
- 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 5, 2024, your enforcement action may be referred to the Coastal Council for an "Order to Restore."

Sincerely,


Brian Harrington, Environmental Scientist II
Coastal Resources Management Council

/lat
Certified Mail
7019 2280 0000 4949 0904

GEREMIA & DEMARCO, Ltd.

*Attorneys at Law
Village on Vine
620 Main Street, CU 3A
East Greenwich, RI 02818*

*Telephone
401-885-1444
Facsimile
401-471-6283*

*Paul DeMarco
Lisa A. Geremia*

April 24, 2023

Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879
ATT: Brian Harrington

RE: 605 Budlong Farm Road, Ap 369 Lot 108

Dear Mr. Harrington:

This office represents ODI Realty LLC. Please consider this a response on appeal from the Notice of Administrative Fine dated April 7, 2023.

My client did not knowingly violate any RI General Laws. The City of Warwick issued a building permit for the property which it mistakenly took as authority to begin work. Furthermore, there is work being simultaneously performed on property adjacent to Lot 108, which it appears is being attributed to my client.

I have reached out to the engineer and contractor to cease work on this project until all required authorization has been obtained from the CRMC.

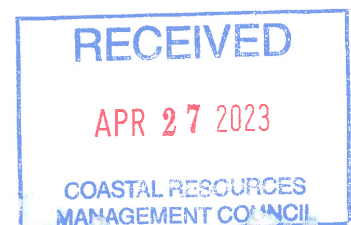
Thank you for your attention to this matter.

Very truly yours,



Paul DeMarco

PD/lbg





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

April 29, 2024

ODI Realty LLC
c/o Sali Siharaj
76 Jefferson Blvd
Warwick, RI 02888

RE: CRMC Cease & Desist Order 23-0047
Plat 369, Lot 108, 605 Budlong Farm Road, Warwick dated April 7, 2023
\$8000 Notice of Administrative Fine, dated April 7, 2023
\$10,000 Notice of Administrative Fine, dated September 27, 2023

Dear Sali Siharaj:

On April 7, 2023, you were issued Cease & Desist Order 23-0047 for the following unauthorized activities: earthwork (filling, removing, and grading) on a coastal feature; construction of a riprap retaining wall on a coastal feature; construction of timber structures on a coastal feature; cutting of natural buffer zone vegetation; earthwork (filling, removing, and grading) on an adjacent property without a CRMC assent; and earthwork in the intertidal zone, within 200 feet of a coastal feature. These unauthorized activities are in violation of the Rhode Island Coastal Resources Management Program.

On March 12, 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 5, 2024. This date was later extended to 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 Harrington, Environmental Scientist III
Coastal Resources Management Council

/jla



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

September 27, 2023

ODI Realty LLC c/o Sali Siharaj
76 Jefferson Blvd
Warwick, RI 02888

Notice of Administrative Fine

Violation Site: 605 Budlong Farm Road, Warwick; Plat: 369 Lot: 108
Violation File No.: 23-0047

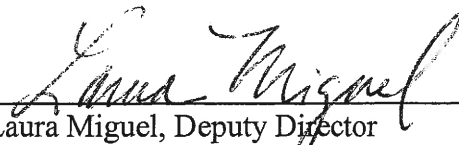
Dear Sali Siharaj:

On September 25, 2023, CRMC staff visited Plat 369, Lot 108; in the City of Warwick, and discovered that you and your agent have undertaken construction of a riprap revetment in violation of CRMC Cease & Desist Order 23-0047 and without a CRMC assent.

In accordance with 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

/

Sent via Certified Mail

7019 2280 0000 4949 2502

GEREMIA & DEMARCO, Ltd.

*Attorneys at Law
Village on Vine
620 Main Street, CU 3A
East Greenwich, RI 02818*

*Telephone
(401) 885-1444*

*Facsimile
(401) 471-6283*

*Paul DeMarco
Lisa A. Geremia*

October 16, 2023

Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879
ATT: Laura Miguel, Deputy Director

RE: 605 Budlong Farm Road, Ap 369 Lot 108

Dear Ms. Miguel:

This office represents ODI Realty LLC. Please consider this a response on appeal from the Notice of Administration Fine dated September 27, 2020 and a request for an Administrative Hearing.

Mr. Siharaj was out of the country when the construction on the property took place. I have forwarded a copy of your notice to the engineer and contractor on this project and I am currently awaiting their responses.

I would request the opportunity to meet with your office, the engineer and the contractor at the property to address the alleged violations in an effort to resolve this matter. I have spoken with the property owner and he has granted us access to the property at your convenience.

Thank you for your attention to this matter.

Very truly yours,



Paul DeMarco

PD/lbg





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

January 13, 2025

ODI Realty LLC
c/o Sali Siharaj
76 Jefferson Blvd
Warwick, RI 02888

RE: CRMC Cease & Desist Order 23-0047, dated April 7, 20237
Plat 369, Lot 108, 605 Budlong Farm Road, Warwick

Dear Sali Siharaj:

On April 7, 2023, you were issued Cease & Desist Order 23-0047 for the following unauthorized activities: earthwork (filling, removing, and grading) on a coastal feature; construction of a riprap retaining wall on a coastal feature; construction of timber structures on a coastal feature; cutting of natural buffer zone vegetation; earthwork (filling, removing, and grading) on an adjacent property without a CRMC assent; and earthwork in the intertidal zone, within 200 feet of a coastal feature. These unauthorized activities are in violation of the Rhode Island Coastal Resources Management Program.

On January 10, 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 5, 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 Harrington, Environmental Scientist III
Coastal Resources Management Council

/jla
Certified Mail
7019 2280 0000 4947 7479



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

January 27, 2025

Sent Via Email and Certified Mail – 7019 2280 0000 4949 1024

Odi Realty LLC c/o Sali Siharaj
76 Jefferson Blvd
Warwick, RI 02888

RE: CRMC Enforcement File No. **23-0047**

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 108; 605 Budlong Farm Road, Warwick**.

Specifically, the alleged violations are unauthorized earthwork (filling, removing, and grading) on a coastal feature, construction of a riprap retaining wall on a coastal feature, construction of timber structures on a coastal feature, and cutting of natural buffer zone vegetation.

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 (G).

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

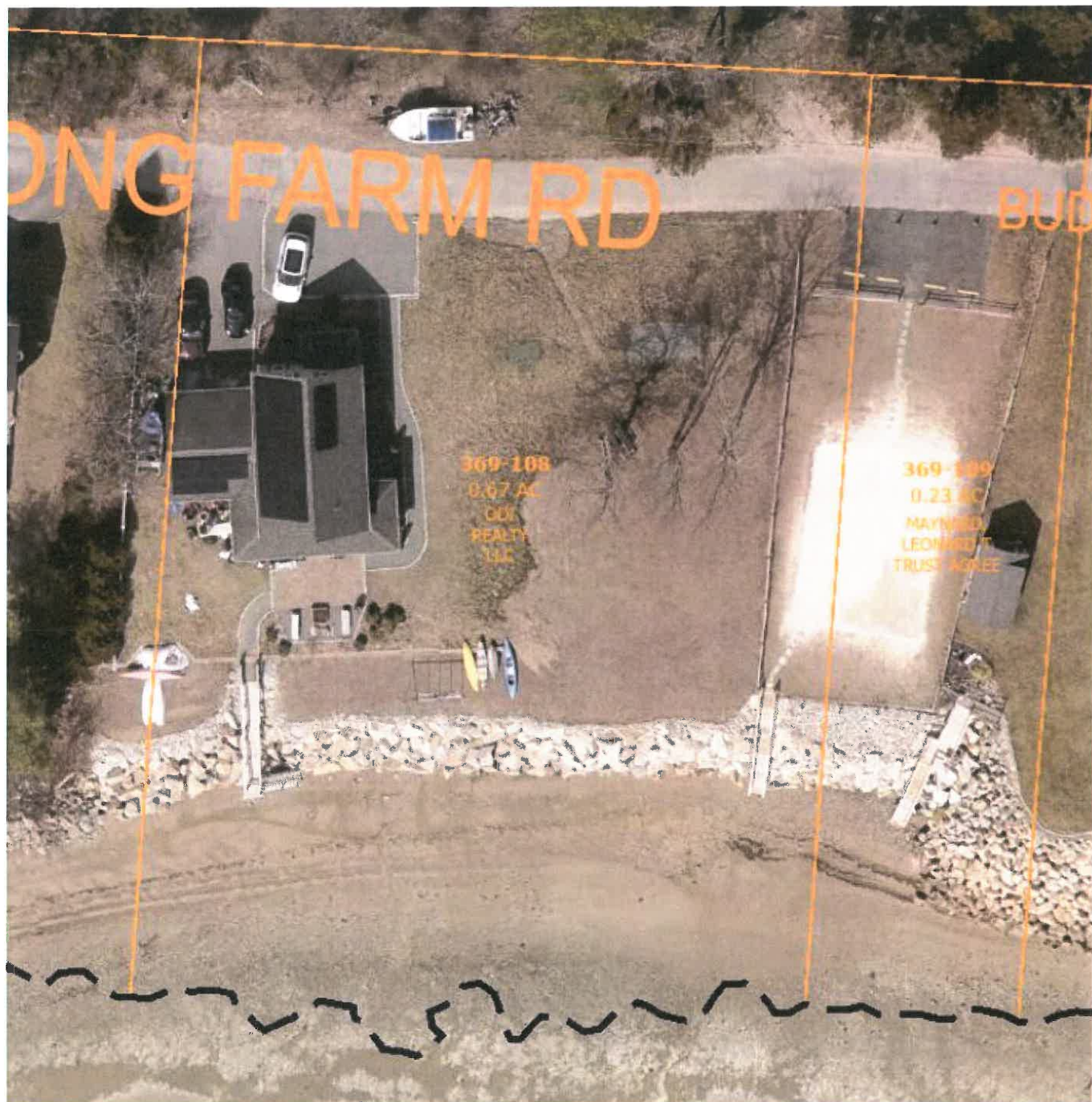
cc: Mary Shekarchi, Esq. (Via Email)

1

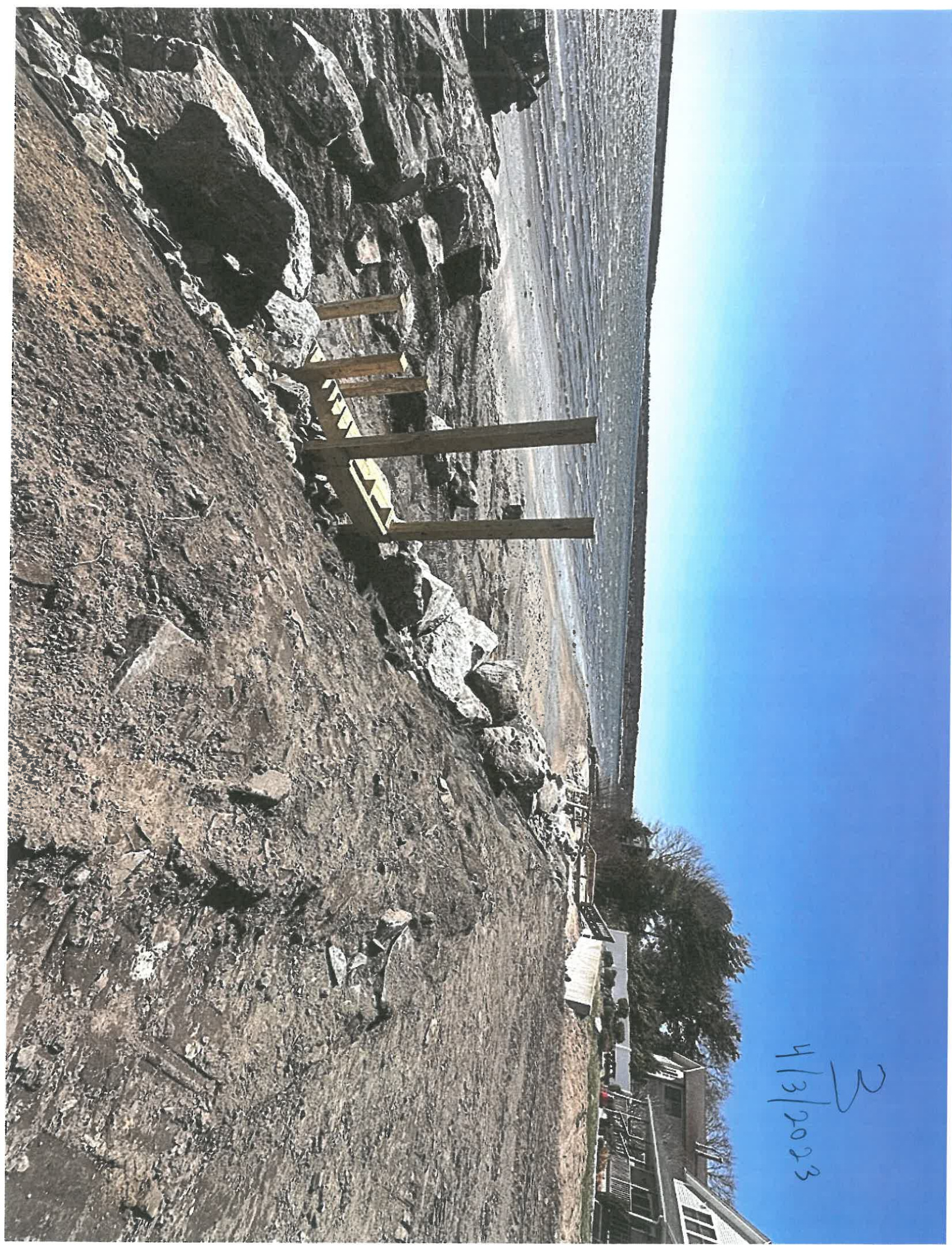
2008



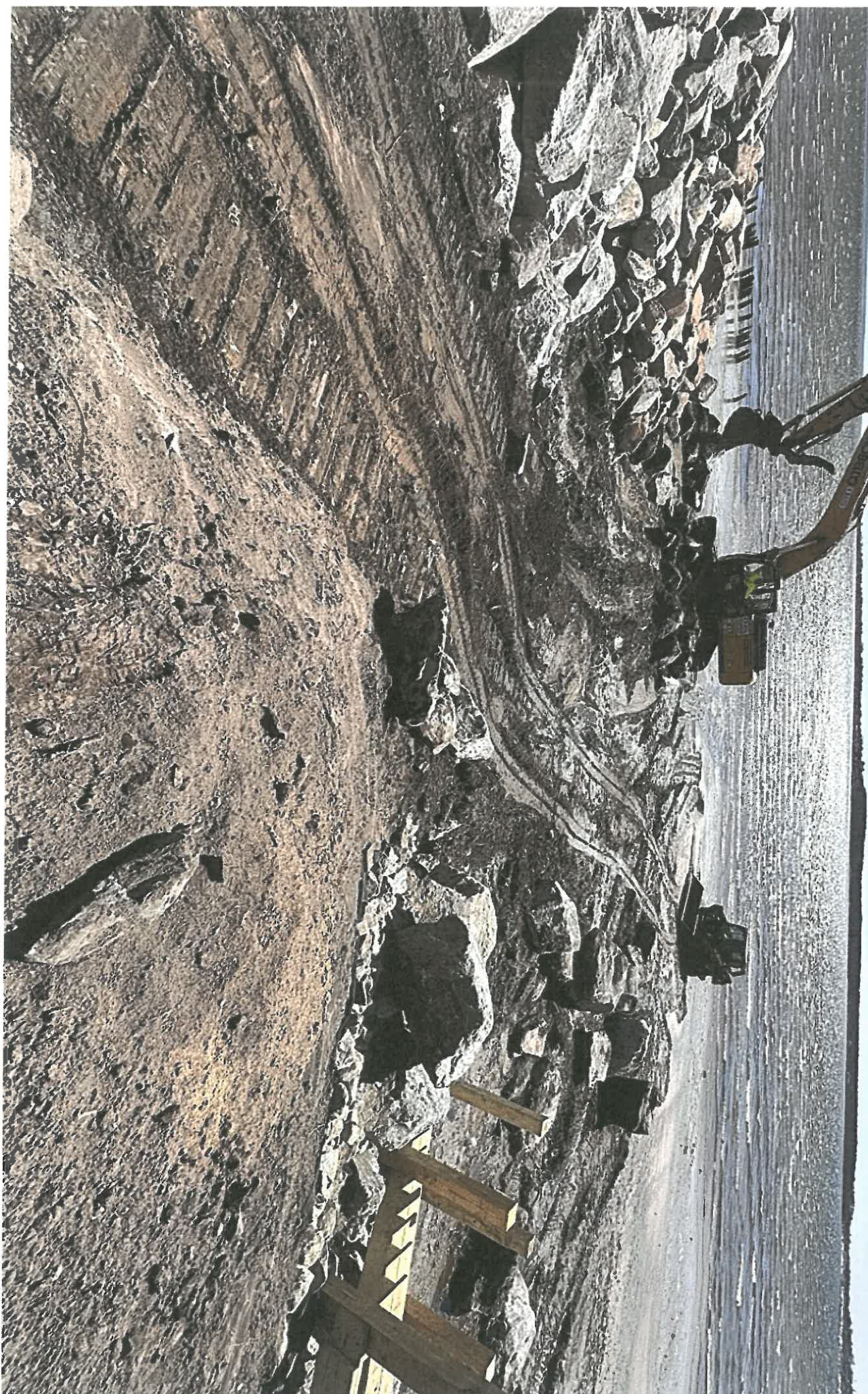
2
2024



3
4/3/2023



4
9/3/2023



5

4/3/2023



6

9/25/2023



7

9/25/2023



8

9/25/2023

