

## **APPLICATIONS FOR PERMITS TO CONDUCT ACTIVITIES IN THE GREAT SALT POND**

### **Sec. 9-200. Background and Purpose**

In 1887, the Rhode Island General Assembly ceded to the Town of New Shoreham all of the right, title, and interest of the State of Rhode Island in and to the Great Salt Pond, and all of the land covered thereby. 1887 Rhode Island Acts & Resolves, Chapter 617, §1. The Town of New Shoreham therefore has a direct interest, as owner of Great Salt Pond and the land beneath its surface, in any proposal by any abutting landowner or other person to conduct activities or perform construction or alterations in or on the Great Salt Pond.

All alterations or other activity that may have any environmental effect on the Great Salt Pond are subject to regulation and permitting by state and federal agencies, including the Coastal Resources Management Council, the Department of Environmental Management, and the United States Army Corps of Engineers. The Town of New Shoreham, as the owner of the Great Salt Pond and the land beneath its surface, shall be an applicant for any permit or license to conduct activities or alterations within the Great Salt Pond. The purpose of this ordinance is to provide that the Town of New Shoreham must be a co-applicant for any permit or license to conduct any activity or alteration on or in the Great Salt Pond that is subject to state or federal regulation, and to provide a procedure by which any persons who or which desire to conduct such alterations or activity may request the Town's approval and participation as a co-applicant with such person.

For the purposes of this chapter, the Great Salt Pond shall be defined as all tide-flowed lands, and the overlying waters, up to the line of mean high tide, contained interior to a line drawn from the end of the jetty at the south side of the breach way to the closest point of land on the opposite, north side of the breach way.

### **Sec. 9-201. Request**

Any person wishing to place any structure in, make any alteration to, or conduct any activity within the Great Salt Pond, which placement, alteration, or activity is subject to the regulatory authority of any agency of the state or federal government (hereinafter, "Proposed Activity"), shall file a written request with the Town Manager.

### **Sec. 9-202. Request Requirements**

A Request filed pursuant to Section 9-201 shall be in writing, signed by the requesting party, and must include the following:

1. A detailed written description of the Proposed Activity;

2. A copy of all the applications to be filed for the Proposed Activity with any applicable local, state, or federal regulatory board or agency, including all documents to be filed in support of the applications;
3. A detailed assessment of the relationship and compatibility of the Proposed Activity with the Town's Comprehensive Community Plan, Harbor Management Plan, and Zoning Ordinances, as applicable.

### **Sec. 9-203. Administrative Action**

1. The Town Manager shall forward the Request, when complete, to the Planning Board, Conservation Commission, Harbors Commission, Shellfish Commission and the Harbor Master (hereinafter, "Municipal Authorities) for review. In connection with their review of the Request, the Municipal Authorities may request additional information from the applicant.

2. Each of the Municipal Authorities shall, within 60 days of receipt of the Request, provide the Town Manager an advisory opinion regarding the Request. The advisory opinion shall be limited to assessment of the consistency of the Proposed Activity with the Town's Comprehensive Community Plan, Harbor Management Plan, Zoning Ordinance, or such other municipal ordinances within the Town's police power for the protection of the health, welfare, and safety of the public as are applicable to the Proposed Activity and within the purview of such Municipal Authority.

3. The Town Manager shall submit the Request and all advisory opinions of Municipal Authorities to the Town Council, and place the matter on the agenda of the next regular meeting of the Town Council.

4. For any Request to conduct maintenance or repairs to existing uses or structures, which Request does not include any extension, expansion, enlargement or increase in any existing structure, use or conditions, the Town Manager may waive Section 9.202(3) and is authorized to sign such application, without Town Council action.

### **Sec. 9-204. Town Council Action**

The Council's review of the Request shall be limited to assuring consistency of the Proposed Activity with the Town's Comprehensive Community Plan, Harbor Management Plan, Zoning Ordinance, or other municipal ordinance within the Town's police power for the protection of the health, welfare, and safety of the public, as may be applicable to the Proposed Activity. The Town Council may vote to approve the Request as filed, to approve the Request with specified modifications, or deny the Request. The Town Council's decision on an Request shall include findings of fact and conclusions of law.

A vote to approve the Request as filed or with modifications shall empower the Town Manager to sign as co-applicant all applications for the Proposed Activity,

consistent with the Town Council's vote, with any state or federal regulatory agency having jurisdiction over the Proposed Activity.

**Sec. 9-205. Fees**

The Town Council may adopt a fee to be imposed on requesting parties under this chapter.