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Rhode Island Coastal Zone Management and Local Government Organizational Structure: An Analysis of Selected Community Governments, Methods, and Capabilities

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THE UNIVERSITY OF RHODE ISLAND

RHODE ISLAND COASTAL ZONE
MANAGEMENT AND LOCAL
GOVERNMENT ORGANIZATIONAL
STRUCTURE: AN ANALYSIS OF
SELECTED COMMUNITY GOVERNMENTS,
METHODS, AND CAPABILITIES

RESEARCH SUBMITTED IN
PARTIAL FULFILLMENT
FOR THE MASTER OF MARINE
AFFAIRS DEGREE

BY
ROBERT F. GREENE

APRIL, 1977

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CHAPTER I

INTRODUCTION

We whose names are underwritten do here solemnly in the presence of Jehovah INCORPORATE ourselves into a BODY POLITICK and as he shall help, will submit our persons, lives and estates unto our Lord Jesus Christ, the king of kings and lord of lords and to all those perfect and Most Absolute lawes of his given us in his holy word of truth, to be guided and judged thereby.

-- Compact of the Founders of the Town of Pocasset, 1638 A.D. --

This brief historical reference to the founders of what later became Portsmouth, Rhode Island, is to remind us that local governmental bodies have existed in the area of what was later to become the State of Rhode Island, long before anyone envisioned the formation of the thirteen original states, or the creation of a national government for the United States of America.

Certainly, this institution of local community government, as an important entity of governmental structure and process, is not unique to colonial Rhode Island. Indeed, one can find numerous examples of this in other areas of 17th Century America, notably in Massachusetts, Connecticut, and New York.¹ However, as the title of this paper indicates, we are particularly concerned with the role of local governments within the State of Rhode Island -- a particular, more modern functioning to be sure -- but, nevertheless, one which can associate itself with the long tradition of importance American local government has enjoyed, both within individual states, and nationally.

It is the purpose of this discussion to examine the organizational structure, and the governmental processes selected Rhode Island communities utilize

to carry out their particular role as participants in the management of the coastal resources within their political boundaries. Insofar as practicable, the major sources of information for this research are the communities themselves -- their elected and appointed officials, and the documentary material the Towns generate and use as they carry out their management functions.

In pursuit of our objective, I will first provide a general background framework which will familiarize the general reader somewhat with the impetus behind the concept of coastal zone management, pertinent legislation which outlines Federal, State, and most importantly, for our purposes, local roles in the coastal resource management process, with selected examples of how the local governmental unit's role has been recognized and incorporated in coastal management programs. There will follow a brief resume of the selection of the Rhode Island communities to be looked at. Succeeding sections of the discussion will concentrate on each community -- providing information on the community itself, its governmental structure, and internal processes which demonstrate the community's actual participative function in coastal resource management. I will then endeavor to discuss some pertinent findings based on the communities researched -- their strengths, weaknesses, if any, which contribute or detract from their role as a resource manager, particularly as to the community's self-interests, the State's interests, and the overall goal of effective coastal zone management. Finally, based on my observations, I hope to be able to make some viable comments and recommendations for all communities who face a very important governmental challenge -- that of assuming for themselves an active, positive, frontline role in the management of their coastal resources.

CHAPTER II

THE FRAMEWORK FOR COASTAL ZONE MANAGEMENT

The Coastal Zone Management Act of 1972

Traditionally, federal concerns in the coastal area had to do with waterborne transport. Commencing in the 1960's, Congress broadened its base of interest in coastal resources. It created a special commission, later to be known as the Stratton Commission, and charged this group to develop and recommend a national oceans policy. The recommendations of the Commission were published in 1969, with one of the recommendations being the creation of a federal coastal zone management program.² The Coastal Zone Management Act of 1972 was eventually enacted in response to that recommendation.³

Congress found, as Section 302 of The Act states, that a national interest existed in the "effective management, beneficial use, protection, and development of the coastal zone."⁴ Further, Congress found and declared the following:

The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the States to exercise their full authority over the land and waters in the coastal zone by assisting the States, in cooperation with Federal, and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.⁵

The emphasis of this legislation is to enact a federal system of grants to encourage and assist States in the formulation and implementation of comprehensive management plans for their coastal and marine resources. Three important characteristics of The Act are noteworthy.

As commonly characterized, the legislation deals in process rather than substance. In other words, The Act provides guidelines for the States to utilize in the process of development of their management program, and the processes of management itself once the plan is developed and implemented. The legislation does not lay out specific land and water use decisions -- this is left to the States to decide.

Secondly, the legislation is purely a "carrot" approach to the States to encourage development and implementation of a coastal resource management program. Development and management of a coastal plan is not mandatory. The motivation of federal funding under the legislation is the primary ingredient to encourage States to do so.⁶

The third point to be made, and most important to the topic this discussion has undertaken, is that Section 305 (b) (4) of The Act has been widely interpreted to indirectly assert the States' primacy in the coastal zone management program, over what has been the traditional domain of local governmental units. This section states that the management program shall include "an identification of the means by which the State proposes to exert control over the land and water uses. . . ."⁷ (underlines added). More directly, the Senate Committee reporting The Act to the floor of the Senate fully supported the concept of the States' primacy over local governments. The Committee commented in this manner:

At present, local governments do possess considerable authority in the coastal zone. However, frequently their jurisdiction does not extend far enough to deal fully and effectively with the land and water problems of that zone. Additionally, there have been numerous examples of commercial development within the coastal zone taking precedent over protection of the land and waters in the coastal zone. There has been an understandable need to create revenues to provide governmental services demanded by a growing population, thus creating pressures for commercial, residential, and other economic development.⁸

The Committee then had this to say:

It is the intent of the Committee to recognize the need for expanding State participation in the control of land and water use decisions in the coastal zone. . . . The Committee has adopted the State as the focal point for developing comprehensive plans and implementing management programs for the coastal zone. It is believed that the States do have the resources, administrative machinery, enforcement powers, and Constitutional authority on which to build a sound coastal zone management program.⁹

From the foregoing, it seems very understandable why many people would presume that the State governmental unit was not only ascending in importance in respect to coastal zone management, but, in fact, would totally supplant and eliminate the local unit's traditional role. However, this was neither the goal or intent of the legislation. While encouraging an expanded and important role for the State government in the development and administration of comprehensive plans, The Act did not intend that local governments should or could be left out of the process.

In this regard, The Act addressed itself to the role of local government participation. Section 303, "Declaration of Policy," and Sections 305 and 306 pertaining to the development and administrative grants, all contain references to the participation of local governments in the formulation and administration of the management program for the State.¹⁰ The State has the authority to outline the appropriate roles for the local unit to play, to be sure; but, local government will be a participant, so long as it can show a capacity to do so. The Act does not specifically say so, but does recognize that local government has had a share of the action in the past, and nothing in The Act should be interpreted as to rule out the processes of interaction between local and State

levels now. There is an implied recognition that the local government is the level which is (a) closest to the resources to be managed, and (b) as such, they will be the governmental unit most directly affected by the management policies and decisions reflected in the States' overall coastal management plan.

The State-Local Relationship

From the outset, Federal, and particularly State and local officials have articulated the case for local governmental participation in the coastal zone program. As early as June, 1973, eight months after passage of the Coastal Zone Management Act, numbers of government officials representing the three levels of government participated in a conference at Annapolis, Maryland. Though a great number of issues related to the legislation were discussed, various speakers directly addressed the matter of local government participation. Representative of this concern were the comments of Mr. James M. Dolliver, then an Assistant to the Governor, State of Washington.¹¹

While outlining his State's approach to the management of its coastal resources, and development of a legislative program to that end, the Washington State government recognized three important factors re local government:

- (1) Local government is a vital and primary resource in any State to ultimately get things done. This reality applied to coastal resource management as well as anything else.
- (2) To try and exclude local government from the process would be a drastic mistake. To have local government involved was essential to the goal of joint process.
- (3) Rather than satisfy the local requirement through a volunteer, ad hoc, informal citizen-participation, the participants were to be the official units of local government -- the elected officials.¹²

These three factors articulated by Mr. Dolliver in 1973 are just as accurate and pertinent today; and, most assuredly are not restricted in value to the State of Washington only, but should be part of the philosophical foundation of any State's program. In this regard, a brief mention of Washington's southerly neighbor -- California -- is in order.

California has steered its own course in arriving at solutions for the management of its coastal resources. As formally developed, California's coastal resource management program will be implemented and managed by seven Commissions -- one at the State level, and six at regional levels, geographically situated from north to south.¹³ Vital to the overall management effort is a linkage through the Commissions to the local governmental unit. As envisioned by the drafters of the California Coastal Plan, "The proposed implementation of the Coastal Plan through local land use regulations, with an overview by a continuing State Coastal Agency, is a new and promising approach to State and local cooperation. It offers the maximum in responsiveness to local conditions, accountability, and public accessibility, while assuring that local decisions will protect statewide concerns."¹⁴ Further recognition of the importance of local governments is indicated as follows:

Implementation of the Coastal Plan should rely primarily upon local governments because:

- . Using the existing local government land use planning and development review system can help eliminate duplication at the State level;
 - . Local government is both accessible and accountable to local citizens;
 - . Local governments are best able to reflect the different conditions and values of the many communities along the 1,100-mile coastline.¹⁵
-

I think it is important to remind the reader at this point, that local governmental roles and participation are not the only issues of concern in Washington, California, or any other coastal State, for that matter. Development of a State program or plan for coastal management is a complex process, at best, requiring the satisfaction of a large number of requirements, formal guidelines, response to formal and informal pressures, and the like - the local participation angle is but one consideration of many.¹⁶

The point I wish to illustrate by the above examples is simply this. Despite what might have been implied by the Coastal Zone Management Act of 1972, intended by the Senate Committee's report, or ~~believed by observers~~ of one persuasion or another, the States themselves recognize that local governmental participation is a vital element in their eventual programs. The Washington and California approaches recognize this in their perception of the comprehensive, joint venture aspects of a plan, as well as the local unit's unique position of being the closest level of government to be impacted.

In addition, there is one other impetus behind the recognition of the need for local participation, and I think this is most succinctly put by the aforementioned Mr. Dolliver:

. . . Politics is the heart of what you can or can't do in this matter of coastal zone management; and until we talk about the politics of it and what can and can't be done, and what has been done, and what maybe will get done and how it's going to happen, we're really not coming to grips with the problem.¹⁷

The thrust of the message is quite clear. Politically, the local governmental unit is important to a State's legislative process. It is somewhat easier for a U.S. Senator or a U.S. Congressman to separate himself from local governmental units; he basically deals with a power base at the State level (this is partic-

ularly true for Senators, somewhat less accurate for district oriented Representatives). Not so for State Legislators, who must ultimately enact a coastal plan into law. They are very close to the local governmental unit and constituency. It is much easier to keep track of a State Legislator's position and actions. He probably spends more time in his home district than he does at the State House. Because of this exposure, any coastal program which does not reflect strong consideration of local governmental participation will have a rocky road to passage, if indeed it can ever find its way out of committee.

I think this is what Washington and California have just as much responded to, as well as any other factor in their formal approaches to coastal zone management; and, I believe it is what all coastal States, including my own State of Rhode Island, will be responding to in great measure.

The State of Rhode Island

In my own State of Rhode Island, a proposed coastal management program draft was publicly disseminated in March, 1976. This draft program, in response to suggestions from official levels, notably the Federal Office of Coastal Zone Management, and mounting criticism from various environmentally oriented interests, is currently undergoing revision by the drafters. However, I don't think it is inappropriate to comment on the originally released draft in respect to its addressment of local governmental participation, since I do not expect the revised draft program, when published, to be any less firm or definite in regard to this factor. In fact, I think it is reasonable to presume that the architects of the Rhode Island program will strengthen this section along with others. I do wish to caution the reader, however, that I am referring to a document that is still in the process of development, and will undoubtedly re-

ceive further modification as time goes on.¹⁸

The point I wish to make, or perhaps more accurately, the Rhode Island draft program wishes to make, is that public participation (and our particular concern here, local government participation) has always been a priority matter for those State bodies concerned with management of coastal resources.¹⁹

Since 1969, when State officials became aware of the need for an organizational and legislative structure to manage Rhode Island's coastal areas, public participation has been a matter of concern.²⁰ Early attempts to create a State body with authority in the coastal zone failed in one respect (there were other reasons) because of a sufficient lack of local community representation on a proposed management council. Finally, in 1971, a Coastal Resources Management Council (CRMC) was created by legislative action, and charged with a variety of responsibilities in the coastal zone management area.²¹ Not surprisingly, the Council, as finally made up, had a much larger local community and local governmental flavor to it; twelve of seventeen members appointed were to have municipal connections.

The legislative findings leading to the creation of the Council indicated that effective implementation of policies to preserve, protect, develop, and where possible, restore the coastal resources of the State could be best achieved through the Management Council. The Council was, and is yet, authorized to formulate policies and plans, and to adopt regulations to implement its programs.²² Operationally, the Council today is involved in planning, coordination, arbitration of conflicts, permitting and licensing, enforcement, coordination and cooperation with other State agencies, local governments, and private groups.

The policies and regulations the Council has adopted cover all of the areas noted above.²³ In particular, the Council specifically acknowledges local government's role:

The Council shall make strenuous efforts to keep municipalities informed of its activities and to consult with them on matters of mutual concern.

The Council recognizes that the uses of land which communities permit in the coastal region are directly related to the management of coastal resources. This relationship must be recognized by all parties involved in making any decisions as to the development or use of land, water, sub-surface land, or air space. The regulation of development in flood-plain areas is a local government function which is of particular concern to the Council. The Council shall encourage municipalities to adopt and administer controls in these areas which are consistent with the Council's policies.²⁴

"Consult," "communicate," "coordinate," "avoid conflict," are four themes which one can detect in the Council's policies, particularly in respect to local government. These themes are also reflected in the Chapter 8 of the draft program for Rhode Island. Again, at the risk of belaboring the point, I must emphasize that what we have here is a recognition on the part of a State body (which, if you will recall from some of the earliest comments in this paper, is to assume primacy in coastal affairs) that the local governmental body is essential to an orderly process. Dr. William W. Miner, a member of the Coastal Management Council was most emphatic in this as he discussed the Council - local government relationship with me.²⁵ Both formally, and informally, Dr. Miner feels the Council makes every effort to coordinate and cooperate with the local community, rather than conflict with it. I think anyone who reads the draft program will find this philosophy pervading Chapter 8.

Conclusion

By now, I hope the reader has some idea of the philosophy which was reflected in the original draft of the Rhode Island program, and which will be carried over into subsequent drafts. The recognition of, and participation of the local governmental unit will be an important factor in the management

processes in Rhode Island, as it has been in Washington State, and California, which I outlined earlier.

By no stretch of the imagination has my discussion in this Chapter covered every facet of, and issue connected with the Coastal Zone Management Act, the programs in Washington, California, or Rhode Island; or even all the aspects of public participation, for that matter. Indeed, one could write ad infinitum about the Federal legislation, State regulations, conflicts and compromises, and so forth, which are part of the history of coastal resource management. I do hope I have given the general reader some familiarity with the concept of coastal zone management, and the local government aspect, which has led him or her to this initial conclusion -- Local governmental participation in coastal zone management has been of concern at all levels of government since the basic inception of coastal resource management emerged in the late 1960's; and, that a responsible role for local government is assured, so long as that governmental unit can demonstrate a viable capacity to participate in the coastal resource management process.

Commencing in the following Chapter, we will begin our examination of four Rhode Island communities, and how they endeavor organizationally, to meet this responsibility.

CHAPTER III

SELECTION OF THE RHODE ISLAND COMMUNITIES

Introduction

The State of Rhode Island consists of approximately 1,058 square miles of land area. Contained within this area are 39 separate units of municipal government - 8 cities and 31 towns. Of these 39 municipalities, 7 cities are designated as coastal communities, and 16 towns are similarly designated.²⁶ Map 1 is a general orientation map for Rhode Island communities.

Mr. Robert W. Sutton, Jr. has written an excellent article on the various forms of local government in Rhode Island. He had this to say about the development of the Cities and Towns as political divisions:

The boundaries of the 8 Cities and 31 towns do not represent optimum political division but are, generally, the product of history. They represent the results of the original land sales from the Indians, the original land use employed in a particular area, border settlements with neighboring States, geographic or natural boundaries and the differences in religion of the earlier settlers.²⁷

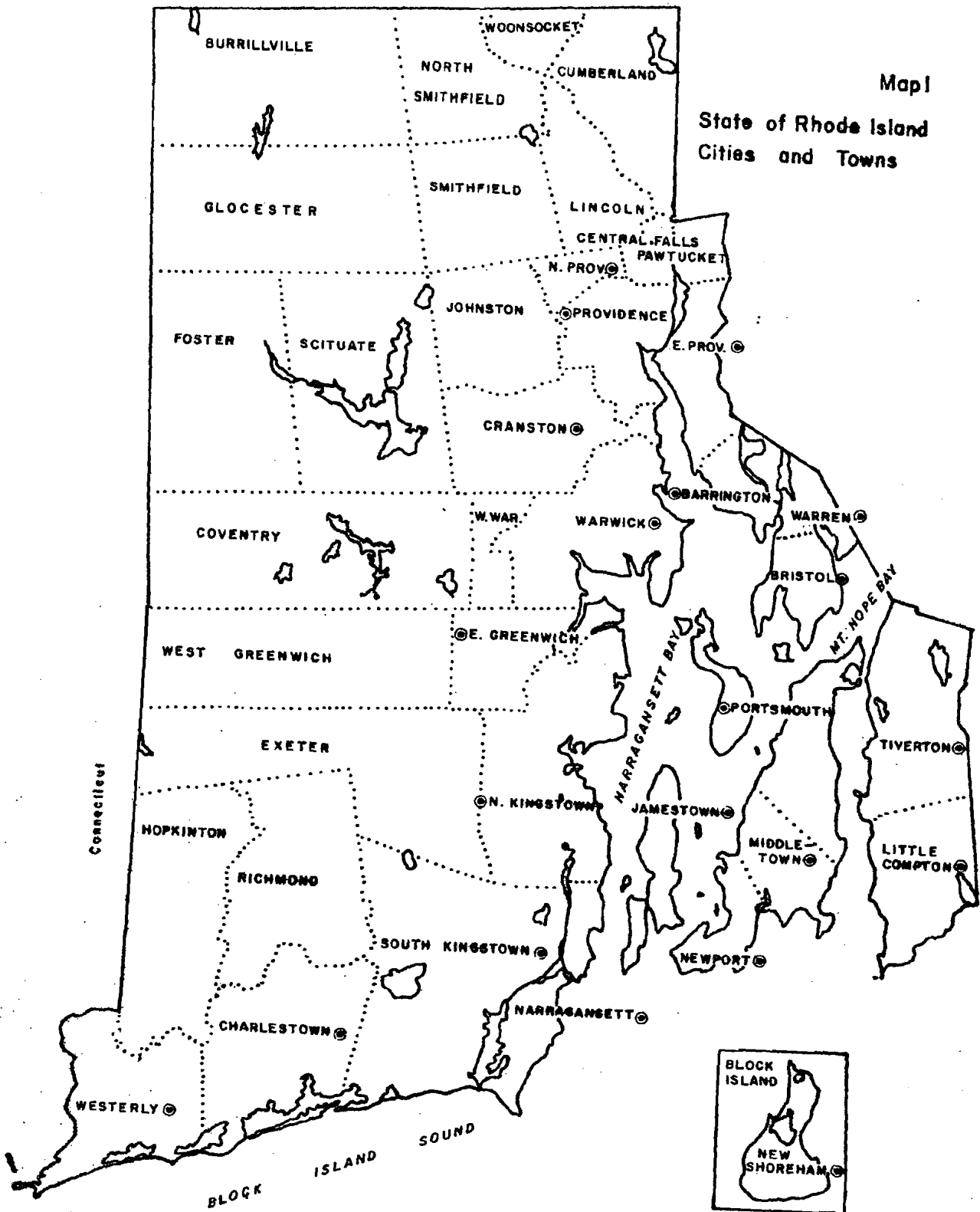
However founded or delineated, the political boundaries of the Cities and Towns have survived over time, or as Mr. Sutton succinctly puts it, ". . . Boundaries have taken on a sacred quality that has defied most attempts to change."²⁸

In any event, Rhode Island's Cities and Towns are a firmly entrenched, for better or worse, legal and organizational reality, which have survived from colonial times to the present. Four of those political divisions were selected

Massachusetts

Map I

State of Rhode Island
Cities and Towns



⊙ = coastal community

for examination as part of this project.

Town Selection Criteria

As this section's sub-title indicates, I have concentrated my research in the smaller of the two Rhode Island units -- the Town. This is a purely arbitrary decision on my part. It reflects the unit of government which has always held the most fascination for me. This is even more true since I have become an interested citizen in my own adopted, small, Rhode Island Town. This exclusion of the City governmental unit should not suggest it is not worthy of study; nothing could be more inaccurate. The study of a large bureaucratic unit would be most informative. However, I shall leave that challenge to someone else (or myself at another time).

In addition to this highly personal preference to look at Town governments, three other basic criteria were established:

- (a) The communities selected would be from those designated as coastal communities in the Rhode Island Draft Program.

I don't think this requirement needs further discussion.

- (b) The communities should be geographically separated.

The intention here was that geographic separation would lend some form of "uniqueness" to the particular local coastal resource problems each community had to respond to, even though the actual organization and process approach might be very similar. For example, one community might be categorized as having a beach-summer resort orientation, while another Town's coastal resource challenge might be primarily one concerned with wetlands and salt marshes, and, so forth.

- (c) A maximum of four communities would be researched.

Time limitations were the primary constraint in not attempting to research more than four; but, I also felt even a random selection of four Towns would provide a reasonable cross-sectional picture of Rhode Island local community efforts and capabilities in coastal resource management.

- (d) Two of the communities selected were to be "residential-suburban" in character, and two were to be "residential-rural" in character.

The selection of two communities in each category was obviously to enhance the possibility of contrast-comparison in the field study. The characterizations of "residential-suburban," and "residential-rural" are my own inventions (at least to the best of my knowledge, they are). In my scheme of things, one simply characterizes a Town by the way the townspeople describe their community (though they may never use the terms I've coined above). In this simplistic system, a "residential-suburban" Town is quite simply one where the Town has a mix: i.e. the smaller town residential flavor, and at least a moderate amount of manufacturing or other level of commercial activity, though of a less degree than one would anticipate finding in the urban city. People live in, engage in small business, and generally carry on activities in a less crowded environment than their counterparts in the city. The manufacturing and larger commercial activities are important to the Town, in terms of revenue etc., but the residents do not perceive themselves as living in a manufacturing area.

The "residential-rural" category simply identifies a community which has even more of a residential flavor to it, with little or no manufacturing or large commercial activity, other than the small service type businesses one might

expect to find in any small community. In the sense I use "rural" one does not necessarily expect to find a true farming community (though some of that activity may go on); but, one would find a goodly amount of undeveloped or unpopulated land area.

Using the criteria outlined above, I selected the following communities for my field research:

<u>Residential-Suburban</u>	<u>Residential-Rural</u>
Barrington	Jamestown
North Kingstown	Charlestown

Obviously, one could have entered into a most complex process for selection. For example, a large amount of data on all the 23 coastal municipalities could have been gathered, correlated, put through a computer process, and result in a most scientific selection. Time and resources were not available to me to do that; so, my makeshift method must suffice. I extend my apologies to those scientific purists who may have to be subjected to my method.

Despite the "unscientificness" of the selection process, I am satisfied the information I was able to derive from these four communities justified their selection for this project.

Commencing in the following Chapter, I will examine, in detail, the governmental structure and internal processes each of these communities utilize in the coastal resource decisioning process.

CHAPTER IV

THE COMMUNITY GOVERNMENTS

Introduction

Prior to examining each Town in turn, I think it would be helpful to discuss some general features of Town government structure in Rhode Island which will give you a useful frame of reference for when we look at specific communities.

In the simplest of terms, the organizational structure of a Town government in Rhode Island seems to be the end result of a variety of influences -- The State Constitution, The General Laws of Rhode Island, special legislative acts of the General Assembly, court decisions, charters, tradition, and the desires of the local population itself, as reflected in local codes and ordinances.

Basically, the General Laws of Rhode Island provide the legal foundation for the existence of a local governmental unit.²⁹ For example, Title 45 requires each Town to elect a Town Council, Town Clerk, Moderator, Treasurer, Town Sergeant, Tax Assessor. Additionally, the General Laws empower the Town Council to, among other things:

- . . .Have full power to manage the affairs and interests of the Town, and to determine all such matters and things as shall by law come within their jurisdiction.³⁰
- . . .From time to time make and ordain all ordinances and regulations for their respective Towns.³¹

In addition to the General Laws provisions for Town governments, the Rhode Island Constitution has provided a "home rule" charter provision which allows a community to further secure certain legal rights to self government in local matters.³² Three of the four Towns covered in this paper are home rule communities. Charlestown

is the exception.

In essence, the concept of home rule merely allows a community to opt for a particular type governmental structure. In the case of the Towns researched, three of the four can be classified as Council-manager (or administrator) types of government; these are Barrington, Jamestown, and North Kingstown.

The Council is the elected, legislative body; the Manager is the chief executive and administrative official, appointed by the Council.

Charlestown, a non-charter community, has a Council-Town meeting type of structure. In this system, the Council performs both legislative and many of the executive functions of the Town, necessitated by the absence of an appointed administrator. The Town's electorate shares certain legislative functions with the Council through various types of town meetings.³³

For all practical purposes, however, a charter and a non-charter Town can be expected to have similar organizational structure in terms of offices, departments, commissions, and the like. The powers, functions, and responsibilities of the various entities all derive their legal basis from the General Laws, special legislative acts, and locally generated charters, ordinances, or directives.

Our particular concern is with those sub-units of local government organization which might be expected to play a role in the internal processes of government relative to coastal resource management. I think Table 1 will serve to give you a reasonable conceptual guide to the sub-units of government one might typically find involved in the communities of Rhode Island. The table is representative; it does not depict one particular community, nor does it include all the sub-units which one would find in one community, or another. Those other units will be covered in the specific discussion of individual Towns covered in the following

TABLE 1

LOCAL GOVERNMENT SUB-UNITS ACTIVE IN COASTAL RESOURCE MANAGEMENT PROCESSES

Unit	Legal Basis (a)	Powers/Duties (b)
Town Council	General Laws of R.I. Town Charter other local ordinances, directives not conflictual with state law.	Vested with all legislative powers of the Town, except those vested in the financial Town Meeting, State Constitution, the Charter, or the General Assembly. May enact and amend ordinances; create, charge, and abolish offices, departments, or agencies not established by charter; may assign functions or duties; adopt rules for conduct of its meetings; appoint regular, standing, or special committees; appoint the Town Manager/Administrator, and remove him at discretion.
Town Manager/ Administrator	Charter	The chief executive and administrative officer of the Town government. Responsible to the Town Council for the proper administration of all affairs of the Town placed in his charge by the Charter.
Conservation Commission/ Water Front Authority(c)	General Laws of R.I. Charter Special legislative act(c)	To promote and develop natural resources of the Town; protect watershed resources; preserve natural esthetic areas in the Town.
Planning Board/Commis- sion	General Laws of R.I.	Make, amend, extend, add to a master plan for physical development of the Town.
Harbor Commis- sioner/Harbor Master	Local ordinance, resolution	Provide guidance on all matters related to efficient use of Town's public waters.

TABLE 1 -- Continued

Unit	Legal Basis (a)	Powers/Duties (b)
Zoning Board or Review	General Laws of R.I. Charter	Approval, rejection, for special exceptions or variances to the zoning ordinance; appeals body for decisions of other offices responsible for enforcement of zoning ordinance; review, recommend changes to zoning ordinance.
Planning Dept., Town Engineer, Bldg. Inspector	Charter Local ordinance	Assignment of powers and duties consistent with functions assigned.

- Notes: (a) All legal sources indicated need not apply to the sub-units listed. For example, a Town Council is completely legal under the General Laws only; there need not be a Charter in place.
- (b) Powers and duties of sub-units are usually much more detailed than as represented here. Charters usually detail more extensive powers to Town Councils and Managers, particularly in regard to financial administration.
- (c) The Water Front Authority is not a representative sub-unit, but is included here, for completeness, since one community uses it in lieu of a Conservation Commission.

sections. I will detail the organizational structures of Barrington, North Kingstown, Jamestown, and Charlestown, in that order. Following that, my next Chapter will comment on the structures and methodologies encountered.

Barrington ³⁴

A. General Information

1. Location: See Map 2. Nine miles southwest of Providence; bounded on the northwest by East Providence, on the northeast by the State of Massachusetts, on the east by the Warren River, and on the west and south by Narragansett Bay.

2. Area: Total 15.8 square miles

8.9 square miles land area

6.9 square miles inland water area

3. Population: 17,400 persons (1975 estimate)

4. Town Profile: Barrington is primarily a residential Town, with some manufacturing businesses located there. It is characterized by most people familiar with the area as a picturesque, prestigious, highly desirable area in which to live or visit. Residents are principally of a higher than average income and educational level.³⁵

B. Coastal Resource Profile

Barrington has a high degree of wetlands per unit area. Due to the influences of a number of rivers and creek systems, as well as Narragansett Bay, Barrington has major estuarine areas, wetland and salt marsh systems, which are both picturesque in nature, but valuable ecological resources, as well. Barrington also has excellent water recreation resources, in the form of marina and beach facilities.

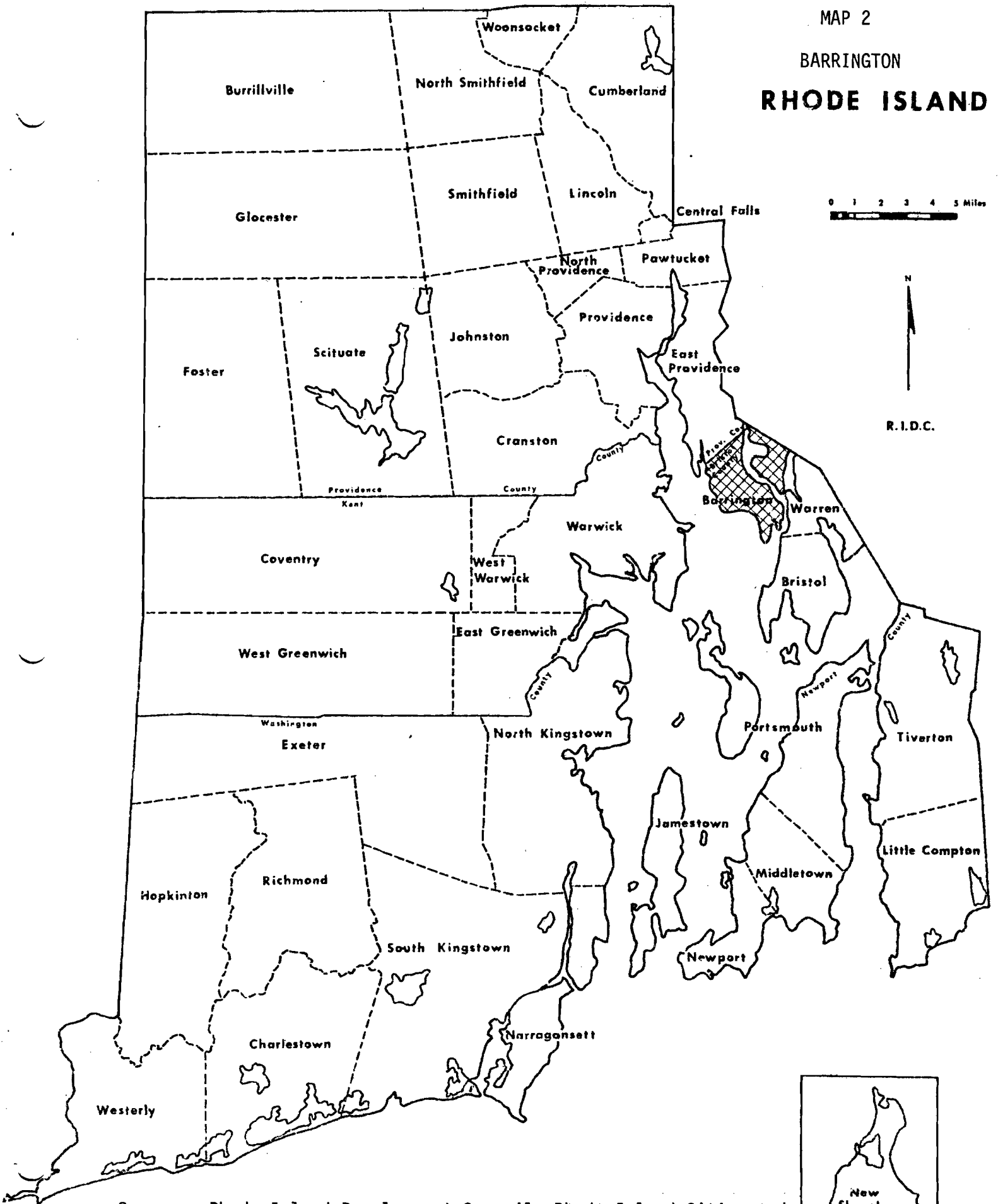
C. Town Government Organization

1. Type of Government: Town Council - Manager

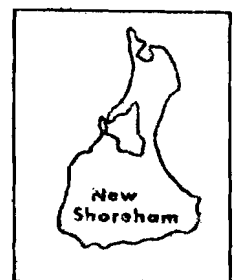
2. Overall Governmental Structure: See Chart 1

3. Internal Organizational Flow Process

MAP 2
BARRINGTON
RHODE ISLAND



Source: Rhode Island Development Council, Rhode Island Cities and Towns Monographs: Barrington (Providence, R.I.: Rhode Island Development Council, 1976)



The internal governmental sub-units which are operative, and involved, at one level of activity or another, in Barrington's coastal resource effort, are depicted in Chart 2. You will note immediately two external State agencies represented -- the Department of Natural Resources (DNR) and the Coastal Resources Management Council (CRMC). The dotted lines of communication are to draw attention to the fact these two units are external to the Barrington government. Of interest, however, is that these two agencies have a line of communication, not only with the Town Council, which is expected, but also with staff sub-units, namely the Conservation Commission, and the Sewer Commission, in the case of DNR, and the Conservation Commission in the case of the CRMC. In other words, organizationally, there can be direct consultation between concerned State agencies and particular sub-units in the Barrington structure.

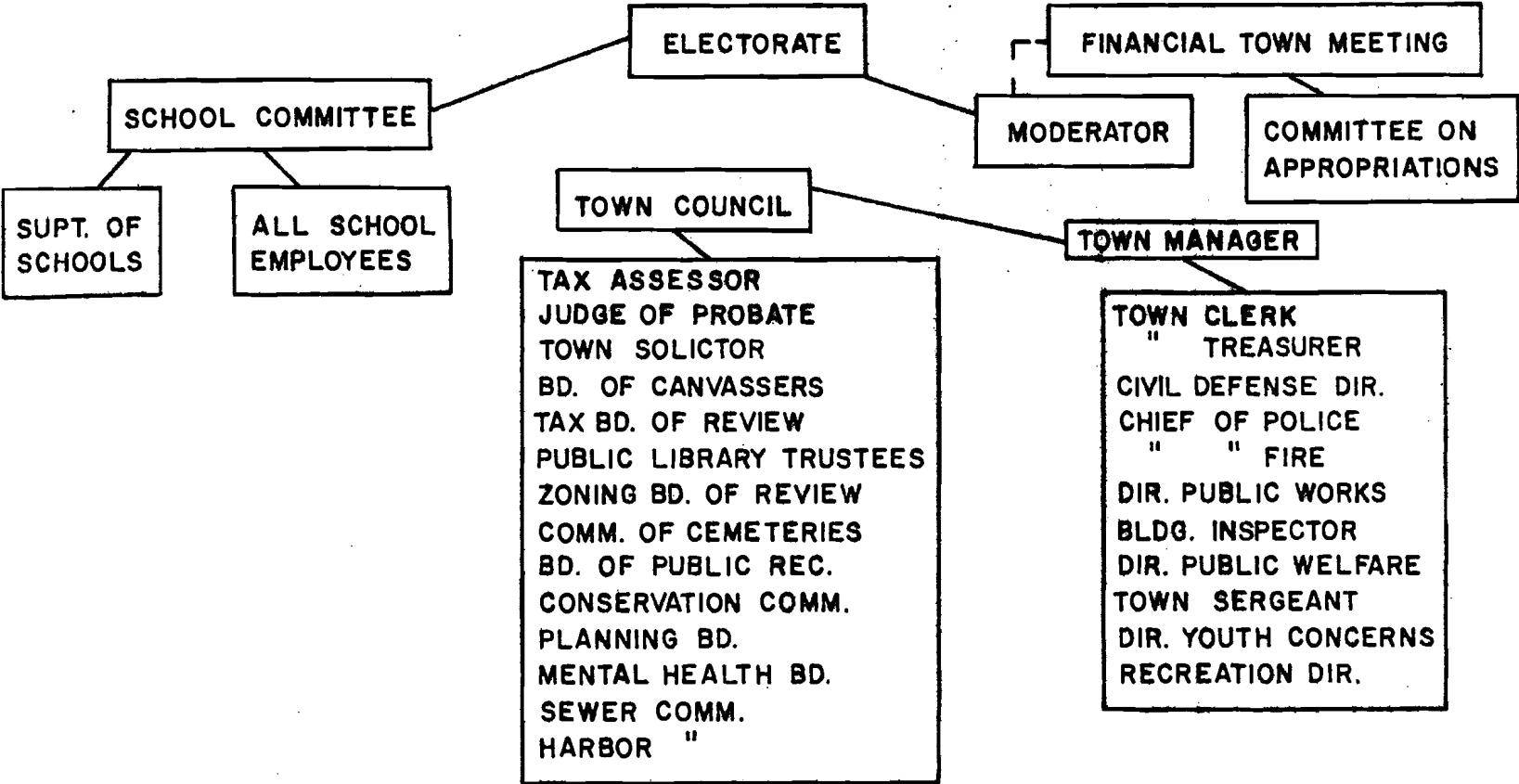
If you will recall from Table 1, most of the sub-units in Chart 2 are described; the two which are not are the Sewer Commission and the Mosquito Control Board.

The Sewer Commission, created by the Town Council in 1975, is generally charged with implementation of the town-wide sewer program. In regard to coastal resource environmental matters, however, the Sewer Commission has an organizational relationship to the Conservation Commission, for the specific purpose of insuring that minimal environmental impacts occur from sewage construction and operation.

The Mosquito Control Board, established by Town Council resolution in 1975, is charged with the administration of a three year program to control the insect (recall that Barrington has a high percentage of wetlands, traditional breeding ground for this pesky fellow). Since the plan implemented calls for clearing and reestablishment of salt water and fresh water ditches in the marshes, as well as stringently controlled chemical procedures, the Mosquito Control Board has an exceptionally close relationship with the Conservation Commission, which is actually

Chart I

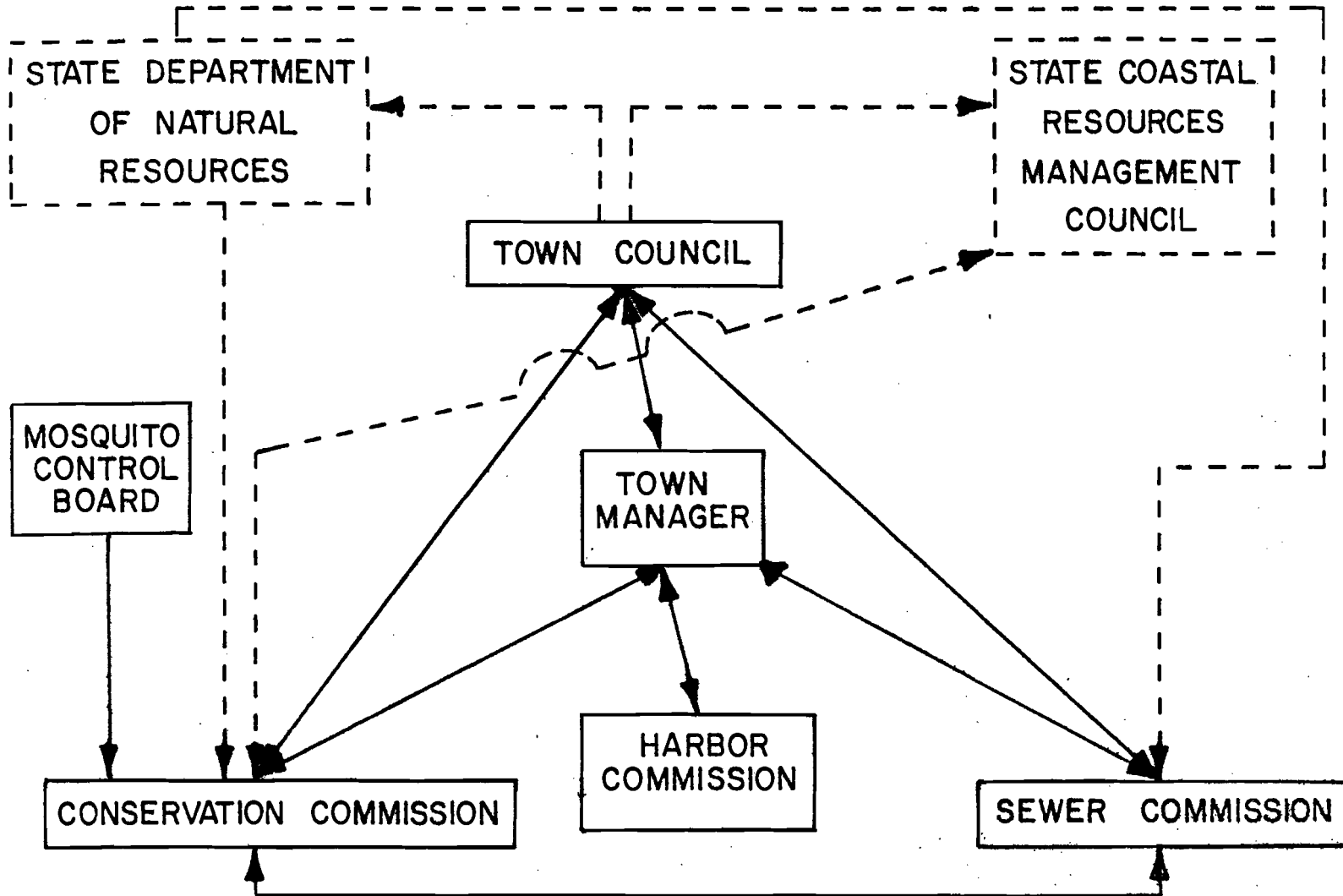
BARRINGTON TOWN GOVERNMENT ORGANIZATION



Source: Town of Barrington, Offering Circular of The Town of Barrington Rhode Island Relating To \$10,000,000 General Obligation Bonds (Barrington, R.I.: Town of Barrington, 1976)

Chart 2

BARRINGTON ORGANIZATIONAL FLOW PROCESS



the "over-see" body for the program. Not directly shown in Chart 2 is that the Mosquito Board can, if it wishes, communicate directly to the Town Council on matters within its purview, in addition to its close affiliation with the Conservation Commission.

Also not shown in Chart 2 is that each of the sub-units represented has a Town Council member assigned to it for liason purposes. This effectively gives each unit a direct link to the overall governing body in the Town organization.

Chart 2 is an overall depiction of the internal processes of the Barrington government. However, I think it is beneficial to separate out a particular decisioning process that goes on, and devote a little individual attention to it. This is the so-called "Permit Process."

Basically, what I am talking about here is the handling of a permit application directed to the Town by the CRMC. If you will recall, the CRMC is the State level agency charged with the permitting and licensing processes related to coastal resources. In that regard, the Council consults with a local community on matters of mutual concern, and the decisions thereto. A primary vehicle in the decisioning process is the handling of a permit application.

If a person, agency, company etc. wishes to engage in certain activities in a coastal resource area, they must obtain a permit to do so, from the CRMC. Examples of the type of activity which would require a permit are listed below, though this is by no means a complete listing:

- Construction or repairs to sea walls
- Pier construction, modification, repairs
- Drainage systems
- Dredging projects
- Road construction
- Structural building

When this type of activity applied for is to tentatively take place within a Town's resources (as opposed to State or Federal administrated areas) the CRMC will forward copies of the application to the Town affected, with a request for their comments.

Chart 3 represents Barrington's internal handling of a permit application. In this instance, the CRMC forwards a copy of the application to the four units shown. Each of three sub-units develops its position on the application, which is then forwarded to the Town Manager; he, in turn, presents the inputs to the Town Council (though the inputs of each unit are addressed directly to the Town Council - the Manager is acting administratively). The Town Council reaches its decision, which is then fed back to the CRMC, with appropriate comments. The CRMC then acts internally on the application, with the Town's inputs included in their process.³⁶

As with all governmental processes, there can, and will be, variations of procedures in response to the peculiarities of individual situations. However, the foregoing outline most typifies the Barrington processes.

North Kingstown³⁷

A. General Information

1. Location: See Map 3. Approximately 20 miles south of Providence. Bounded by City of Warwick and part of Town of East Greenwich on the north; bounded by Narragansett Bay on the east, by the Towns of South Kingstown and Narragansett on the south, and by Exeter on the west.

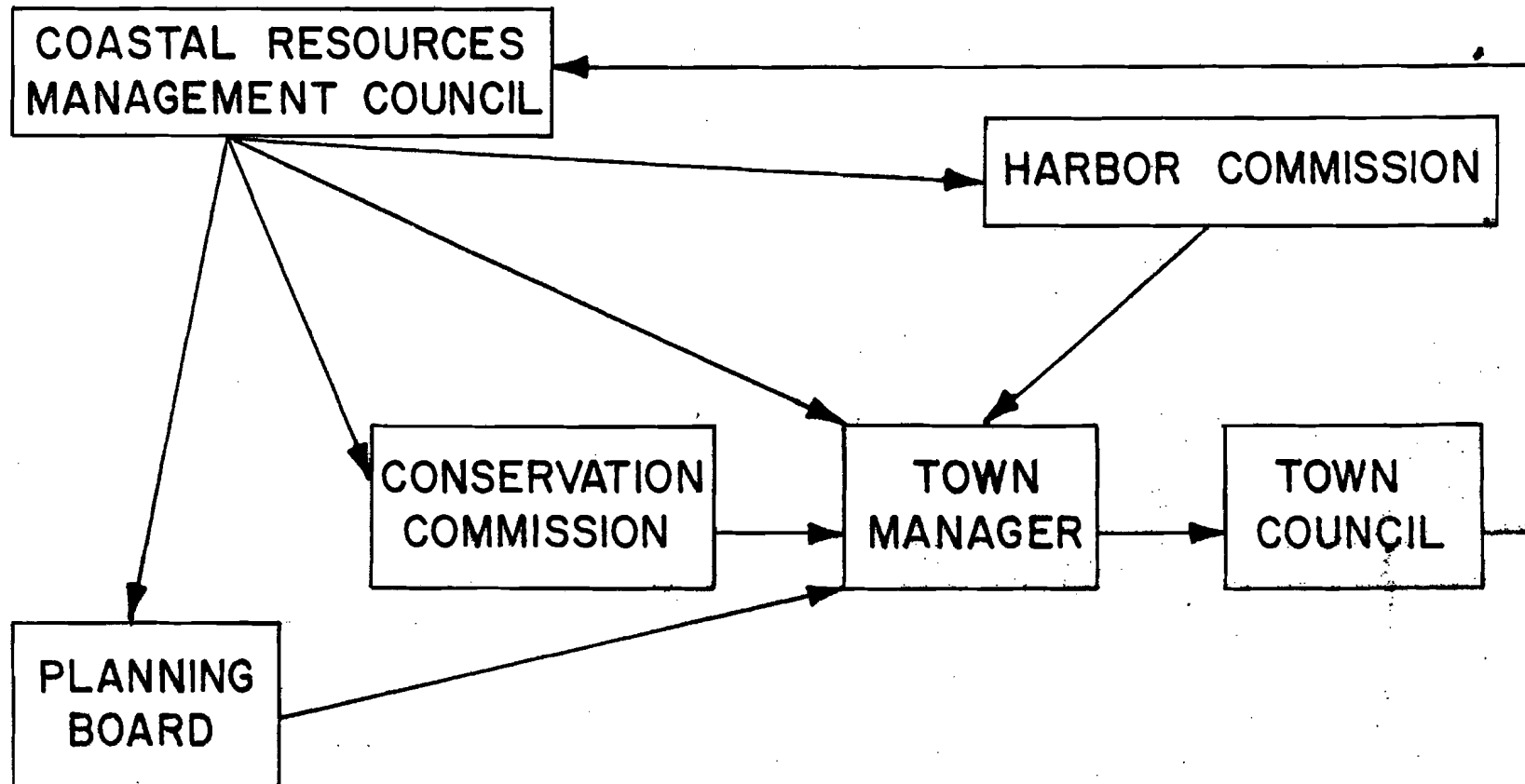
2. Area: Total 58.3 square miles

43.5 square miles land area

14.8 square miles inland water area

BARRINGTON PERMIT PROCESS

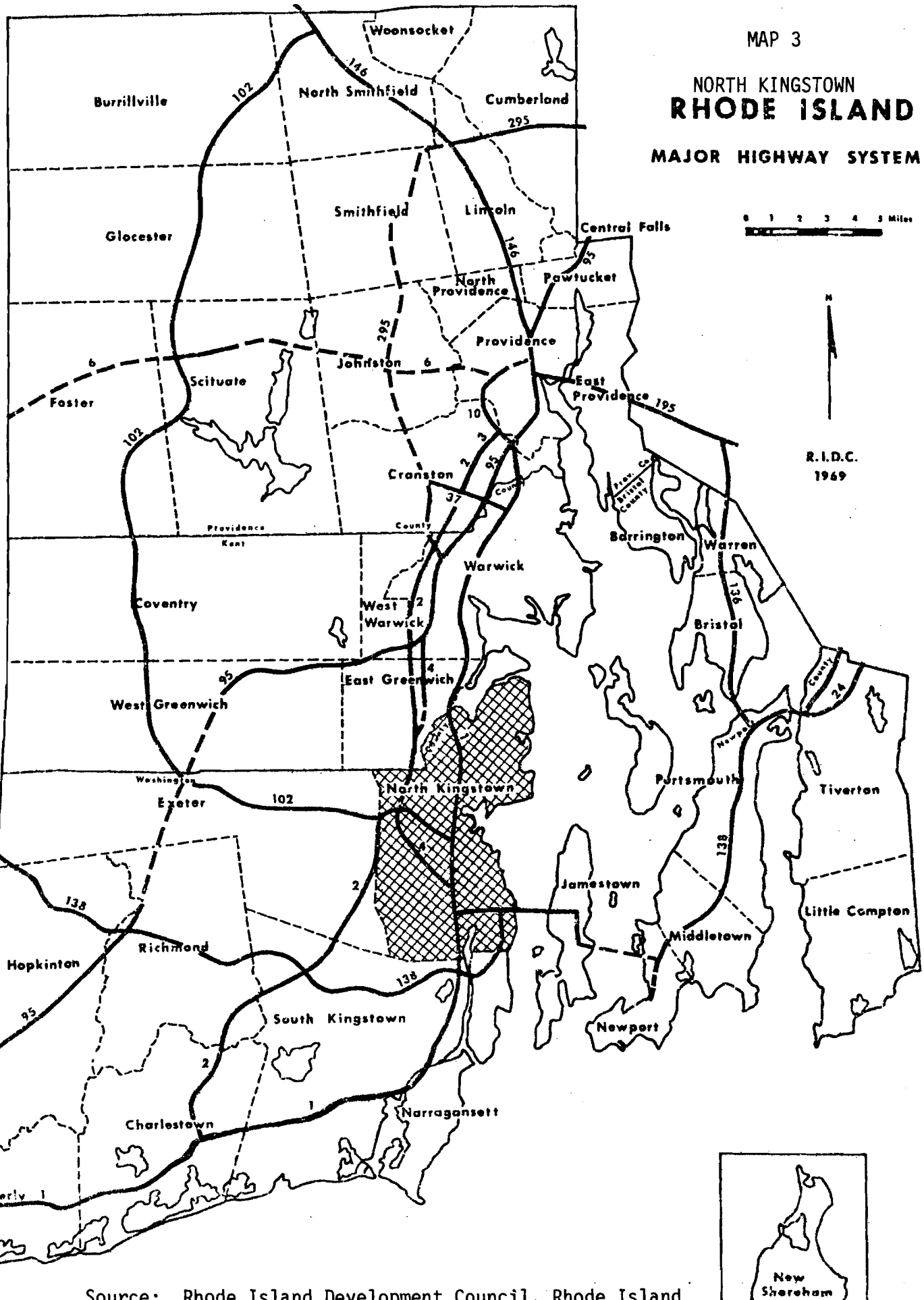
Chart 3



MAP 3

NORTH KINGSTOWN RHODE ISLAND

MAJOR HIGHWAY SYSTEM



R.I.D.C.
1969

Source: Rhode Island Development Council, Rhode Island Cities and Towns Monographs: North Kingstown (Providence, R.I.: Rhode Island Development Council, 1975)

3. Population: 20,000 (1975 estimate)

4. Town Profile: North Kingstown is a residential community with a stronger orientation toward industry than the previous Town outlined. This is primarily due to approximately 300 acres of developed industrial area in the former Naval Air Station Quonset/Davisville Seabee Base Complex fronting on Narragansett Bay. Additionally, North Kingstown identifies five other industrial sites (undeveloped) of 799 acres. Though the Quonset/Davisville area is somewhat in limbo as to its status and future uses, North Kingstown is hopeful the area will be used industrially by private enterprise, with the Town being a beneficiary in taxes, and employment for its residents. In addition, parts of the complex are suitable for recreational purposes. North Kingstown, despite a stronger industrial emphasis, remains a desirable, historic, and picturesque residential community.³⁸

B. Coastal Resource Profile

Due to its large area, North Kingstown has a variety of resources ranging from salt marshes and river areas important as tidal estuaries, to major flood plain areas; also, there are various harbor inlets, tidal flats, and the like, with esthetic, ecological, and recreational potential. With 15 miles of coastline, North Kingstown offers extensive opportunity for swimming, boating, and fishing.

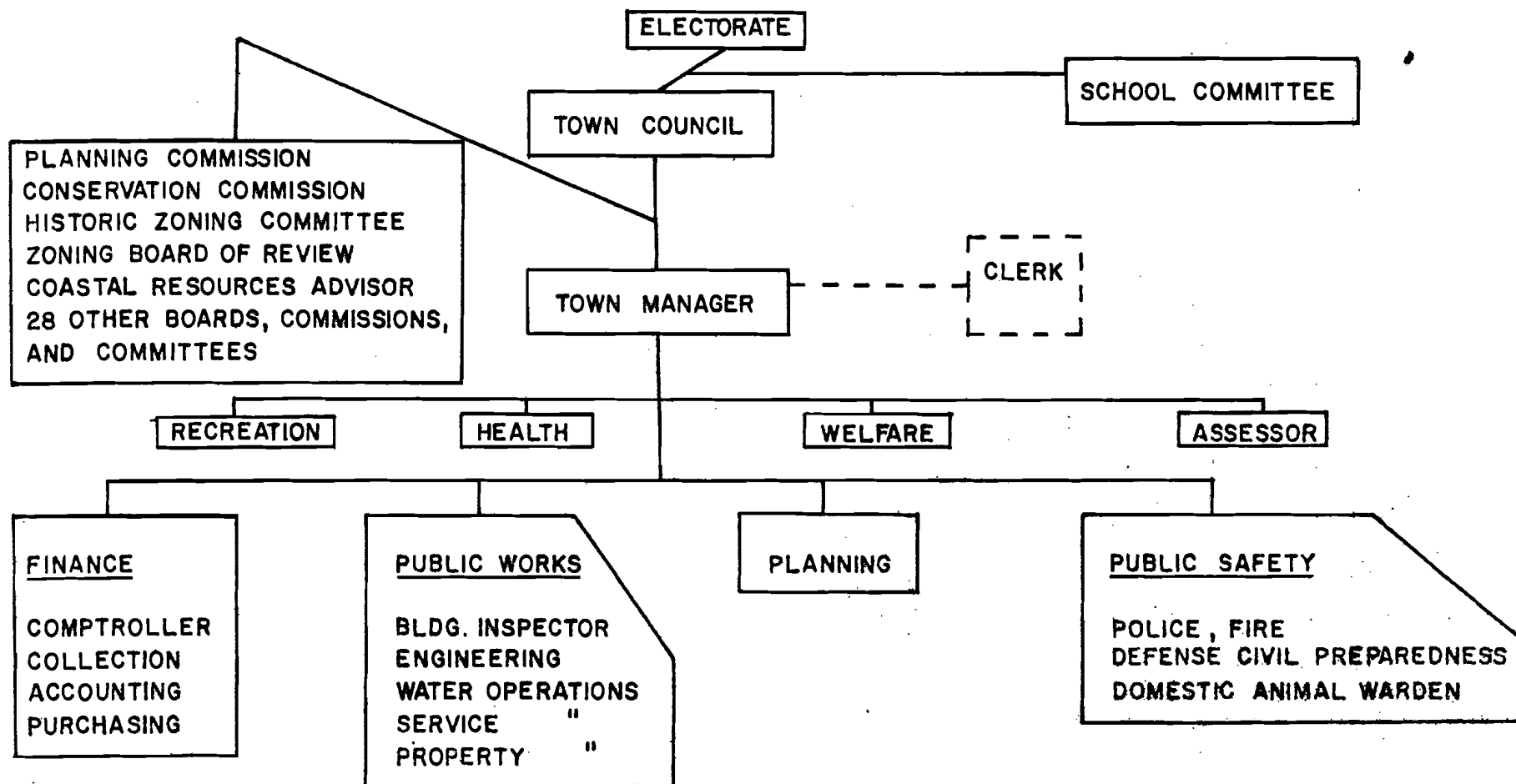
C. Town Government Organization

1. Type of Government: Town Council - Manager

2. Overall Governmental Structure: See Chart 4

3. Internal Organizational Flow Process: The governmental sub-units involved, at one level of activity or another, in coastal resource issues, are depicted in Charts 5 and 6. Using the permitting type of example mentioned in the Barrington discussion, we are able to denote those units internally involved in

NORTH KINGSTOWN GOVERNMENT ORGANIZATION Chart 4



Source: Town of North Kingstown, Annual Report: 1974 (North Kingstown, R.I.: Town of North Kingstown, 1975)

NORTH KINGSTOWN ORGANIZATIONAL FLOW PROCESS

Chart 5

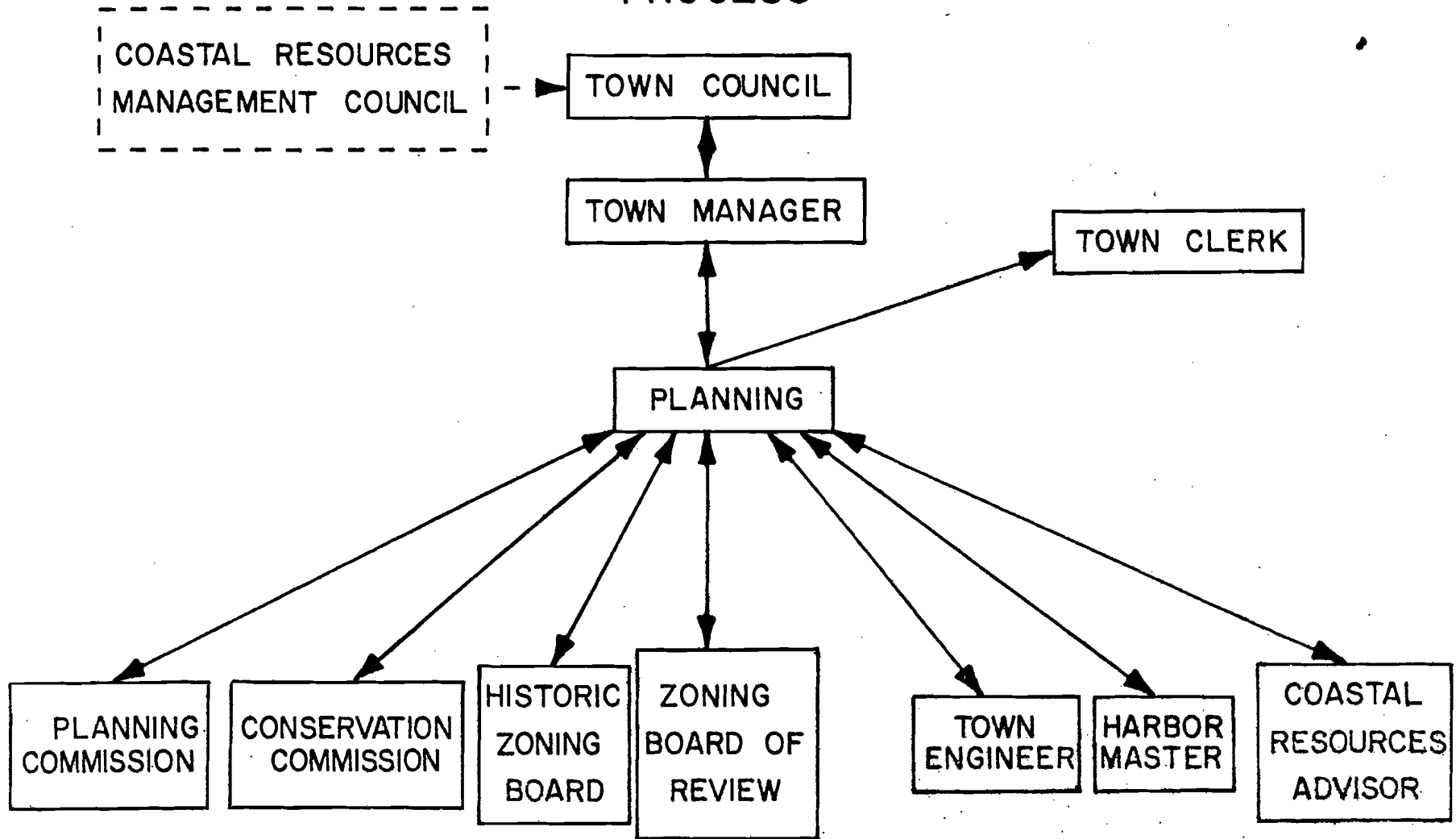
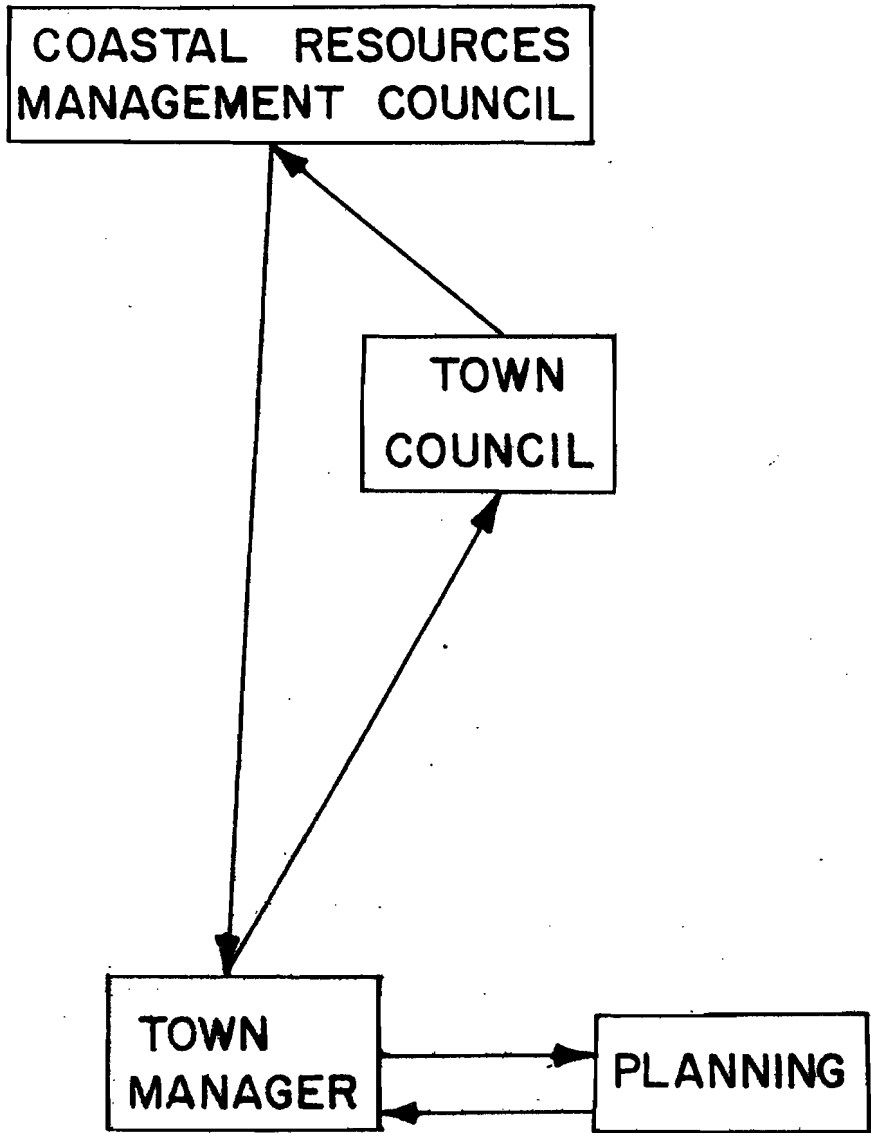


Chart 6

NORTH KINGSTOWN
PERMIT PROCESS



the decisioning process. Theoretically, the Town Council, as the legislative unit, receives the copy of the permit application forwarded by the CRMC. In reality, the application comes through the Town Manager, as the chief executive officer for the Town. The Planning Department becomes the focal point for coordinating the Town's response to the application. As shown in Chart 5, the Planning Department distributes copies of the permit application to the various sub-units shown. The copy to the Town Clerk is for administrative purposes only. Each of the other sub-units, who wish to respond, provide feedback to the Planning Department. Sub-units are not required to respond; if they do not, it is presumed they do not object to the project proposed.

As depicted in Chart 6, the Planning Department correlates the inputs from those other units which have responded, relays the recommendations to the Manager; he, in turn, presents the matter to the Town Council. Their decision is then forwarded back to the CRMC as North Kingstown's input.

Again, as with Barrington, the above process is capable of variation; but, time and circumstances allowing, this is generally the manner in which North Kingstown's governmental unit operates in respect to a coastal resource issue.

Jamestown³⁹

A. General Information

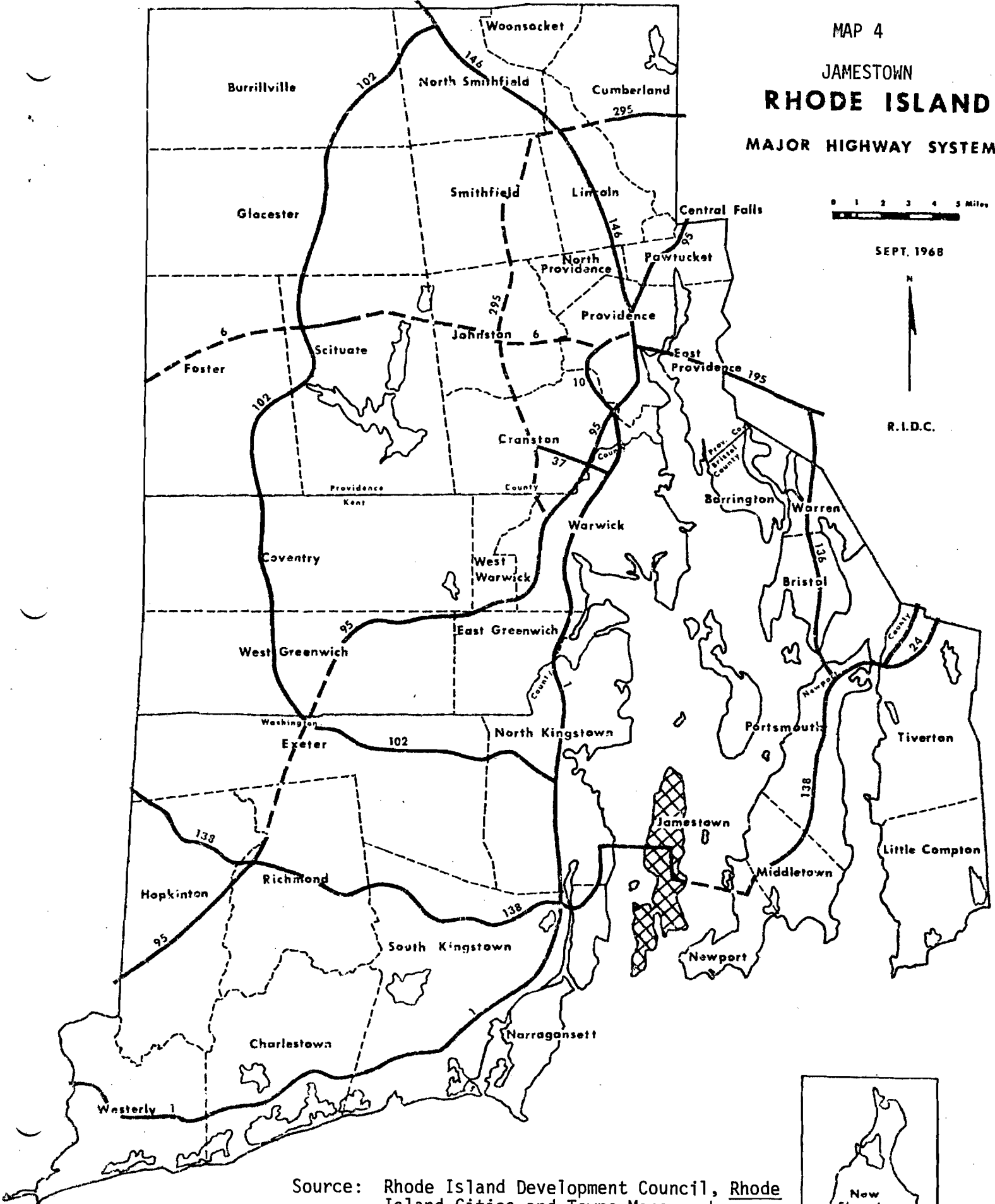
1. Location: See Map 4. In Narragansett Bay, approximately 26 miles south of Providence. Bounded by the Bay on the north, east, and west; bounded on the south by the Atlantic ocean. Jamestown is on the island of Conanicut. Two smaller islands, Dutch and Gould, off the northeast and mid-west shores of Conanicut respectively, are also part of the Town.

2. Area: Total 31.5 square miles

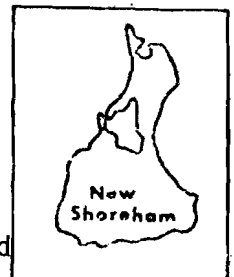
9.7 square miles land area

21.8 square miles inland water area

MAP 4
 JAMESTOWN
RHODE ISLAND
 MAJOR HIGHWAY SYSTEM



Source: Rhode Island Development Council, Rhode Island Cities and Towns Monographs: Jamestown (Providence, R.I.: Rhode Island Development Council, 1974).



3. Population: 2,911 (1970 Census)

4. Town Profile: Jamestown is a quiet, rural-like residential community. It's geographic location, in the Narragansett Bay, with bridge links to the mainland and Aquidneck Island (Newport), has been a major factor in Jamestown retaining its fairly sparse residential flavor, rather than develop commercially. Most residents are employed outside the island. Its location and country atmosphere have made Jamestown a desirable summer resort area. The Town has maintained a close association with its neighbor to the east, Newport; however, there is an indication that the community is beginning to orient itself toward the Towns on its western side, in recognition of common concerns it shares with them.⁴⁰

B. Coastal Resource Profile

Jamestown, as previously noted, has a large amount of inland water area (21.8 square miles), in addition to its coastline. Most of the inland area is underdeveloped, and of importance to protect as part of the island and the Bay's eco-system. Jamestown's coastline is not primarily beach strand, as might be supposed (though the island has six beaches). The coastline is primarily sedimentary rock formations which are valuable for esthetic purposes, rather than beach use. Most of the shoreline is zoned residential, with large parcels of land in private ownership. Jamestown provides a variety of pier space for pleasure boating, and ocean fishing off its southern coast.

C. Town Government Organization

1. Type of Government: Town Council - Administrator
2. Overall Governmental Structure: See Chart 7
3. Internal Organizational Flow Process: Jamestown's internal processes relative to coastal resources involve four sub-units, as shown in Charts 8 and 9:

the Town Council, Water Front Authority, Planning Board, and the Building Inspector. Note that Jamestown does not have a Conservation Commission, as did the two previous Towns discussed. Jamestown's equivalent unit is the Water Front Authority. This is a rather unique unit, and deserves some explanation.

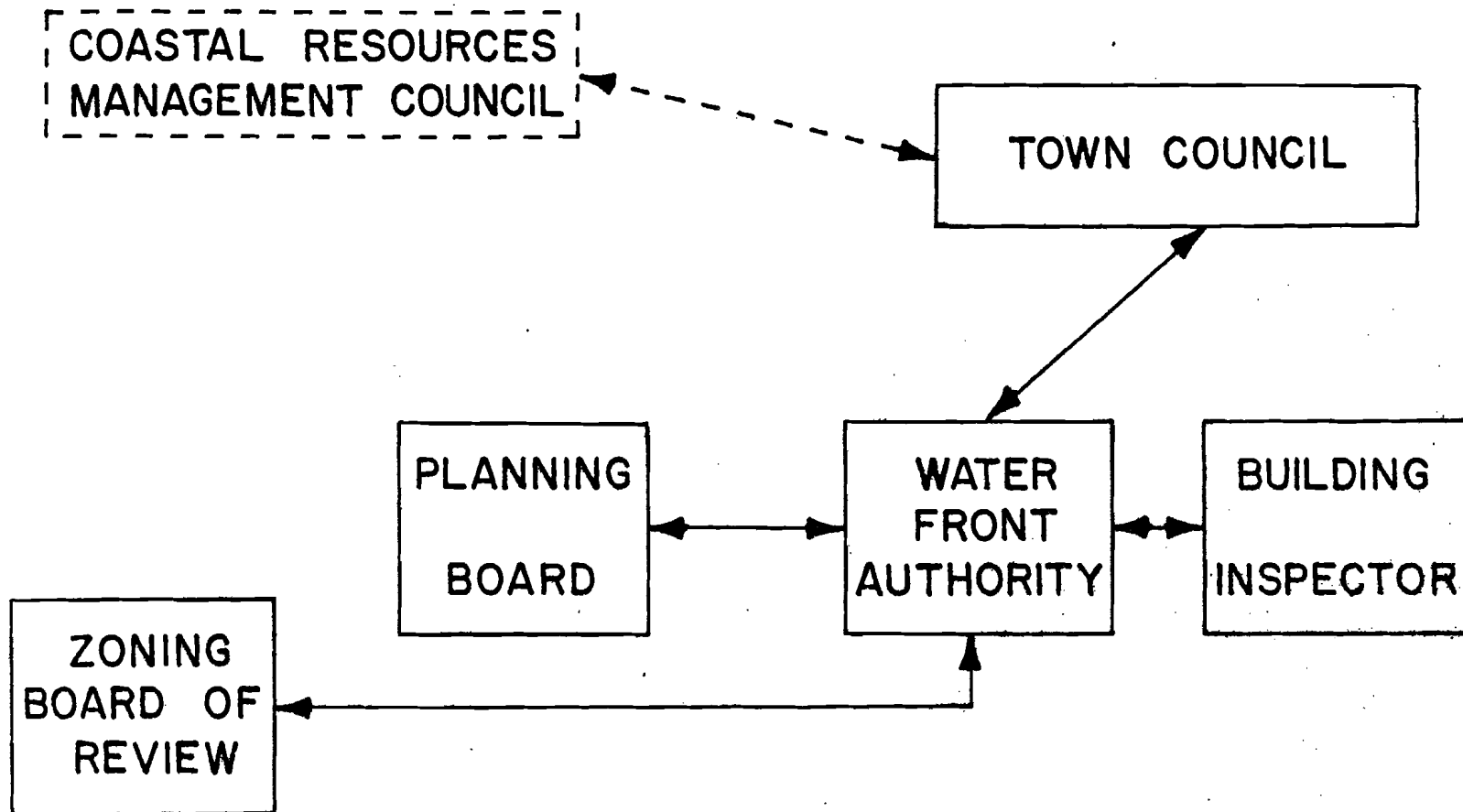
The Authority is authorized by a special legislative act of the Rhode Island General Assembly.⁴¹ Though I included this type of Authority in Table 1 as a representative unit of government, it does have unique functions not available to Conservation Commissions.

Specifically, the General Assembly agreed to its establishment as an aid to support the policy of the State, "To protect and promote the health, safety, morals, general welfare, and commerce of the State by eliminating sub-standard water front facilities and through the utilization of all means appropriate for that purpose to improve, enlarge, expand, and develop water front facilities."⁴²

In carrying out its responsibilities, the Authority is empowered to perform a number of functions:

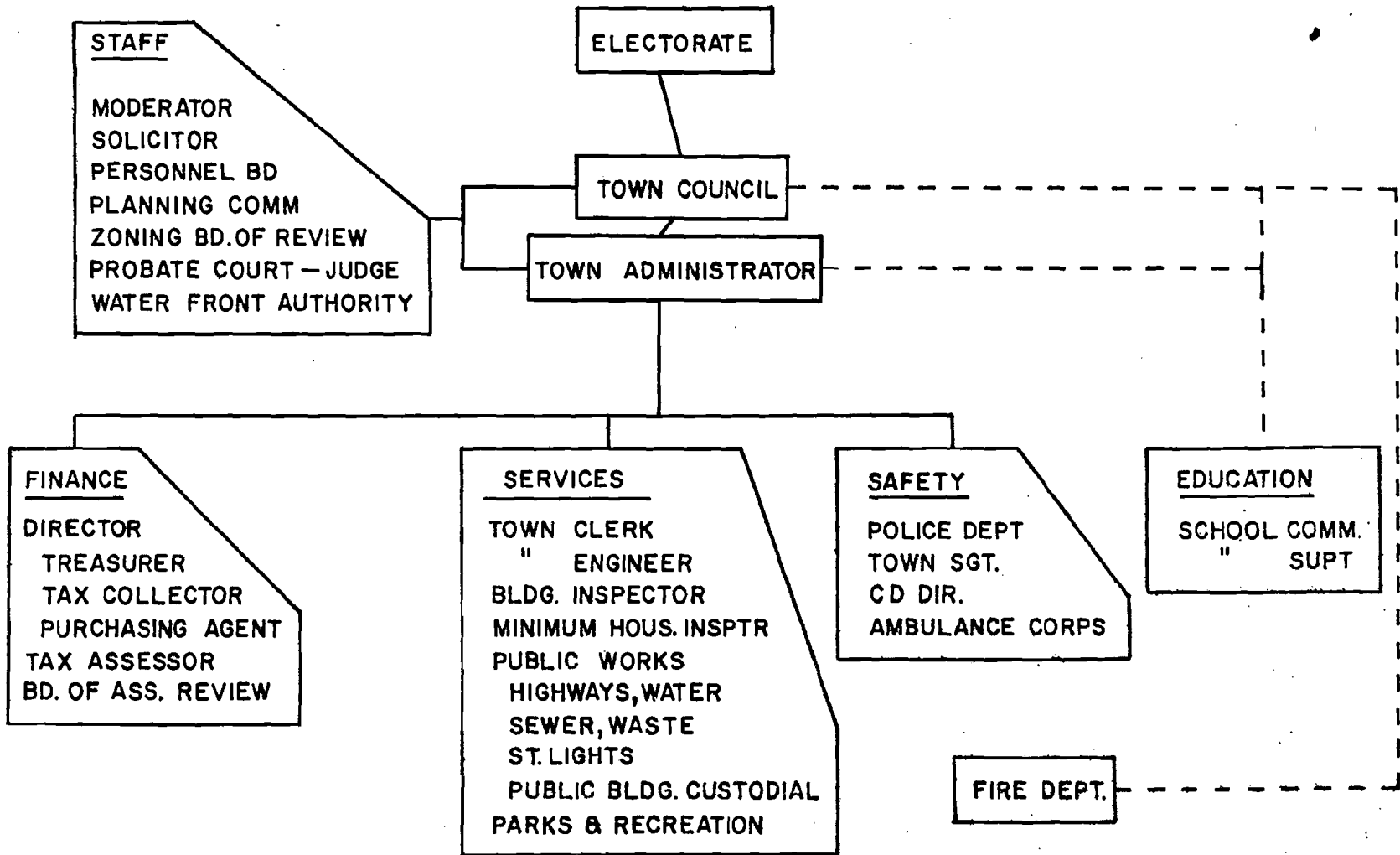
1. Analyze existing facilities.
2. Analyze present methods of operating, managing, and maintaining water front facilities.
3. Determine adequacy of facilities to fill present and future needs.
4. Estimate costs of repair, rebuilding, replacing existing facilities.
5. Analyze economic potential to Jamestown and Rhode Island through utilization of water front facilities for commercial/residential pursuits.
6. Make recommendations to the Town Council and the State.
7. Employ consulting engineers, attorneys, accountants etc.
8. Borrow, receive, and accept funds, and manage them.⁴³

JAMESTOWN ORGANIZATIONAL FLOW PROCESS



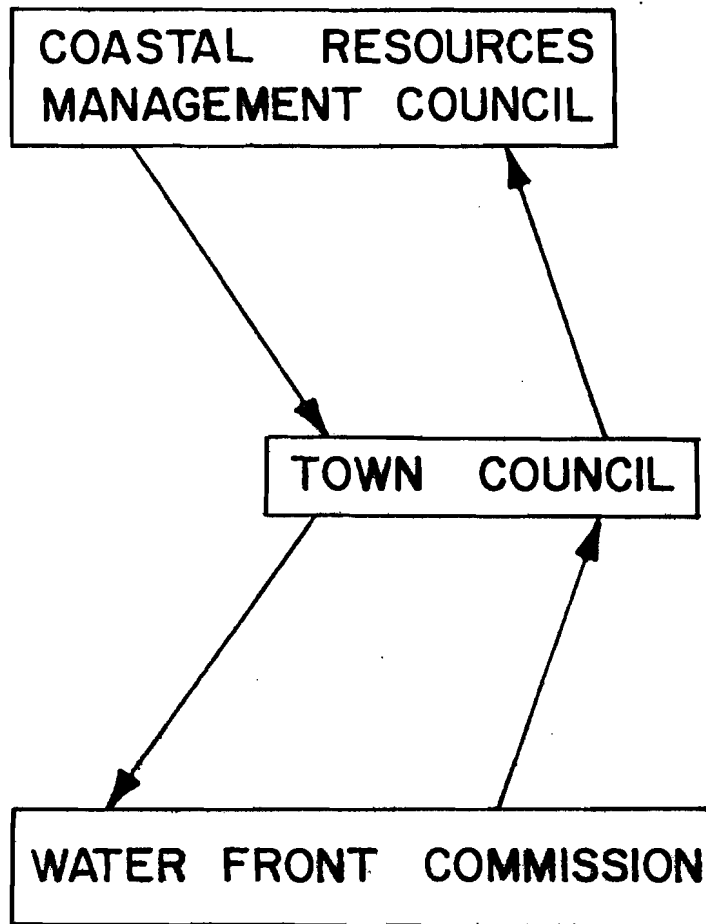
JAMESTOWN GOVERNMENT ORGANIZATION

Chart 7



Source: Town of Jamestown, Proposed Home Rule Charter For The Town of Jamestown (Jamestown, R.I.: Town of Jamestown, 1974)

JAMESTOWN PERMIT PROCESS



As you can see from the above, the Authority has responsibilities and powers which go beyond most staff sub-units of local government, and particularly those of a Conservation Commission. Since it derives its powers and duties from a special act of the legislature, it can act almost as an independent body, not subject to the whims of a local administration.

In Jamestown, the Authority is both an active participant in the current decisioning process, and as a planning group for the future. The Authority, in most instances, is the lead, and sole body which acts in coastal resource matters, other than the Town Council. As Charts 8 and 9 indicate, the Town Council refers a matter of concern (recall the permit application example) to the Water Front Authority. The Authority deliberates on the matter; there may be consultation with other sub-units (though not required). The Authority then reports back to the Town Council, through the Council President, who is always designated a member of the Authority. The Town's response is then forwarded to the CRMC.

In certain instances, the Council may, before replying to the CRMC, consult with other internal sub-units, but this is generally not the case. Also, if there is too short a lead time to involve the Authority, the Town Council can refer a matter to the Building Inspector, who then is authorized to report back to the Council directly, rather than through the Authority, as depicted in Chart 8. Obviously, there is a certain danger in this expedient; so, to the greatest degree possible, the Water Front Authority is the prime sub-unit in the process.

Charlestown⁴⁴

A. General Information

1. Location: See Map 5. Approximately 36 miles south of Providence. Bounded by the Atlantic Ocean on the south; by the Towns of Westerly and Hopkington

MAP 5
CHARLESTOWN
RHODE ISLAND

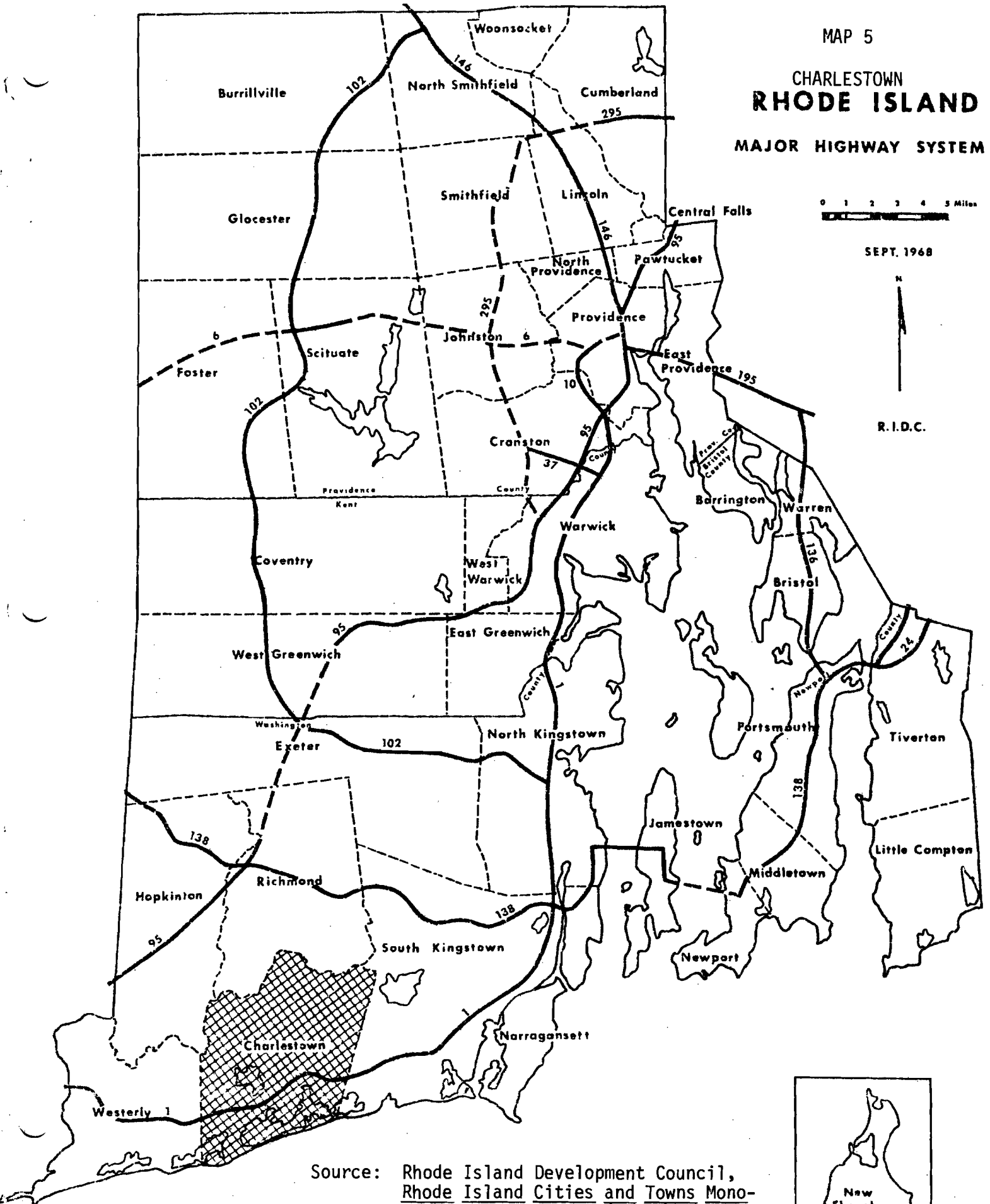
MAJOR HIGHWAY SYSTEM



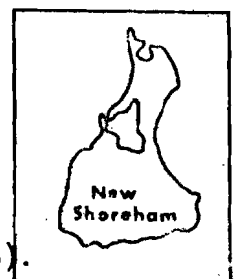
SEPT. 1968



R. I. D. C.



Source: Rhode Island Development Council,
 Rhode Island Cities and Towns Mono-
 graphs: Charlestown (Providence, R.I.:
 Rhode Island Development Council, 1973).



on the west, the Town of Richmond on the north, and the Town of South Kingstown on the east.

2. Area: Total 41.3 square miles

36.3 square miles land area

5.0 square miles inland water area

3. Population: 2,863 (1970 Census)

4. Town Profile: Charlestown is a picturesque rural community with low population density (approximately 79 inhabitants/square mile). There is little industrial activity in the Town, except for two firms. The vast majority of the permanent residents are employed outside the Town. Charlestown has two populations -- permanent and a summer resident population -- attracted by the sea and inland water recreation areas available. In general, Charlestown's two populations are desirous of maintaining the Town as basically a rural, resort area. It is not expected that industrial development will come to Charlestown in the foreseeable future.⁴⁵

B. Coastal Resources Profile

Charlestown has over six miles of coastline beach on Block Island Sound; over twelve miles of inland coastline, with numerous fresh and salt water ponds. The Town has a picturesque, as well as ecologically important barrier beach system, with important sand dune networks.⁴⁶

C. Town Government Organization

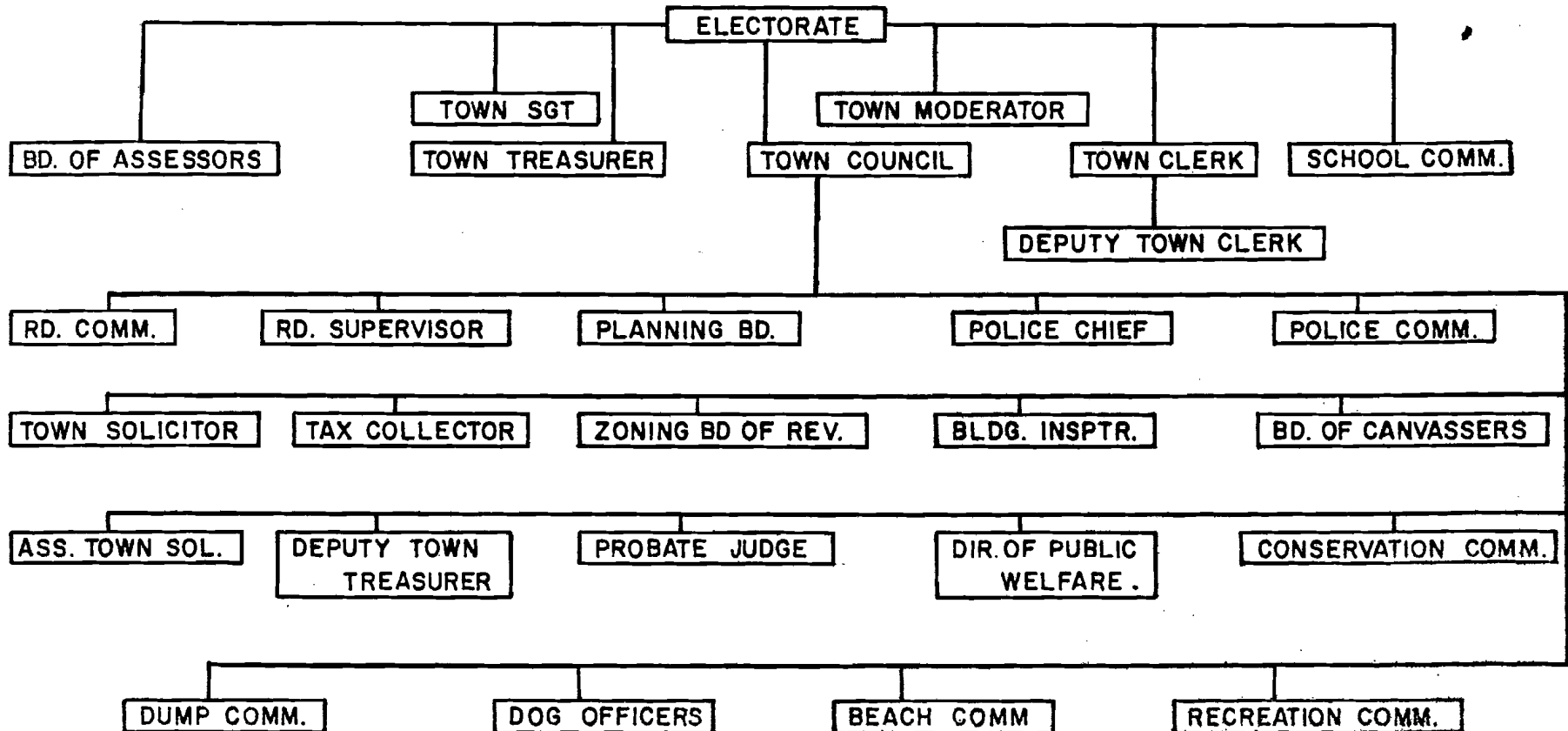
1. Type of Government: Town Council - Town Meeting ⁴⁷

2. Overall Government Organization: See Chart 10⁴⁸

3. Internal Organizational Flow: As Charts 11 and 12 show, three elements of Charlestown government are involved in coastal resource management issues -- the Town Council, Planning Board, and the Conservation Commission. The Town

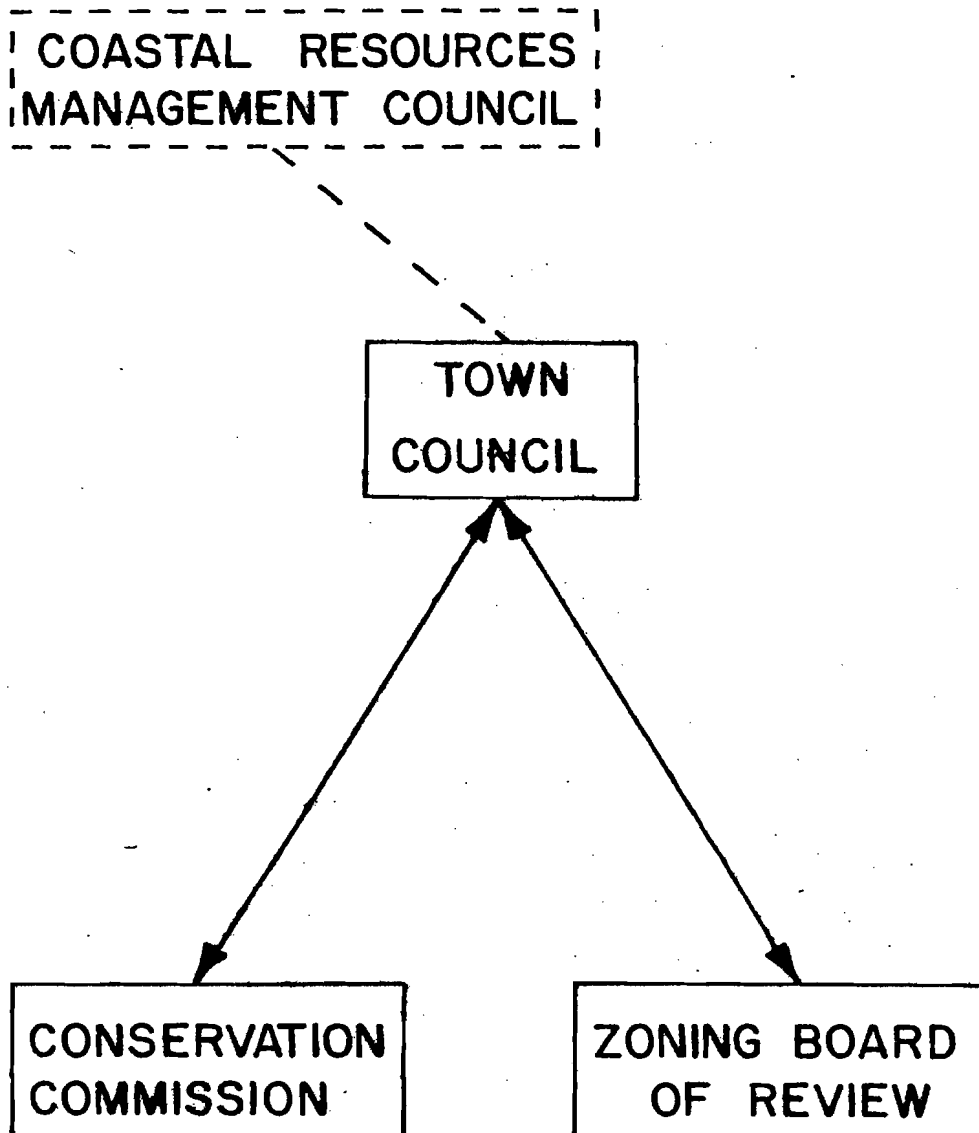
CHARLESTOWN GOVERNMENT ORGANIZATION

Chart 10

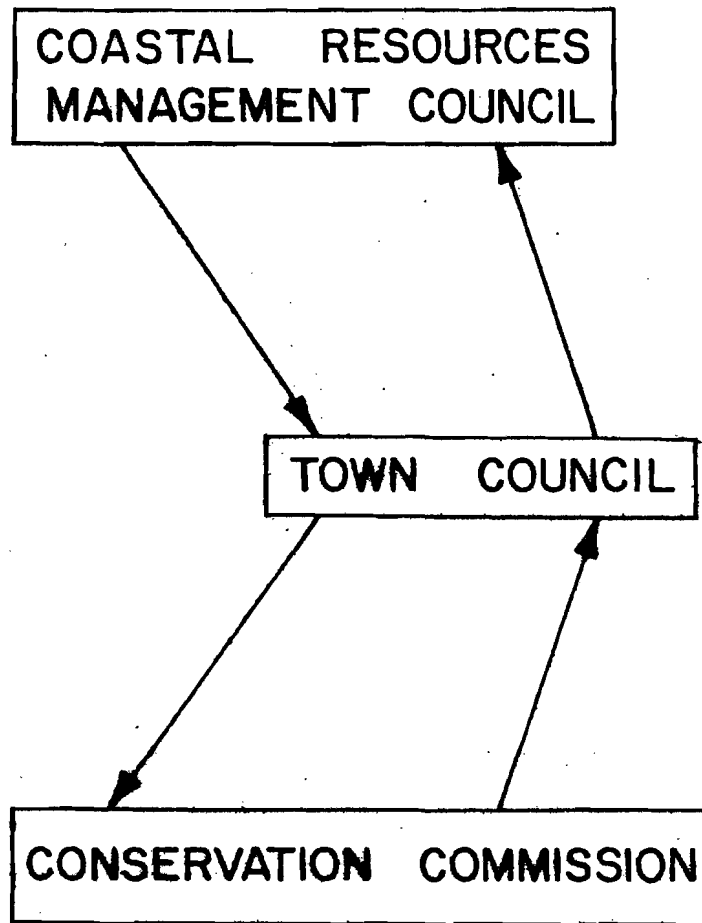


Source: University of Rhode Island Bureau of Government Research, Organization and Administration of Local Government In Charlestown, Rhode Island (Kingston, R.I.: U.R.I. Bureau of Government Research, 1976).

CHARLESTOWN ORGANIZATIONAL FLOW PROCESS



CHARLESTOWN PERMIT PROCESS



Council receives (as per previous example) a permit application from the CRMC; there is internal consultation, wherein the Planning Board and the Conservation Commission relay their comments to the Town Council, which then formulates its reply to the CRMC. The Conservation Commission is considered to be the key sub-unit in the process. One Town Council member is also a member of the Conservation Commission, which facilitates coordination with, and feedback to the Town Council.

As with all previous Towns, there are variations which may occur in the above system. The Zoning Board of Review may be consulted if the proposed activity appears to be in conflict with the Town's Zoning Ordinance. Generally speaking, however, the sub-units outlined in Charts 11 and 12 are the primary entities engaged in the process.

Conclusion

This chapter has ranged from the general to the specific in regard to Town government in Rhode Island, and, in particular, the four Towns I selected for study. As you will note, there are similarities in overall organizational structure in the Towns. Also, there are similarities in the sub-units of government which the Towns employ in their internal operations, in respect to coastal resource matters, particularly in response to one stimulus I have chosen as a representative example -- the permit application received from a State level agency. Though I have chosen to concentrate on that type of example, you should be cautioned that this is not the only stimulus which triggers the processes I've described. The State Coastal Resources Management Council, the Department of Natural Resources, and other State agencies may initiate various types of contacts with a community government, which will activate the same units depicted in this Chapter. In addition, the Town itself can originate an action from within, whereby the various boards and commissions will have an input to make to

each other and to the Town Council. The Town Council may or may not as the individual situation warrants, then deal with a State agency.

As I'm sure you have noted, though there are similarities, there are also differences in which sub-units employ, and the dominant or secondary roles played by the various units. In the following Chapter, I will endeavor to pull these similarities and differences together, in some sort of cohesive manner, which will lead to some reasonable conclusions as to the internal capabilities of the four communities to effectively respond to coastal resource matters which come under their purview. After this, I will attempt to assess these particular Towns' governmental ability to be effective participants in the achievement of coastal resource objectives as represented at the State level.

CHAPTER V

COMPARATIVE/CONTRASTING FINDINGS IN COMMUNITIES RESEARCHED

Organizational Structure and Methodology

The four community governments examined in the preceding Chapter share certain common organizational characteristics and procedures which give them a formal capability to carry on the business of government in general, as well as the particular aspects I wished to research. At the same time, there are differences which can be expected from one organization to another.

First, and most obviously, each Town government does have a formal organizational structure which contains all the various offices, departments, boards, and commissions which most any community requires to operate. Any citizen remotely familiar with his own community should be able to list these, without having to refer to the type charts I have provided. In some instances, there might be slight differences in nomenclature, but the organizational relationships and the assigned tasks are the same from community to community.

Concomitantly, there are unique structural entities which reflect some special community need or interest from Town to Town. For example, in the Towns studied here, North Kingstown has a Historic Zoning Committee which reflects a community interest in preserving the Town's links with the past. This is not to suggest the three other communities do not have historical interests; but, they have not formally incorporated a separate unit to deal with it. They may rely on their regular Zoning Board of Review, or some sort of ad hoc arrangement to do so. I'm sure you can point out other differences. But, in general, there are no real surprises in the type of overall organizational structure operational

in the communities studied.

Of particular interest to us are those organizational sub-units which our communities utilize in the discussion of, and local decisioning processes relative to coastal zone management.

As I suggested earlier (Table 1), one can predict certain organizational units which will be commonly found to be involved in most communities; our four are no exception. Obviously, the Town Councils, as the chief legislative bodies representing the electorate, are in the process. The Town Manager (with the exception of Charlestown) has an administrative and advisory responsibility. The Conservation Commission (or in the case of Jamestown, the Water Front Authority) is most certainly going to be part of the process by the very nature of its purpose. Planning Boards, Zoning Boards, and Harbor Committees can be expected to play a role at one level of involvement or another. Specific Town offices, as available in the organization, may be brought into play. These include Planners, Building Inspectors, Engineers, and the like. From these common structural elements, the communities can, and do, reflect individual preferences as to other organizational elements to be involved in coastal resource management.

North Kingstown employs the aforementioned Historic Zoning Committee; and, an individual citizen who serves the community as a Coastal Resource Advisor. Barrington, on the other hand, has established a Mosquito Control Board, which can have a particular input to make, as does the Sewer Commission. Jamestown and Charlestown have comparatively limited sub-organizational units which they involve in the process; they stick with the more common sub-units of government (if you will agree the Water Front Authority is a form of Conservation Commission).

Necessarily, if a government varies the number and types of sub-units, it also varies the formal methodologies employed internally in handling a matter of

concern, including coastal resources. I'm sure you detected this during the discussion in the last Chapter. I won't review all the differences, but one example will help to illustrate the point.

In North Kingstown, the Town has a Planning Department. In coastal resource matters, including the permit process, this department becomes the focal, or coordinating unit. Pertinent information is distributed out from the department to allow various sub-units to be involved. Feedback from each of these units is channeled back to Planning, which consolidates the inputs into a viable form to be presented to the Town Council via the Manager. In other words, North Kingstown is using a well qualified, professionally manned department (Planning) to advantage, as a central clearing house and coordinating body.

On the other hand, Barrington utilizes a different methodology for handling the same type of situation; this is dictated by its particular organizational structure. Barrington does not have a Planning Department to serve a coordinative function. To a limited extent, the Conservation Commission fills the role; depending upon the matter under consideration, other units consult with the Commission, notably the Mosquito Board and Sewer Commission. However, each unit is free to consult with each other, or operate independently. There is no clearly established overall coordinating unit. This is one reason Barrington needs permit applications forwarded from the CRMC directly to four sub-units, rather than just one copy coming into a central unit, for further internal distribution.⁴⁹

I could offer other examples, but I think if you give Chapter IV a quick review, you can detect other differences.

I don't think any discussion of similarities or methods would be complete, without placing them in some perspective in respect to coastal zone management

program objectives, both within the communities themselves, and at the State level. I don't necessarily exclude the Federal concern here, but, if you recall, the Federal emphasis has been to place the State in a primary responsibility role; therefore it is the State governmental level which has the closest relationship to the local government as it goes about its business.

Community Capabilities

I think it is important to look at the communities studies from purely an internal perspective first. Forget for a moment that there is a State governmental interest. The question then becomes, can the Town, organizationally and process-wise, manage the coastal resources in its charge? In each of the Towns studied, I believe the answer is yes.

It is very difficult for an observer to criticize a Town for having one type of organizational set-up, rather than another. For example, should all the communities studied have a Water Front Authority created by special legislation, as does Jamestown, in lieu of, or in addition to a Conservation Commission? I believe the answer is no. What must be looked for in the community's governmental organization amounts to three things:

1. Specific identification of sub-units to participate in the process.
2. A formal procedure to implement and carry through the decisioning process.
3. Actual participation in the process by the sub-units designated.

If these three criteria are met, then I think the Towns have to be judged as having the basic capacity to manage their resources. In the case of our four communities, I feel the information previously presented illustrates they do indeed meet these basic requirements.

I said earlier I didn't think every community had to have a Water Front

Authority. However, this statement does not preclude one community from learning from another, or adopting certain structures or procedures utilized elsewhere. For example, the idea of a central coordinating unit, as employed by North Kingstown, is a sound managerial procedure, particularly if the job is placed in the hands of an office expected to have a high level of interest in resource management.

The idea of a specifically designated Town Council member appointed to each sub-unit involved, either as a member, or in a liason capacity (appointed member in Jamestown and Charlestown; liason in Barrington) provides a clear line of communication between the sub-unit and the chief legislative and decisioning unit in the Town.

Another example I can point to is the administrative procedure of having sub-units receive copies of documentation direct from the outside agencies, rather than through an internal distribution process (Barrington). This process enhances response time, and would be of value even in the North Kingstown centralized approach.

One other structural difference should be mentioned. Charlestown is the only one of the four communities which has not, as yet, opted for a Council - Manager government (recall our brief discussion of charter vs. non-charter towns). This places a tremendous burden on the Town Council, not only in handling coastal resource affairs, but all other facets of town business. In my opinion, the increasing administrative and legislative workload in communities dictates the requirement for a full-time professional administrator.

I haven't said too much about the participation of a Town Manager in the coastal resource process. His is not a legislative or decisioning function, but he is in the process to advise, assist, and coordinate efforts, as necessary. Even though he may not be shown in the flow process, you can be assured his presence

is felt in one manner or another. I believe Charlestown, with a large stake in natural resource management, needs to look in this direction. There is some indication they are doing so, with the study I mentioned earlier, serving as a first step in that direction.⁵⁰

It's one thing to say that the communities researched have an organizational structure in place, and employ methodologies to deal with coastal resource decisions. The concern then becomes whether or not the structural units, with their methods, are participating in the process in the best interest of the community (still disregarding the State for the moment). Again, I feel I can answer in the affirmative in the Towns researched. There are numbers of examples of this, but I think I can prove my point with the following illustrations. I'll start with Barrington.

An indication of a responsible approach to a coastal resource problem in Barrington, has been their well orchestrated effort to control an insect problem (the mosquito), while preserving the ecological balance in the breeding grounds, namely the wetland and salt marsh areas.

Obviously, an irresponsible alternative would be to simply fill in the swampy areas. Perhaps, you know of areas where this has been the approach used; not so in Barrington. After careful investigation, the Town government decided to implement a program modeled after another successful project out of state. Key to the effort is a three year funded program, with a Commission established to develop and implement the program; and, the hiring of an expert to assist in the development and implementation phases of the program. Without going into particulars, I think you can see a responsible effort going forth in the community which will lead to control of a problem, while preserving the valuable natural resources.⁵¹

Another example of local governmental effort exists in North Kingstown, with its concern over flood plain development. Not satisfied with current statutes and regulations in this area, the North Kingstown Planning Department has been a sub-unit leader in endeavoring to get a better handle on the issue -- both for preservation, and also to provide for land use of a reasonable and suitable nature for a flood plain area. Suggested key management tools involving the various boards and commissions in the Town are:

1. Updating the Zoning Ordinance designating the flood plain as a zone with prescribed allowed uses.
2. Updating sub-division regulations to control the development in the flood plain.
3. The outright purchase of flood plain areas.
4. Placement of utilities at safe elevations.
5. A program of education and familiarization for the public on issues relating to the flood plain.⁵²

In Jamestown, one is struck by the commitment of the Town government to controlled development of its shoreline resources, with this important underlying philosophy -- the public, insofar as possible, is to have access to the Jamestown coast.⁵³ I can't offer specific instances where attempts have been made by individuals or groups to deny access to the public, and have been thwarted by the Jamestown government. However, as I mentioned in my earlier discussion of Jamestown's resources, much of the area is in private ownership, and yet, if one visits Jamestown, you don't find yourself barred from large segments of the coastline. Each of the governmental representatives I talked to, without prompting, pointed with pride to this philosophy, and were firm in their intent to assure public access in the future.

There is a high level of awareness in Charlestown, as well. The concern

about the impact of the nuclear energy facility siting is very much in the minds of those units of government concerned with coastal resources, even though their voice may be lost in the din of State, Federal, and industry involvement in the issue. The integrity of barrier beaches, protection of flood plain areas, and the like, are concerns which Charlestown has incorporated in their various zoning and sub-division regulations.

The above examples should not suggest that the communities researched have a 100 per cent record of positive accomplishment in coastal resource management. They are the first to admit they don't. But, the picture in these Towns is certainly brighter than that which one might find elsewhere, or as depicted in the hearing rooms of Washington D.C. leading up to passage of the Coastal Zone Act.

I have discussed those factors which I consider important to community governments involved in coastal resource management, and indicated I believe our four communities, each in its own way, has the internal capability to handle coastal resource management functions. They also have demonstrated, in specific ways, the positive use of that capability. To take the discussion one level further, I think it is important to relate this organizational and process capability to the concept of the coastal zone management capability at the State level.

In this regard, one has to refer back to the Coastal Zone Management Act itself. One of the criteria laid down is that the State, in order to qualify for program development and implementation funds, must be structurally organized to implement a management process.⁵⁴

If the State is required to have a structural and management process in place, from the Federal standpoint, then it follows that the local community government must have a structure and management process in place in order to play a role in

the State's program. If the community doesn't, then I don't believe they can expect to ever demand a responsible role in the State's program when it comes into being. The point I wish to emphasize then, is that all four of the communities already have a structure and process in place which, in my opinion, qualifies them for participation in the State program, not only in the development phase, but, the implementation phase, as well.

In addition to the structure and process qualification, it's my opinion that the four Towns researched are acting in a responsible manner in regard to State (and even Federal) objectives for coastal zone management -- preservation, controlled development, restoration, and the like. I can't perceive that, with the advent of a comprehensive, formal program from the State, the Towns will discontinue what I feel has been a responsible posture to date. This is not to suggest conflict will not occur between State and community; in a sense, that is the natural order of things. But, I do feel our four communities can completely qualify within what will be the spirit and substance of the Rhode Island program.

In my concluding Chapter, I would like to render some personal impressions I've developed over the course of this research, as well as some thoughts imparted to me by my contacts in the various communities.

CHAPTER VI

Conclusion

In my concluding remarks, I'd like to share with you some impressions which I've formulated over the time I spent in this research, and which, in part, have also been expressed to me by those persons I talked to, who are playing an active role in their communities' coastal resource management effort.

First of all, I was impressed by the awareness of the people I talked to, in regard to this whole issue -- whether that was a Town Administrator, an elected official, or involved citizen. Sometimes it was difficult to discuss "coastal resources" per se; we might be in the realm of total land use planning; but, ultimately, the special character of coastal resources would surface. I realize "level of awareness" is a value laden term. However, it is an important ingredient in any process, and I was pleased to find it in the people I dealt with.

Secondly, I have not had much to say in my presentation about zoning ordinances. In most instances, I detected a limited reliance on the zoning ordinance as a really effective tool in coastal resource management. The feeling is that even strong zoning ordinances can be too easily circumvented by manipulation, variances, and the like.⁵⁵ The zoning ordinances can be a tool, of course, along with subdivision regulations, and the like; but, a stronger, less manipulative device is needed as the primary vehicle in coastal resource protection.

Thirdly, I believe the key sub-unit element in the Town's resource management effort is the Conservation Commission, or its equivalent. Each of the other sub-units involved have a role, to be sure, but their's is somewhat from a

compartmentalized perspective. The Town Engineer is primarily concerned with construction details, for example; the Harbor Master may only be concerned with water front issues. The Conservation Commission has a broader base of interest. It is concerned with all the details of a proposal as it affects the environment, not just whether the construction is sound engineering-wise, or if there is adequate pier space in the harbor, as my two example units would be. The Conservation Commission, responsibly organized, peopled with articulate, active, concerned citizens, can be an effective catalyst for the internal management of a Town's resources. Their orientation must be positive; not negative, or obstructionist, simply for the sake of opposition. With the help of a professional Town staff, such as a Planner, the Conservation Commission can take the lead in coordinating the inputs, which can then be presented to the Town Council in a cohesive, objective manner. It becomes very difficult for a Town Council to ignore this type of input. Indeed, it is to their advantage to listen.

Fourthly, I have to say I did not find the strong opposition to State involvement which I expected. The community officials recognize the value of the State's involvement in resource management. They feel the State can bring organizational resources to bear, which can assist the local community in performing its functions. I have to say there is a cautious feeling about State involvement within the Towns. This cautious attitude will increase if, as one official put it, "If it looks like a State program is going to do something to the Town, rather than for the Town."

The Towns do not want to be muscled into acceptance of something because of the overwhelming influence of a large, well paid bureaucratic staff at the State level. This is not the case, so far, with the primary State agency working with the Towns in the coastal resource area (CRMC), and the Towns hope this will

continue.

In that regard, the Towns are very much satisfied with their relationship with the Council. There exists an aura of partnership rather than supervision, or a superior-subordinate relationship. As the Rhode Island program develops, the community officials hope the Council remains the dominant and autonomous body it currently is.⁵⁶

The communities accept the State as a logical level for placement of overall responsibility in the coastal zone. As a condition of that acceptance, they want the State program to be a substantive one, which they can utilize as additional support for the decisions they make locally. The Towns recognize they don't always have the ordinances, the technical expertise, the legal resources they need to justify their decision on a permit application, for example. They want the State program, in its legislative form, to be a definitive document they can cite as justification for their actions, in addition to their own in-house material.

Another condition of acceptance of the State's program, is that it provides a definitive picture of the administrative processes and the criteria the State level management agency will use in the consideration of the Town's posture on a particular issue. Under the present system in Rhode Island, there does not seem to be a publicly defined explanation of how the community's input is handled, judged, and acted upon. The Towns want to know, quite clearly, what the State's internal process is.

Finally, in this state-local relationship, the Towns want full participation. This does not mean they are simply heard at some form of public hearing, or another. The community feels participation by means of hearings does not ensure a real role for them in the management process. Mechanisms have to be built into

the management process which, somehow, guarantees the local community an opportunity to influence policies and procedures. Without that guarantee, they do not consider themselves partners in the program.

I think by now you know my bias. I personally endorse the concept of full local community involvement in the process of coastal zone management, at the State, or any other level. I am pleased, that by one measure or another, the Towns I researched have that capacity, and want to be a participant in the process.

Obviously, the suggestion has to be made that all Rhode Island coastal communities need to be individually examined. I'm sure other aspects of organizational structure, internal processes, and levels of coastal resource management capabilities would be forthcoming. I am encouraged by what I've found, and endeavored to share with you. I think the future of state-local efforts to manage coastal resources in Rhode Island is a good one. It won't be without conflict, to be sure; I only hope it is a healthy checks and balances type of conflict, rather than one of traditional adversaries hell-bent on maintaining their domains at all costs. It is essential that there be a cooperative effort between the two levels of government. If there is, it won't be a case of the State government being the winner, or the local unit government. Rather, the winner will be those whom both units exist to serve -- the citizens.

FOOTNOTES

¹Syed, Anwar, The Political Theory of American Local Government (New York: Random House, c . 1966), all.

²Commission on Marine Sciences, Engineering, and Resources, Our Nation and The Sea (1969).

³Act of Oct. 27, 1972, 16 U.S.C. Sections 1451-64, as amended, P.L. 94-370, 90 Stat. 1013-33, July 26, 1976. Variously, I will refer to this legislation as the Coastal Zone Management Act, or The Act. The amendments of 1976 do not change the aspects of the legislation which I am particularly concerned with here. They amend the original legislation to provide assistance to those States facing Outer Continental Shelf (OCS) oil and gas development, or other energy related developments affecting their coastal zone. I should also state my focus on The Act re public participation is not the only important aspect of this landmark legislation. There are many other issues related to this act which are worthy of research.

⁴Id., Section 302(a). The term "coastal zone" is defined in Section 304(a) as, "The coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. . . .The zone extends inland from the shorelines only to the extent necessary to control the shorelands, the uses of which have a direct and significant impact on the coastal waters.

⁵Id., Section 302(h).

⁶For amplification of these points, the reader is referred to Garrett Power, "The Federal Role in Coastal Development," in Federal Environmental Law, ed. Erica L. Dolgin and Thomas G. P. Guilbert (St. Paul: West Publishing Co., 1974), pp. 831-832.

⁷The Act, Section 305(b)(4).

⁸S. Rep. no. 92-753, 92nd Cong. 2d Sess. at 5 (1972).

⁹Ibid., at 5-6.

¹⁰The Act, Sections 303(d), 305(a)(6), 305(g), and 306(c)(1), 306(c)(2)(A) and (B).

¹¹See James M. Dolliver, "The State Role in Coastal Zone Management," in Council of State Government, Proceedings of The Conference On Organizing and Managing The Coastal Zone (Washington, D.C.: Council of State Governments, 1973), pp. 41-58.

¹²Ibid., pp. 46-47.

¹³California Coastal Zone Conservation Commission, California Coastal Plan (Sacramento: California Coastal Zone Conservation Commission, 1975).

¹⁴Ibid., p. 179.

¹⁵Ibid., p. 180.

¹⁶For a better picture of the overall comprehensive structure of a coastal management program see Coastal Zone Management Institute, Coastal Zone Management: The Process of Program Development (Sandwich, Mass: Coastal Zone Management Institute, 1974).

¹⁷Dolliver, "State Role in Coastal Zone Management," p. 41.

¹⁸The complete draft of the Rhode Island program was released to the public in March, 1976. See Rhode Island Coastal Resources Management Council, Rhode Island Coastal Zone Management Program (Draft) (Providence, R.I.: Coastal Resources Management Council, 1976).

¹⁹Ibid., Chapter 8 entitled "Participation, Consultation and Coordination," reviews extensively the efforts the State has made in this area.

²⁰Ibid., pp. 8-8 to 8-12.

²¹H 2440, Substitute "B," An Act Creating A Coastal Resources Management Council and Making an Appropriation Therefor, January Session, A.D. 1971, Rhode Island General Assembly.

²²General Laws of Rhode Island, 1956, Reenactment of 1970 Section 46-23.

²³Coastal Resources Management Council, Coastal Resources Management Council Policies and Regulations (Providence, R.I.: Coastal Resources Management Council, 1974), p. 24.

²⁴Ibid., pp. 6-7.

²⁵Interview with Dr. William W. Miner, Member, Rhode Island Coastal Resources Council. 25 January 1977. Dr. Miner's membership on the Council is derived from his affiliation with a private, interested group, a category of representation also provided for in Council makeup. Dr. Miner is Founder, Past Executive Director, and currently a member of the Board of Directors of Save The Bay, a Rhode Island environmental protection organization. However, Dr. Miner is also a resident of Jamestown, Rhode Island, one of the communities covered in this research. He is Chairman of the Jamestown Water Front Authority, a key element of the Jamestown governmental structure; so, in fact, Dr. Miner indirectly participates in Council affairs with a decided local orientation. This is not to say Dr. Miner is not objective in carrying out his duties on the Council; no such inference is intended.

²⁶R.I. Draft Program, p. 8-37.

²⁷Robert W. Sutton, Jr., "Forms of Government in Rhode Island," in Rhode Island Local Government: Past, Present, Future, ed. Robert W. Sutton, Jr. (Kingston R.I.: U.R.I. Bureau of Government Research, 1974), p. 24.

²⁸Ibid., p. 24.

²⁹See The General Laws of Rhode Island, Title 45, "Towns and Cities."

³⁰Id., Title 45-4-1.

³¹Id., Title 45-5-1.

³²Rhode Island Constitution, Article XXVIII.

³³For a more comprehensive discussion of home rule, charter and non-charter government in Rhode Island, see Sutton, "Forms of Government in Rhode Island," pp. 25-37.

³⁴The information contained in this section has been derived from a number of sources. Unless a specific reference is identified, the information represents that compiled by me through the following contacts: Interviews with Robert J. Shiedler, Town Manager, and William A. Halliwell, Administrative Assistant, Barrington, R.I., 26 January 1977; William A. Halliwell to Robert F. Greene, 31 January 1977, and 18 February 1977; Interviews with Dr. James D. Simon, Barrington Conservation Commission Chairman, and Commission members Douglas W. Materne, Mary Elizabeth Roelke, and Constance Torrance, 4 March 1977.

³⁵For a comprehensive profile of Barrington, see Rhode Island Development Council, Rhode Island Cities and Towns Monographs: Barrington (Providence, R.I.: R.I. Development Council, 1976).

³⁶The entire process of handling a permit application is more involved than I've detailed here. The aspect of communicating with a Town is but one facet. Interested readers are again referred to the Council's Policies and Regulations.

³⁷The information contained in this section has been derived from various sources. Unless a specific reference is noted, the information represents that compiled by me through the following contacts: Interview with Orestes P. Monterey, North Kingstown Town Planner, North Kingstown, 2 February 1977; Interview with Anna Prager, South Kingstown Town Planner (formerly Town Planner, North Kingstown) South Kingstown, 24 March 1977.

³⁸For a comprehensive profile of North Kingstown, see Rhode Island Development Council, Rhode Island Cities and Towns Monographs: North Kingstown (Providence, R.I.: R.I. Development Council, 1975).

³⁹As with the other Towns, the information in this section has been garnered from various sources. Unless a reference is identified, the information presented is that compiled by me through the following contacts: Interviews with Robert W. Sutton, Jr., Town Administrator; Dr. William W. Miner, Chairman, Jamestown Water Front Authority, and Member, Rhode Island Coastal Resources Management Council; Michael F. Smith, Town Council President, Jamestown, R.I., 25 January 1977.

⁴⁰For a comprehensive profile of Jamestown, though somewhat outdated, see Rhode Island Development Council, Rhode Island Cities and Towns Monographs: Jamestown (Providence, R.I.: R.I. Development Council, 1974).

⁴¹S 724, An Act to Create A Jamestown Water Front Authority and to Provide for Its Powers and Duties, April 29, 1964.

⁴²Id., Section 1. "Water Front," as defined in this section of the legislation, is that "area in the Town bounded by waters of Narragansett Bay and the areas of Narragansett Bay surrounding the same which are denoted as capable of being developed for port, harbor, navigation, or recreation purposes." In actual practice, the Authority concerns itself with these, plus any activity which requires a permit from the CRMC.

⁴³Id., Sections 3 and 4.

⁴⁴The information for the last of the Town's researched is also derived from a number of sources, either specifically identified, or through: Interview with C. Robert McLean, Town Council President, Charlestown, Rhode Island, 15 February 1977.

⁴⁵For a comprehensive profile of Charlestown, though it too is partially outdated, see Rhode Island Development Council, Rhode Island Cities and Towns Monograph: Charlestown (Providence, R.I.: R.I. Development Council, 1973).

⁴⁶Part of Charlestown's coastal zone area, the former U.S. Navy Auxiliary Landing Field, is being considered as the site of a nuclear energy facility to be built and operated by the Narragansett Electric Company. Obviously, this development has a most important status in respect to Charlestown's coastal zone area, and I would be derelict if I didn't mention it somewhere in this section. However, it is impossible for me to do any more than just that -- mention it. The attendant environmental impact issues and the documentation generated to date is enormous, and would require a research project in itself, and certainly well beyond what I'm endeavoring to do here. For the reader interested in this particular subject, I suggest a visit to, or contact with the University of Rhode Island Library, Government Publications Section, which is in the process of developing a depository of all the information generated to date relative to the proposed siting in Charlestown.

⁴⁷As noted in an earlier section, Charlestown is a non-charter government, which basically means that it does not have an appointed, professional town manager/administrator. The Town Council exercises its legislative responsibility, and performs most of the administrative functions normally performed by the manager. The electorate, through the Town Meeting, shares certain of the legislative responsibility with the Town Council.

⁴⁸The Charlestown Town Government structure and procedures have recently been studied by U.R.I.'s Bureau of Government Research, at the invitation of the Charlestown Town Council. The study was conducted by Joseph E. Coduri of the Bureau staff, and provides much useful, updated information, which was of great value to me in my research. For interested readers, see University of Rhode Island Bureau of Government Research, Organization and Administration of Local Government in Charlestown, Rhode Island (Kingston, R.I.: U.R.I. Bureau of Government Research, 1976).

⁴⁹There is another value to this multiple copy distribution. In the case of short lead time to consider an application (normally 30 days), each of the major sub-units receives earlier notification of the application's presence, than if they had to wait for distribution from the Town Manager's office staff. In other words, administrative reaction by the sub-units occurs more quickly than it otherwise would. This would be of advantage even in organizations with designated units in overall charge. To my knowledge, a number of communities are interested in having the CRMC do this for them; it is an administrative procedure which the CRMC can implement upon request (though it increases its administrative workload to a certain degree).

⁵⁰U.R.I. Bureau of Government Research, Organization of Local Government in Charlestown, all. The case for professional administrators as an important ingredient in Rhode Island community government is well presented in, Robert W. Sutton, Jr., "Local Government Reorganization: The Need for Executive Leadership," in Rhode Island Local Government: Past, Present, Future, ed. Robert W. Sutton, Jr. (Kingston, R.I.: U.R.I. Bureau of Government Research, 1974), pp. 147-152.

⁵¹For details, see Town of Barrington, R.I., Annual Report: 1975, Mosquito Control Board section.

⁵²Details of the suggested approaches are available in an untitled position paper prepared by Anna Prager during her tenure as North Kingstown Town Planner. I am indebted to Mrs. Prager for providing me a copy from her personal files.

⁵³For a comprehensive discussion of this national issue, see Dennis W. Ducsik, Shoreline for The Public (Cambridge, Mass.: M.I.T. Press, 1974), all.

⁵⁴The Act, Sections 305(b)(6), and 306(c)(6).

⁵⁵One Town Administrator, Robert Sutton of Jamestown, has published an article which, in part, discusses this. See Robert W. Sutton, Jr., "Land Use -- The Public Interest and Green Hill Beach," University of Rhode Island Bureau of Government Research Newsletter, ed. Anna G. Haggerty (Kingston, R.I.: U.R.I. Bureau of Government Research, May 1973), pp 1-4.

⁵⁶This same feeling was expressed to me by Dr. Miner, the CRMC member from Jamestown. It is the Council's wish that they will continue to function as an autonomous body. There has been some speculation that a proposed reorganization of Rhode Island's environmental bureaucracy might lead to absorption of the CRMC into a larger organizational structure. Recent statements indicate this will not be the case. See "Environmental Agency Has Its Problems," Providence Sunday Journal, 6 March 1977, sec. C, pp C-1, C-7.

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