

STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL

ENFORCEMENT REPORT ADDENDUM
April 22, 2025

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

FILE SUMMARY

This matter was heard before the Coastal Council on February 11, 2025. At this hearing, the Coastal Council directed CRMC staff to review and respond to the letter submitted by Joe Casali Engineering, Inc., on February 7, 2025. This letter requested that the CRMC “consider an after the fact permit approval for the as-built structural shoreline protection device”. On February 28, 2025, CRMC staff responded that they were unable to support an after the fact permit for the unauthorized riprap revetment, but were able to support bringing the site into conformance through the activities proposed in CRMC application A2022-08-058, and the submitted plan (“Proposed Riprap Revetment 605 Budlong Farm Road...” 4 sheets, last revised 1/26/2023, and prepared by Joe Casali Engineering). The council directed that following CRMC staff’s response to Joe Casali Engineering’s letter, ODI Realty, LLC, was to return an acceptable plan as soon as possible, and well before 60 days. To date, CRMC staff have not received any communication from ODI Realty, LLC, or their attorney.

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 30, 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 May 2, 2025. CRMC staff has determined that the previously submitted application, A2022-08-058, constitutes a complete, acceptable application.
- 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 May 2, 2025.

ATTACHMENT

- A. Letter to ODI Realty, LLC, dated February 28, 2025



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 16, 2025

Sent Via Email

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 (B), & § 1.3.1 (G).

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

As per the decision of the Coastal Resources Management Council on Tuesday, February 11, 2025, **this enforcement matter is being reconvened on Tuesday, April 22, 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)



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

February 28, 2025

Via Email
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 Attorney Shekarchi:

On April 7, 2023, Cease & Desist Order 23-0047 was issued to ODI Realty, LLC 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. These unauthorized activities are in violation of the Rhode Island Coastal Resources Management Program.

On February 11, 2025, the CRMC received a letter, from Joe Casali Engineering, Inc., regarding the unauthorized riprap revetment constructed at the ODI Realty, LLC property. This letter requested that the CRMC "consider an after the fact permit approval for the as-built structural shoreline protection device". Based on current CRMC regulations, CRMC staff is unable to support an after the fact permit for the unauthorized riprap revetment. A portion of the unauthorized riprap revetment as constructed is located in tidal waters and is prohibited by Redbook (650-RICR-20-00-1) §1.3.1(G)(3)(c). On November 30, 2022, an email was sent to Daniel DeCesaris, P.E. at Joe Casali Engineering, Inc., by Ross Singer, CRMC Environmental Engineer III. Ross Singer's email stated that "Application 2022-08-058, for the proposed riprap revetment at 605 Budlong Farm Rd in Warwick was heard at the administrative 1.1.6 meeting. The Executive Director and Senior Staff have required that the design be revised to utilize a Hybrid Shoreline protection method. Please revise the design to limit riprap from the toe to a maximum height of 4 feet vertically from the toe of the structure. The remainder of the slope should be stabilized with non-structural methods and vegetated with native plantings". I have listed the applicable regulations below.

- ❖ 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."*
- ❖ Redbook (650-RICR-20-00-1) §1.3.1(G)(5)(a) *"All applicable standards for earthwork in § 1.3.1(B) of this Part shall be met. The base of the seawall, bulkhead, revetment or toe-of-slope protection for hybrid shoreline protection must be located as close as practicable to the shoreline feature it is designed to protect. Nonstructural, hybrid and structural shoreline protection shall be placed landward of coastal wetlands unless the project is a marsh sill designed for wave attenuation as part of a marsh creation, enhancement, or restoration project."*

CRMC staff is able to support bringing the site into conformance through the activities proposed in CRMC application A2022-08-058, and the submitted plan titled "Proposed Riprap Revetment 605 Budlong Farm Road..." 4 sheets, last revised 1/26/2023, and prepared by Joe Casali Engineering. You may propose an alternate plan, provided it meets Redbook (650-RICR-20-00-1) §1.3.1(G), and stabilizes the site.

Per the decision of the Coastal Council at the February 11, 2025, Council Meeting, this matter has been continued to the April 22, 2025, Coastal Council meeting.

Sincerely,


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

/bah

cc via email:

- Joseph Casali
- Daniel R. DeCesaris
- Christopher D'Ovidio, Esq.
- Jeffrey Willis
- Laura Miguel
- Anthony DeSisto, Esq.
- Mark Hartmann, Esq.