

**In The Matter Of:**  
*Coastal Resources Management Council*  
*Perry Raso*

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*Hearing*  
*Vol. 3*  
*November 17, 2020*

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*Rebecca J. Forte*  
*Certified Professional Court Reporters*  
*33 Rollingwood Drive*  
*Johnston, RI 02919*  
*(401)474-8441*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COASTAL RESOURCES MANAGEMENT COUNCIL  
SUBCOMMITTEE HEARING

\* \* \* \* \*

IN RE:

CRMC File No. 2017-12-086

In the matter of Perry Raso

\* \* \* \* \*

Date: November 17, 2020  
Time: 1:00 p.m.  
Place: Via Zoom  
Rhode Island

MEMBERS PRESENT

Jennifer Cervenka, Chair  
Raymond C. Coia, Vice Chair  
Donald T. Gomez  
Patricia Reynolds  
Anthony DeSisto, Esquire, Legal Counsel

STAFF PRESENT

Jeff Willis, Executive Director  
Lisa Turner, Secretary  
Ryan Moore, Moderator  
James Boyd, Deputy Director

Rebecca J. Forte Court Reporting  
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33 Rollingwood Drive  
Johnston, RI 02919

APPEARANCES

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FOR THE OBJECTORS.....PARTRIDGE SNOW & HAHN LLP  
(Hunt, Latham, Cooney and Quigley) BY: Christian Capizzo, Esq.  
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FOR THE OBJECTORS.....SHECHTMAN HALPERIN SAVAGE, LLP  
(Andrew Wilkes and 454 Beach Road, LLC.) BY: Dean Wagner, Esq.  
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1 Riverside, Rhode Island, and if he could also be granted  
2 the ability to share his screen that would be great.

3 CHAIRWOMAN CERVENKA: Okay.

4 MR. CAPIZZO: I will give a brief opening  
5 statement and proceed with Mr. Whitney.

6 CHAIRWOMAN CERVENKA: That's your Exhibit 1?

7 MR. CAPIZZO: That is correct, Madam Chair and  
8 members of the Committee, Exhibit 1. That's the  
9 technical peer review report along with the figures  
10 attached to that report.

11 Again, for the record, my name is Christian Capizzo.  
12 I'm here on behalf of Kevin Hunt, 98 Segar Court, Alicia  
13 Cooney, 95 Segar Court, who both live on Segar Cove,  
14 Mr. Steven Quigley, who is Ms. Cooney's husband who also  
15 resides at 95 Segar Court, and Mr. David Latham on behalf  
16 of his family who owns property at 298 Prospect Road.  
17 That is on Gardner's Island on Segar Cove.

18 I'm here on their behalf to respond to Mr. Raso's  
19 proposal for his second commercial aquaculture farm in  
20 Potter Pond expanding his business to Segar Cove.

21 The statute as you've heard in this hearing  
22 authorizes Coastal Resources Management Council to grant  
23 aquaculture permits under Rhode Island General Laws  
24 20-10-1, and it expressly limits and restricts the

1 ability of Coastal to grant permits for aquaculture.

2 We've heard the statements made previously in this  
3 hearing, and I'll quote the statute:

4 "The process of aquaculture should only be conducted  
5 within the waters of the state in a manner consistent  
6 with the best public interest with consideration given to  
7 the effective aquaculture on other uses of the free and  
8 common fishery and navigation."

9 Now, this statute gives Coastal the power to grant  
10 aquaculture permits only when an applicant, here  
11 Mr. Raso, demonstrates that his aquaculture operation is  
12 in the best public interest, does not have adverse  
13 impacts or significant conflicts on those public trust  
14 uses and on that public trust resource which we argue is  
15 Segar Cove.

16 This is Mr. Raso's burden to meet, not the public,  
17 not my clients, not Mr. Wagner's clients. It's  
18 Mr. Raso's burden to meet when he files an application  
19 with Coastal.

20 In our judgment, Mr. Raso has failed to meet that  
21 burden and in fact has been dismissive of those public  
22 trust rights including boating, fishing and other water  
23 dependent activities that take place on Segar Cove.

24 The evidence will demonstrate that Segar Cove is and

1 Dr. Rheault spoke about it actually very eloquently. He  
2 said you have to balance the uses on the cove. But  
3 Mr. Raso is asking CRMC to trade use of the cove solely  
4 for his expansion in commercial gain while at the same  
5 time sacrificing the right of the public and my clients  
6 to recreate on the cove, rights guaranteed under the  
7 Public Trust Doctrine and protected by this Subcommittee.

8 My clients' testimony will focus on the history on  
9 Potter Pond and Segar Cove, their experience in living  
10 and recreating on the cove, their observations of  
11 recreational activity that takes place on the cove, and  
12 their concerns about the facility and the impact that  
13 it's going to have on their right to access the tidal  
14 waters and to recreate on that cove.

15 Now, a little housekeeping. You've heard in Beth's  
16 opening statement about the South Kingstown ordinance and  
17 you've heard some testimony about this ordinance from the  
18 witnesses and its question of applicability as it relates  
19 to Coastal reviewing this Perry application.

20 Beth cited a Rhode Island Supreme Court decision  
21 which I know Mr. DeSisto is familiar with, as he was  
22 involved with that case, without dating him, the Town of  
23 Warren v. Thorton Whitehouse for the proposition -- and  
24 this is Ms. Noonan and Mr. Raso's position -- that this

1           For this proposition she cites the Enabling Act  
2           which grants the authority to "enforce and implement  
3           riparian rights in tidal water after judicial decision."  
4           So we agree with that. We are not seeking to enforce or  
5           implement Kevin, Alicia or Steven's riparian right.  
6           That's not what we are doing here. That's not the  
7           purpose of this hearing. This is not a battle of one  
8           riparian right over another riparian right. We are  
9           simply offering their testimony, Kevin, Alicia and  
10          Steven's, who live on the cove that Mr. Raso's facility  
11          will interfere with their riparian rights. Nothing more.

12          Riparian rights are a distinct and well-established  
13          subset of the public trust governed under the Public  
14          Trust Doctrine. The primary riparian right is the right  
15          to access and use public waters. So Kevin, Alicia and  
16          Steven's right to access and use Segar Cove is simply a  
17          riparian owner's exercise of the public trust rights. By  
18          statute, the Subcommittee and Coastal are bound to  
19          consider the impact of Mr. Raso's facility on the public  
20          trust rights which includes the rights of the public to  
21          use and enjoy Segar Cove and the rights of Kevin, Alicia  
22          and Steven who live on the cove to access and enjoy that  
23          same public trust resource.

24          Coastal has not only the jurisdiction but also the

C E R T I F I C A T I O N

I, Lisa M Reis, hereby certify that the foregoing Pages 296 through 477, inclusive, are a true and accurate transcript of my stenographic notes of the proceedings, via Zoom, which occurred on the above-entitled dates, to the best of my ability.

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LISA M. REIS, RPR  
Court Reporter/Notary Public  
My Commission expires on 7/27/24

Sworn to and subscribed before me,  
This 30th day of November, 2020



**In The Matter Of:**  
*Coastal Resources Management Council*  
*Perry Raso*

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*Hearing*  
*Vol. 4*  
*December 4, 2020*

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COASTAL RESOURCES MANAGEMENT COUNCIL  
SUBCOMMITTEE HEARING

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IN RE:

CRMC File No. 2017-12-086

In the matter of Perry Raso

\* \* \* \* \*

Date: December 4, 2020  
Time: 11:00 a.m.  
Place: Via Zoom  
Rhode Island

MEMBERS PRESENT

Jennifer Cervenka, Chair  
Raymond C. Coia, Vice Chair  
Donald T. Gomez  
Patricia Reynolds  
Anthony DeSisto, Esquire, Legal Counsel

STAFF PRESENT

Jeff Willis, Executive Director  
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FOR THE OBJECTORS.....SHECHTMAN HALPERIN SAVAGE, LLP  
(Andrew Wilkes and BY: Dean Wagner, Esq.  
454 Beach Road, LLC.) 1080 Main Street  
Pawtucket, RI 02860  
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1 still on the northern cove?

2 MR. CAPIZZO: Yes. I'm sorry, Beth.

3 Q. The area we're talking about right now, Alicia, where we  
4 are talking about where the channels are just before the  
5 northern --

6 A. Yes, yes. So what I'm describing is -- no, what people  
7 do is -- I have never seen anybody wakeboarding in that  
8 area. What I have seen is people slowly, you know, going  
9 up in their motorboat or sometimes not so slowly,  
10 depending on whether they have a tow or raft behind,  
11 going to the northern basin to use it. And then you  
12 know, then you get -- you throw your raft in the water or  
13 you throw your waterskis or your wakeboard in the water  
14 and you use the northern basin, or you couldn't in and go  
15 back down. The best word I could use, which is probably  
16 not a technical term, is it seems more of a channel.

17 Q. Okay. Then you talked about the northern basin where  
18 you're familiar with the northern basin?

19 A. Yes.

20 Q. How would you describe the northern basin?

21 A. It is -- it's conducive to using your motorized vehicles  
22 and water vehicles, and it's also very conducive to, you  
23 know, anything else whether it's -- I never sailed up  
24 there actually, but I certainly kayaked up there. My

C E R T I F I C A T I O N

I, Lisa M Reis, hereby certify that the foregoing Pages 479 through 689, inclusive, are a true and accurate transcript of my stenographic notes of the proceedings, via Zoom, which occurred on the above-entitled dates, to the best of my ability.

---

LISA M. REIS, RPR  
Court Reporter/Notary Public  
My Commission expires on 7/27/24

Sworn to and subscribed before me,  
This 16th day of December, 2020