

CRMC invited to Jamestown to discuss ordinance issues

By Sam Bari

Chairman Michael de Angeli at the Aug. 13 Harbor Management Commission meeting announced that Marine Resources Specialist Kevin Cute from the Coastal Resources Management Council (CRMC) again requested to come to Jamestown to talk to the commission.

"Cute said he would like to attend the September meeting to clear up questions about ordinances and mooring regulations" de Angeli said, adding "He requested to see the Harbor Ordinance Plan."

Cute was scheduled to attend an HMC meeting in September of 2007 to clear up issues and gray areas that have impeded progress in the writing of the HOP. He asked to reschedule that meeting and did not show up for meetings rescheduled for Oct. 2 and 23 of last year.

Cute was invited to the meetings to clearly define the latest CRMC rules regarding mooring fields, and to explain to the commissioners the exact requirements to put the HMO and HMP in compliance with CRMC regulations. De Angeli had sent an e-mail to Cute Sept. 17, 2007 requesting clarity on the issue of changing the CRMC guidelines concerning counting riparian moorings to determine whether a mooring field exists. The present guidelines say that riparian moorings are not counted.

The issue was raised at the September 2007 commission meeting in an application from John Sahagian, who is seeking a mooring permit at Mackerel Cove. De Angeli sent the email, but Cute did not respond to the request for an answer to the mooring issue when he finally replied on Oct. 2, the day of the meeting.

He avoided the question by saying, "I am happy to meet with the harbor commission at the earliest possible convenience to discuss all of these issues." He did not attend the Oct. 2 meeting or the rescheduled Oct. 23 meeting and did not offer a clear explanation for cancelling.

De Angeli has asked for clarity on the ruling three times in 15 months and has never received a definitive answer from CRMC. Consequently, a decision cannot be made to resolve Sahagian's application, nor can the Harbor Management Plan be completed.

DeAngeli said that the HMC has made every effort to complete the HMO and HMP, but they cannot make a recommendation to the town council until the CRMC gives them definitive guidelines. The situation is frustrating for everyone concerned, de Angeli added.

Town Council liaison Julio DiGiando brought up the Sahagian matter in his report at last week's meeting. He said that the Town Council voted 5 to 0 to support the HMC decision to deny a mooring to John Sahagian. "The only option Sahagian has at this point is to take the matter to the courts," DiGiando said.

The harbor commission denied Sahagian's application because of the ambiguous language in the Coastal Resource Management Council's ordinance. The commissioners felt that granting Sahagian's permit would trigger a CRMC violation that could affect some 100 moorings in similar situations. DiGiando said that the town should "put some pressure on CRMC" to get a ruling "so we can move forward."

"If all goes well, he'll show up at the September meeting and we can put this behind us," de Angeli

said.

In other business harbor clerk Kim Devlin reported that mooring permits are coming to a close and approximately 30 mooring holders have not responded to correspondence.

Harbormaster Sam Paterson reported that the pumpout at West Ferry needs major repair. All piping to the pump station needs replacing, Paterson said.

"Recommendations from the service companies suggest that moving the pump station would be the best decision. The Town can do the work," Paterson added. Devlin said that grant money was available and that she talked to DEM environmental scientist Joe

Migliore about eligibility and the repair costs.

Paterson said that the pump is now working, but it will require constant maintenance and the problem should be addressed this winter.

Paterson also reported that the mooring field at Dutch Harbor is in "dire straits." However, he said that the gentleman who has taken over the management of Dutch Harbor has taken steps to replace a lot of the tackle that was in question.

Paterson reported that no problems existed with the other boat yards and marinas. He said that assistant harbormaster Joe Falcioni visited 286 moorings and "all

the GPS coordinates were verified in the form that we want today."

In an unrelated issue, Susan Little reported that Dennis Erskin and David Alves from DEM and CRMC denied an application by Mark Gerner for an oyster farm because the location was in a restricted area. The area in question is off of Gould Island and extends from the Conanicut Island shoreline to Prudence Island. The area is a restricted Navy testing ground.

Facilities Chairman Robert Bowen reported that bids for the steel pier have been handed to Town Engineer Mike Gray and he had not given them a status report as of the meeting date.

Wind

Continued from page 1

a development. He stressed the feasibility study would include "a very brief" environmental assessment. A bat and avian specialist would provide some information specific to the sites. "If there's some problem that crops up, the town may need to do a more in-depth assessment," he said.

For information on rare species, Roheim suggested looking at the database of the Rhode Island Natural History Survey, but hinted that it might be mostly plant related. The island bird count might also provide helpful data on each of the sites.

Wind committee member Robert Bowen suggested contacting the Audubon Society, which collects avian data on the island.

Commission Chairman Chris Powell suggested the consultants seek out reports that have already been done on wildlife on the island. Osprey nests are located at all three sites, and a peregrine falcon nest is at the Newport Bridge, according to Powell. He suggested paying attention to nesting and migratory routes of shoreline birds, bats, and also monarch butterflies.

Beavertail has wetlands in various areas, and native orchids may

be present, Powell added.

The discussion turned to concern of how many turbines the town might try to build. Bowen said the town's initial consideration was to try to install one or two turbines to offset the cost of municipal energy consumption. In a reference to state legislation, he added, "The question is, if we put up more, would we be able to benefit?"

Bowen said that Massachusetts was pursuing turbine construction aggressively, without the level of preliminary investigation being done in Jamestown. He suggested asking specialists in the neighboring state if reports on their turbine impact on wildlife were available. "The Massachusetts Wind Working Group has experience in turbine impacts," he said.

When asked if recreation at the sites would be affected, Mendelsohn told commissioners that turbines were often placed in recreational areas. A person can walk right up to a turbine and touch it, with no fenced off land.

In old business, the commission reviewed findings from their observation of right-of-ways. The previous week, commissioners visited three primary ROWs, Hull Cove, Head's Beach and Park Dock, and discovered improvements could

be made. The board agreed to draft a letter of recommendations to the Town Council for the areas.

Suggestions for improvements included multi-lingual signs as a replacement for bleached-out signage, improved trash conditions and better enforcement of parking rules.

The site visits were done in response to a letter of complaint from Varoujan Karentz of Hull Cove Farm Road earlier in the season. Karentz's letter stressed concern with environmental impacts at Hull Cove due to overuse.

In a brief discussion about form-based zoning, Commissioner Mark Baker reported that the new zoning code was currently being written, with a focus on increased density in the downtown area. "If that means encroachment on sensitive areas, like water bodies, it is very critical for us," Baker said.

Powell reported on a meeting with town officials about the construction of a trailhead and parking at the water treatment plant on North Main Road. He said an agreement on the design was finally reached. The beginning of the trail would run along the outside of the fence. The design includes an osprey viewing platform behind the wall and two parking spaces.


In correspondence, the commission acknowledged:

- a letter from attorney Peter Brockmann asking for information the commission reported about possible environmental impacts of a development plan for his client John Hayes of Seaside Drive.
- a letter from Town Clerk Arlene Petit in response to Brockmann's request.
- a Coastal Resources Management Council notice to Garret and Casey Roberts of a cease and desist order at Hull Cove for clearing within 200 feet of a coastal zone.

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