

In The Matter Of:
Coastal Resources Management Council

Perry Raso
Vol. 5
December 16, 2020

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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: December 16, 2020
Time: 6:00 p.m.
Place: Via Zoom
Rhode Island

MEMBERS PRESENT

Jennifer Cervenka, Chairwoman
Raymond C. Coia, Vice Chairman
Donald T Gomez
Patricia Reynolds

Anthony DeSisto, Esquire, Legal Counsel

STAFF PRESENT

Jeff Willis, Executive Director
James Boyd, Deputy Director
Lisa Turner, Secretary
Ryan Moore, Zoom Moderator
Vin Murray, South Kingstown Representative

APPEARANCES

Elizabeth Noonan, Esq.....For the Applicant

Christian Capizzo, Esq.....For the Objectors
John Boehnert, Esq.
(Hunt, Latham, Cooney, and Quigley)

Dean Wagner, Esq.....For the Objectors
(Andrew Wilkes and 454 Beach Road, LLC)

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1 (MEETING COMMENCED AT 10:15 A.M.)

2 CHAIRWOMAN CERVENKA: All right. Welcome,
3 everyone, to our continuing subcommittee hearing in
4 the matter of 2017-12-086, Perry Raso. Today's
5 date is December 16, 2020. It is 10:15 a.m., and
6 today's session will be the first of at least two,
7 perhaps more, public hearings or public comment
8 sessions. And we have a list that I'm looking at,
9 I'd say about 65, 66 individuals would like to
10 speak. And I believe that we're going to allow
11 Mr. Wagner's client to speak first, because he's
12 got, you know, limited intervener status, and then
13 we'll go down the list as people signed up or as
14 they've specially arranged with CRMC staff.

15 But before I turn it over to Mr. Willis and
16 our moderator, Mr. Moore, I do want to do an
17 introduction, again, of everyone who is seen and
18 participating from both the subcommittee and
19 CRMC staff. So starting with Council members,
20 myself, Jennifer Cervenka, Chair. Vice Chair
21 Raymond Coia. If when I call your name, if you
22 could say here.

23 VICE CHAIRMAN COIA: Raymond Coia is here.

24 CHAIRWOMAN CERVENKA: Thank you.

1 Don Gomez.

2 MR. GOMEZ: Don Gomez, present.

3 CHAIRWOMAN CERVENKA: Patricia Reynolds.

4 MS. REYNOLDS: Patricia Reynolds, present.

5 CHAIRWOMAN CERVENKA: And then Vin Murray,
6 our South Kingstown representative.

7 MR. MURRAY: Present.

8 CHAIRWOMAN CERVENKA: Thank you. From
9 staff I have Jeffrey Willis, our executive
10 director.

11 MR. WILLIS: Here, Madam Chair.

12 CHAIRWOMAN CERVENKA: Jim Boyd, our deputy
13 director.

14 MR. BOYD: Present, Madam Chair.

15 CHAIRWOMAN CERVENKA: Tony DeSisto, our
16 chief legal counsel.

17 MR. DeSISTO: Present, Madam Chair.

18 CHAIRWOMAN CERVENKA: Thank you.

19 Lisa Turner, our secretary.

20 MS. TURNER: Present, Madam Chair.

21 CHAIRWOMAN CERVENKA: Mr. Moore, our
22 moderator. You're on mute.

23 MR. MOORE: Present, Madam Chair.

24 CHAIRWOMAN CERVENKA: And Cindy Tangney,

1 our court reporter.

2 MS. TANGNEY: Present.

3 CHAIRWOMAN CERVENKA: We also have with us
4 the applicant, Mr. Raso, himself, as well as his
5 legal counsel and counsel for interveners.

6 So the way that we're going to do this is,
7 when we identify the person who is going to speak,
8 Mr. Moore, as I understand, and he'll correct me if
9 I'm wrong, will admit that person so that we can
10 see them on the screen as they're providing their
11 public comment. Is that correct, Mr. Moore?

12 MR. MOORE: That is correct.

13 CHAIRWOMAN CERVENKA: Okay. And just to
14 reiterate, I mentioned it in our last session, we
15 do -- we've had multiple opportunities to provide
16 public comment. We will collectively have multiple
17 opportunities, including the opportunity previously
18 to submit written comment, of which we have many
19 comments. And then we have speaking, oral comments
20 that will be made today and at the end of December
21 and any future meetings. And then we added that
22 anyone who wanted to submit any additional written
23 comments could do so as we're going through our
24 public hearing process.

1 We have asked that each speaker confine their
2 comments to between five and ten minutes. Please
3 be concise. We'll try not to cut you off, but we
4 would like you to be efficient. It will also be
5 helpful to the subcommittee if you focus on your
6 personal knowledge of use and activities in
7 Segar Cove or Potter Pond. That's particularly
8 relevant to us. Of course, you can speak on
9 whatever you want to speak on, but we are
10 interested in hearing about your personal knowledge
11 about the cove and the pond.

12 Mr. Willis, I know that you've been posting
13 various instructions to those who will give public
14 comment. Do you want to add anything that I have
15 left out?

16 MR. WILLIS: Actually, no, you've hit on
17 all the topics we need to address. I just want to
18 further refine the fact that a small handful of
19 those who have signed up to speak today have asked
20 to speak on the 30th because of just scheduling
21 issues with their own personal schedules. So we
22 have accommodated that and moved those folks that
23 were near the top of the list who asked to speak on
24 the second day and moved them to the bottom of the

1 list so that they could speak on the second day.
2 So you have the updated list in terms of the order
3 of those who have requested to speak, but that was
4 just a nuance we wanted to explain to everybody,
5 and you've also already explained that we will
6 continue to take written comment, as we have
7 received already some written comment from folks
8 who have decided not to speak because they did just
9 that. Thank you, Madam Chair.

10 CHAIRWOMAN CERVENKA: Okay. Thank you,
11 Mr. Willis. Mr. DeSisto, is there anything from
12 your perspective that we need to add before we
13 start the public hearing?

14 MR. DeSISTO: No.

15 CHAIRWOMAN CERVENKA: Okay. Thank you.
16 All right. So I'll open it up as I indicated. I
17 think we'll start with -- is it Andrew Wilkes,
18 Mr. Wagner, who is your client?

19 MR. WAGNER: Yes, Madam Chair.

20 CHAIRWOMAN CERVENKA: So I think we're
21 going to start with him. He's second on our list,
22 but we'll put him up front. Mr. Moore, could you
23 admit him.

24 MR. MOORE: I only see a Matthew Wilkes in

1 the attendees; is that the same person?

2 MR. WAGNER: He's second on the list,
3 Andrew.

4 MR. MOORE: Okay.

5 CHAIRWOMAN CERVENKA: It looks like
6 there's three Wilkes that are listed. I'm just
7 trying to find them.

8 MR. MOORE: I believe this is him. He had
9 his hand up.

10 CHAIRWOMAN CERVENKA: Is that Matthew or
11 Andrew?

12 MR. MOORE: Andrew.

13 CHAIRWOMAN CERVENKA: Okay.

14 MS. NOONAN: Madam Chair, just, may I just
15 ask a quick question?

16 CHAIRWOMAN CERVENKA: Yes.

17 MS. NOONAN: Is the updated list
18 Mr. Willis mentioned, is that on the link, or where
19 is the best place to find that?

20 MR. WILLIS: Madam Chair, I can answer
21 that.

22 CHAIRWOMAN CERVENKA: Thank you.

23 MR. WILLIS: We have posted the updated
24 list on our website, Ms. Noonan, so you can find it

1 there and on the home page.

2 CHAIRWOMAN CERVENKA: Mr. Wilkes, hi.

3 You're on mute.

4 MR. WILKES: Good morning.

5 CHAIRWOMAN CERVENKA: Good morning. Well,
6 you are welcome to start speaking whenever you'd
7 like.

8 MR. WILKES: Okay. I had some notes
9 organized. You asked me to concentrate on my
10 personal observations; so I did not have them
11 particularly organized like that for you, but I'm
12 going to do my best, and I'm going to try to fly
13 through here for you. I'll speak quickly, hit my
14 bullet points, and try my best to roll through.

15 CHAIRWOMAN CERVENKA: Thank you. We
16 appreciate that.

17 MR. WILKES: My property is located at
18 452 Matunuck Beach Road, which is directly across
19 from the proposed oyster farm. It's on the west
20 bank. So I'm staring now at the Hunt's property
21 and Alicia Cooney's house and, you know, the actual
22 site. I purchased this property in April of 2017.
23 I'm here year-round. I use the cove for all kinds
24 of water and fishing and navigational activities.

1 I have boats and kayaks, etc., etc.

2 My observations to this is, that this is a
3 frequently used area. There's people out here
4 daily, and I see that west bank used pretty much as
5 has already been described to the -- to the
6 Commission, so I'm going to stay away from that,
7 other than to state that it's used regularly and
8 daily.

9 The oyster farm, in terms of its effect on us
10 here, I'm most concerned with its navigational
11 effects frankly, and I'd like to speak to that in a
12 minute, seeing as how I'm a direct observer and
13 user on this pond daily.

14 Scenic qualities of the area, I think it's
15 pretty obvious, you know, there is some effect.
16 And I'd like to add, in spite of what the
17 application says, it is -- the farm is in direct
18 view, in sight lines of many folks, including my
19 property, which is not what the application -- at
20 least not the application I read says. I
21 understand maybe there were two. Maybe I only saw
22 the first one. I don't know.

23 So let me keep -- let me keep going. As far
24 as the daily usage goes -- and I'd like to speak to

1 the pictures that were taken. Those pictures were
2 taken basically for a second of the day, noontime.
3 I just don't feel that they should be weighted.
4 There's a lot of time in the day. Though that was
5 admitted as evidence of purporting non-use, I would
6 say that it was relatively self-serving and at that
7 time of day seemed to work, and I think if you shot
8 the pond all day long, you would see a whole lot
9 of -- a whole lot of activity, which is, by the
10 way, I think, one of the main reasons why people
11 are opposed.

12 I would like to throw in, I've never opposed
13 any oyster farms -- any oyster farms before. I'm
14 not one of those folks that run around doing that.
15 I think they're wonderful. I appreciate what they
16 bring -- I appreciate what they do, but I have my
17 concerns in this area, in this particular area.

18 And -- and I'm asking the Commission to please
19 give the proper weight to the folks who have to use
20 this area. You know, there's an obligation to have
21 everything consistent with public interest. I'm
22 not going to go over what your job is, but I'm well
23 aware of what it is. I've read the statute, and
24 there was some expert testimony given to the effect

1 that people are out of state, and everybody likes
2 to complain about these things when they come
3 around. I do think that although you do have to
4 pay attention to the sovereign, as you say, we also
5 need to pay particular consideration to those
6 directly affected because that's what the statutes
7 speak to. You know, these farms have to be
8 located -- the word "must" I think is used -- where
9 it can be accommodated amongst other uses. And I
10 think in this case one of my biggest concerns is
11 that we're going to lose some use. And I want to
12 tell you how I probably see that.

13 I think anybody who navigates on the pond
14 knows that it's a navigational nightmare as it is.
15 That pond is -- the pond is extremely shallow. And
16 if you don't know your way around, I would assert
17 to you that those experts who said there's plenty
18 of room to turn in Segar, etc., etc., you can have
19 two waterskiers going on at once, if you gave them
20 a boat and sent them out there, they'd run aground
21 in about two seconds. They'd be in big trouble.
22 You need to know every inch of that pond. Mr. Raso
23 knows that. Anyone who works on or uses that pond
24 knows you better know every inch or you're in

1 trouble.

2 To that end, when this area was first marked,
3 Coastal had some buoys out, and I believe I called
4 Coastal and said, because I didn't know what they
5 were, Whoa, in the north -- the northwest buoy,
6 which is the one that is in the most middle of the
7 pond, is the most obstructive buoy. The one that,
8 actually, I think you've backed off a little bit
9 with a different proposal. A proposal -- the one
10 that is, quote, preferred at this point. It's been
11 backed off a tad, but that -- but that buoy is in
12 the way of navigational turning.

13 And I'm here to tell you, we waterski
14 regularly. We do tow sports, we do a lot of
15 things. You cannot -- I don't care what the
16 harbormaster said. If the harbormaster sat in this
17 pond and watched people try and turn, you cannot
18 turn in the north end. Maybe with tubing because
19 you're a little slower, but certainly not with any
20 higher speed tow sports. And it's a danger.

21 You know, there's only two places that you
22 can -- that you can do tow sports in this entire
23 pond, and one is the northern end, which I heard
24 referred to as Skiers Cove. I learned to waterski

1 here in roughly 1970. I've never heard it referred
2 to as Skiers Cove ever, never, until a bunch of
3 expert witnesses, who don't hang around here,
4 suddenly started using the term recently. I don't
5 know what that's all about, but I hope that they're
6 not trying to send a subliminal message. Because
7 there are only two places that are safe to do
8 certain things.

9 More importantly, Commission, is the fact that
10 we're fighting for deep water. Mr. Raso needs the
11 deep water, by his own admission and by his
12 expert's admission, for scallops. Not oysters,
13 scallops. So the scallops have to be in the deep
14 water. So who is going to get the benefit of all
15 this? We can't turn our boats around. And I
16 assure you that probably 60 people who come behind
17 me are going to tell you that we can't because we
18 use the pond regularly. You can't -- not towing
19 anyway, you couldn't turn around in the northern
20 end with those buoys.

21 So I called up Coastal the first time I saw
22 those buoys there and said, Hey, what's going on
23 here? There's something in the middle of the cove.
24 They moved them within two days. I believe I spoke

1 to Mr. Beutel. I want to say it was -- I don't
2 know if it was 2017 or '18, but it was one of them.
3 Within two days, that buoy was backed off. All the
4 other buoy markers were left, but the northwest
5 buoy marker was moved. I can only assume they
6 agreed that it was dangerous and a safety and
7 navigational issue. That's why they moved the
8 buoy. So the buoy's already -- the northwest buoy
9 was already put in a spot that was not really the
10 proper layout for the pond. I don't even know if
11 those buoys were the proper layout for the pond.

12 But then the following, subsequent year, the
13 buoy was there again. I called again, and within
14 24 hours the buoy was moved. This year, in 2020,
15 when the buoy was set in the northwest part of the
16 pond, I happened to kayak out there and looked and
17 just said, Man, this is such an awful place. You
18 know, it's so obstructive. I was going to call
19 Coastal. The next day it moved by itself. So they
20 planted it where it belonged and moved it.

21 I'm suggesting to you that perhaps people
22 actually agreed that it was a navigational
23 nightmare because nobody else moved those buoys.
24 To me that's -- I mean, that's not my opinion.

1 Somebody else, with far more expert opinion than
2 myself, moved that buoy, the northwest buoy, the
3 one in the deep water that Mr. Raso needs
4 desperately for his, I guess, his scallops, not his
5 oysters, according to the testimony that I've
6 heard.

7 So I'm asking who's really benefitting from
8 all of this. I think throughout everything that's
9 going on, I feel that one person is benefitting at
10 the expense of many, many others, and that's what
11 I'm asking Coastal to think about.

12 Let me keep -- let me keep moving here. In no
13 particular order, I'm going to state a couple of
14 things. So there's only two areas really where you
15 have enough room to maneuver a boat in this entire
16 pond. So I want to speak to the 95/5. I think
17 it's great that 95 percent of the pond will be left
18 open. I think Coastal's done a great job with all
19 those kinds of things that they do. Potter Pond is
20 wonderful. It hasn't been destroyed quite like
21 Great Salt Pond has been by overuse and over -- too
22 much gear in the way. But there's only two places
23 with deep water.

24 Now what's going to happen is, people are

1 going to have to go to the upper pond. And the
2 navigation -- on the 95 percent of the pond that is
3 open, only about 10 -- I'm just going to
4 guesstimate -- about 10 percent of that pond is
5 navigational with a motor boat. We can't use the
6 other areas. So I'm suggesting to you that there's
7 probably -- in the 95 percent open pond, there's
8 plenty of other places -- plenty of places to throw
9 in an oyster farm, but not here capturing the deep
10 water, because it's obstructive and will limit use.

11 So I think I've made my point there. And I'm
12 here to tell you there's no way there's people
13 going to be able to turn around towing. I heard
14 testimony saying otherwise, and I'm challenging
15 that. I live here. I ride here. I tow here.
16 That cannot happen. I don't believe it can happen.
17 If the buoy marker -- and if it could happen, why
18 did they move the buoy -- why did they move the
19 buoy three to four years in a row, is my question.
20 Coastal -- Coastal moved it. Okay. While
21 operating --

22 THE REPORTER: Can you repeat that.

23 MR. WILKES: The report made --

24 THE REPORTER: Sorry, you need to start

1 again. You're breaking up.

2 MR. WILKES: So the point I was trying to
3 make was that Segar Cove is needed. It's one of
4 only two major traffic areas. You're going to
5 remove one area if you let this happen, and it's
6 going to create a traffic and congestion nightmare.
7 Also, people that don't know any better are going
8 to come in here, and there's going to be -- there's
9 going to be problems because if you don't know your
10 way around, you're in big trouble.

11 I don't see where the standard has been met or
12 anything's been proven to us that he will -- that
13 this farm doesn't get in the way or isn't in
14 anybody's sight views or -- and I think the main
15 reason that we really do oppose is because there's
16 no room to recreate, not enough to recreate in this
17 particular area, one of two prime spots. So it
18 might be 5 percent of the pond that's being taken
19 up, but it's going to reduce Segar Cove's utility
20 by -- I'm just going to throw out -- I don't know,
21 50 percent. You can moor boats there, but
22 recreating you can't do, and you're going to be
23 removing a big piece of an area to recreate. And I
24 thought that's one of the things we're supposed to

1 be preserving.

2 Again, I ask you -- it's a very difficult
3 balance for you folks. I appreciate the tough
4 decisions you have to make. It's a balance of
5 somebody's, quote, needs versus the public
6 interest, and I just see -- I see the weight being
7 many, many more people losing than benefitting,
8 including people of the State of Rhode Island who
9 live here.

10 I'm going to go back to the deep water. It's
11 precious. And I'm asking you to give it to the
12 people and the recreators, not to the scallops and
13 not one individual who needs it. The pond wide
14 impact as a part of the opposition really is
15 social, and the experts, the first woman expert
16 speaking to social needs, basically said that the
17 social impact was not -- was not included
18 particularly or quantified in any of her
19 affirmations that this was a good place for the
20 pond. So I'm saying she's missing a big piece, and
21 I'm asking Coastal to consider that piece.

22 We also were talking about the last expert --
23 expert witness. The good doctor basically said
24 that, well, need equals business need. We were

1 trying to define -- as a layman we were defining
2 need as -- I was defining need as, you know, he
3 didn't define it. He never really stated it. And
4 it has to be proven, and I didn't hear anyone that
5 really understood, but that one expert doctor, what
6 need really meant. He suggested, in the spirit of
7 the law I think was the word that he used, was that
8 that was a business need. Well -- and if his
9 oyster farm is full, then he's demonstrated a
10 business need to expand. That's okay, but, again,
11 I'm asking -- first, I don't even know if we accept
12 that, if it's a business need or not. If it's not
13 a business need, I don't believe he's proven need.
14 If it is a business need, then I'm asking to who --
15 at whose benefit and whose expense? Again, you've
16 got to balance the scale, and I just don't see it.

17 In particular -- in particular with the
18 northwest marker and the deep water being taken
19 away, that is a huge -- this pond has no deep
20 water. So to take that away is -- I think is
21 terrible. Especially, when there's probably
22 opportunity to move oysters elsewhere. As for
23 scallops, that's always going to be a problem in
24 this pond, and I can't speak to any of that.

1 So we have safety and navigational issues. We
2 have views and sight line issues. We have right to
3 deep water issues.

4 I believe that Mr. Rice said, His, quote,
5 little farm, quote, will not hinder anyone. And
6 I'm telling you that Mr. Rice would run aground in
7 two minutes if he was left alone out there. So
8 it's going to hinder. I have to challenge that.

9 So assuming that it's a business need or not,
10 I don't know how Coastal is going to look at that,
11 but to me, it's a huge point. I think there's -- I
12 think a fair amount of weight needs to be given,
13 perhaps, you know, weighted averages. I think that
14 the people that live here need to be given some
15 weight, and I believe that the regulations speak to
16 that. And I'm going to leave it alone, because
17 Coastal knows the regulations better than me.

18 It's not really 3 acres; there are buffers to
19 deal with. It's a huge piece of Segar Cove being
20 taken away and 50 percent of an opportunity to
21 tow sports being taken away. I have no problem
22 with the farms. As I said, I've never stood up
23 against any of these before. It's just in the way.

24 I think the Coastal report put in by

1 Mr. Beutel used words like, quote, valiant efforts
2 by Perry, and, quote, admirable to expand his
3 business. I agree. But I think there's an
4 implication there that perhaps it's not admirable
5 for myself and the community to want to hold onto
6 some of the generational things and some of the --
7 and some of the usages that have come down
8 traditionally and for generations that are going to
9 be taken away. So we're standing here not to fight
10 with Perry and not to cry about oysters and
11 aquaculture, which I think is great. We're here to
12 say, just that you're in our way. And there's a
13 lot -- again, there's 95 percent of that pond out
14 there. Why do you have to take one of four deep
15 water turns? There's two deep water turns up in
16 the upper pond, and there's two in Segar Cove, and
17 you're going to take one away, which renders it
18 basically useless. So I think our efforts to
19 oppose are also valiant and admirable.

20 As far as tranquility, the tranquil use, I
21 didn't think that it was really appropriate for
22 Mr. Beutel to testify on that either because he
23 can't decide. He may find jet skis obnoxious, but
24 some people find it tranquil, and it's up to the

1 individuals to decide how they want to use the
2 pond. And I'm here to tell you that anyone on that
3 pond is finding some kind of tranquility. So they
4 used the word "tranquil," and I'm saying that's up
5 to definition. Anyone out there, I'm suggesting,
6 is gaining some sort of tranquility from that.

7 CHAIRWOMAN CERVENKA: Mr. Wilkes.

8 MR. WILKES: Yes.

9 CHAIRWOMAN CERVENKA: You're a little over
10 15 minutes at this point, and I gave you leeway
11 because you have intervening status, but if you
12 could make your final remarks.

13 MR. WILKES: I'll wrap it up.

14 CHAIRWOMAN CERVENKA: Thank you.

15 MR. WILKES: So Perry's passion to grow is
16 matched by our passion to have him put in the
17 proper space. Ninety-five percent of the pond is
18 available that is not available to recreational
19 users due to water depths. Please don't give the
20 precious deep water to the scallops. And does his
21 business need trump the public usage and loss of
22 usage and public safety issues that are going to
23 come along with this? That's as fast as I can
24 move. Thank you for your extra time. I appreciate

1 it.

2 CHAIRWOMAN CERVENKA: Thank you,
3 Mr. Wilkes. Okay. We have next Jane O'Leary.
4 Good morning.

5 MS. O'LEARY: Good morning. My name is
6 Jane O'Leary. I live at 173 Washington Street. I
7 use the pond primarily for kayaking and for
8 clamming.

9 I'd like to start my comments with something
10 that happened three years ago after a town hearing
11 meeting regarding this issue, and I was left with
12 the impression that there was a larger issue at
13 stake that's been alluded to, you know, in a lot of
14 comments. And Perry might remember that I wrote
15 him a letter. And in reviewing that letter, I can
16 see that in three years' time that my point of view
17 and sentiments have not changed, and I'd like to
18 share that with you.

19 It said, "Dear, Mr. Raso. I am writing to you
20 as a neighbor, member of the community, and a
21 patron of your restaurant. Last week" -- again,
22 this was '17 -- "I was an attendee at the advisory
23 committee meeting that addressed the issue of
24 expanding your enterprises into Segar Cove Pond.

1 The predominant impression, or perhaps question,
2 that I left with is this: Why would Perry Raso, a
3 member of the community and a local business
4 person, prevail in his drive to establish another
5 oyster farm in an area where the neighbors are in
6 vehement opposition? I honestly don't get it. I
7 assume it's not a matter of survival but rather a
8 matter of expanding your business. But at what
9 price?

10 "You were at the meeting. You heard the
11 reasons for the objections, but more so you heard
12 the emotion and the personal commitment expressed
13 by your community. You are aware of the
14 preponderance of letters in objection to your
15 project. For you to continue to pursue this would
16 be to alienate the community in which you live and
17 conduct business. And that's where I'm confused.
18 What is driving your pursuit of an endeavor that
19 clearly offends people in your community? Is it a
20 matter of winning or saving face? Nobody objected
21 to your establishing a garden on Matunuck Beach Road
22 because it doesn't detract from the landscape or
23 have a deleterious effect on the environment.

24 "The Segar Cove project is considered by your

1 neighbors an assault on the aesthetic and history
2 of our landscape. Not all progress is good or in
3 the best interest of the community. Sometimes
4 grace and humility trump valor. Acquiescing to the
5 wishes of those in the majority can earn you a
6 measure of respect worth more than the profits
7 gained from expanding your oyster farm, perhaps
8 leading to a legacy that far exceeds financial
9 success."

10 And Mr. Raso and I discussed this issue in
11 person after he received the letter. Shortly --
12 you know, this is another appeal that I had to
13 CRMC. It's in regard to Perry Raso's petition to
14 establish a 3-acre oyster/scallop farm in
15 Potter Pond. "As this is not a new issue" -- this
16 is a recent letter -- "there appears to be no
17 purpose repeating the pleas and oral testimonies
18 given by the neighbors in the community who object
19 to the expanded use of the pond for commercial
20 development. It is agreed that the project will
21 impinge on the rights of those who use the pond for
22 all sorts of recreational use and for personal
23 shellfishing. Without a doubt, Mr. Raso has
24 contributed to the culture and financial well-being

1 of the community with his very successful
2 restaurant. His current oyster operation on the
3 pond has contributed to his success. No one is
4 suggesting that that be rescinded. Expansion of
5 his oyster farming business will benefit Mr. Raso
6 and Mr. Raso only. The rationalization that the
7 proposed operation is ecologically beneficial is
8 just that, a rationalization. Please put into
9 perspective the lives and wishes of many versus the
10 business interests of one when making your
11 decision."

12 And I guess I won't use anymore of your time.
13 That's basically all I have to say. I don't have a
14 boat, but, you know, I do use the pond for some
15 minor recreation. Thank you.

16 CHAIRWOMAN CERVENKA: Thank you,
17 Ms. O'Leary. Next, is Julie Kowalski.

18 MR. MOORE: Madam Chair, I don't see her
19 in the attendees list.

20 CHAIRWOMAN CERVENKA: Okay.

21 MR. MOORE: If she's in there, can she
22 please use the "raise hand" function.

23 CHAIRWOMAN CERVENKA: All right. Let's
24 skip over her for now. We can circle back later.

1 And next is Phillip Morton, but there's an
2 indication that he no longer wishes to speak. I'm
3 assuming that he communicated that to Mr. Willis or
4 Ms. Turner.

5 MS. TURNER: Yes, Madam Chair.

6 CHAIRWOMAN CERVENKA: Okay. Thanks. So
7 next is Richard Pacheco. Good morning,
8 Mr. Pacheco. You're on mute. Still on mute.

9 MR. PACHECO: How's that, better?

10 CHAIRWOMAN CERVENKA: Yes.

11 MR. PACHECO: Thank you, and good morning.
12 I really only have -- what I need to say is just a
13 couple of minutes. My name is Richard Pacheco. I
14 just wanted to say that I access that pond quite
15 often myself. I have a mooring ball in
16 Seaweed Cove, and I have a summer spot down there
17 as well. If this thing goes in -- I'm very
18 familiar with that area -- if it's allowed to go
19 in, access to the shoreline by powerboat will be
20 nonexistent. Okay.

21 There are a lot of people, including myself,
22 that use that area for recreational purposes. I do
23 a lot of clamming. I do a lot of boating in that
24 area. It really is just going to take up a bigger

1 portion of the pond. I think if you're not
2 familiar with the area, you don't realize how much
3 it's going to take. And, you know, just as someone
4 that recreationally uses that area, I just don't
5 think it's in the best interest of the people that
6 do. So that's really all I have to say, and I
7 thank you for your time.

8 CHAIRWOMAN CERVENKA: Thank you,
9 Mr. Pacheco. Next is Mark Parsons. Mr. Parsons,
10 you need to turn on your video and unmute yourself.

11 MR. MOORE: I don't believe that's
12 Mr. Parsons.

13 CHAIRWOMAN CERVENKA: Oh, okay. It's got
14 the same first name. Mr. Parsons, we can't hear
15 you. You're not muted, but you're not coming
16 through either. Do you have your computer audio
17 on? Okay. Mr. Moore, do you see --

18 MR. MOORE: He should be on now.

19 CHAIRWOMAN CERVENKA: Okay. No, you're on
20 mute on your phone.

21 MR. PARSONS: Hi. Can you hear me now?

22 CHAIRWOMAN CERVENKA: We can.

23 MR. PARSONS: Thanks so much for your
24 patience and bearing with me on that.

1 CHAIRWOMAN CERVENKA: No problem.

2 MR. PARSONS: I hear the echo. I'm going
3 to try to get away from the computer.

4 CHAIRWOMAN CERVENKA: Okay.

5 MR. PARSON: So maybe I'll turn the
6 computer off. Thanks for bearing with me. I
7 appreciate it. All right. The computer is off,
8 but you did get a chance to see me, so, again,
9 thanks for the opportunity to speak. I do
10 appreciate that. I know that the whole question
11 about social carrying capacity has turned to be a
12 big issue here, so the extent to which the
13 subcommunity has bent over backwards to allow
14 public comment is very much appreciated.

15 I wanted to make a few points, and I will be
16 brief. I live on Peninsula Road. My primary use
17 of the pond is for kayaking. And I will tell you
18 from personal experience, really in part with the
19 existing lease that is on Potter's Pond, any notion
20 that this lease would be a shared use area for
21 anything other than the exclusive use of the
22 applicant is a total fiction. It really is a total
23 fiction. And I know there's been a lot of
24 testimony about powerboats. Forget the powerboats.

1 Even to kayak or to, you know, run a fishing rod
2 out there, it's not compatible. It's an exclusive
3 use, exclusively dedicated to one commercial
4 purpose at the expense of all the recreational
5 users. And, you know, it's really a fiction to
6 view it otherwise.

7 And I almost wonder whether Mr. Raso would
8 agree with that. I don't think he wants people
9 boating in his equipment. I mean, on a windy day I
10 had my kayak blow into his existing farm, and it
11 was a nightmare. It was a nightmare. You know, he
12 doesn't want that. And, you know, you can just
13 tell from observation that people steer clear of
14 the farm. We heard Mr. Wilkes talk about buffer
15 areas. There are natural buffer areas. People try
16 to steer clear of the apparatus that's there, and
17 it really does result in the exclusive use of the
18 pond by the applicant.

19 The second point I'd make relates to the
20 photographic evidence that was introduced by
21 Mr. Raso, and, you know, I would echo the comments
22 that that information is not neutral, that evidence
23 is not scientific, it is not worthy of the
24 subcommittee's reliance. But let's just assume,

1 for the sake of argument, that it is good evidence.
2 It's almost worse. What that means is, that
3 Mr. Raso would be taking this pristine, quiet part
4 of the pond and turning it into a factory. We
5 heard about the amount of activity that was going
6 to go on there. We heard about the need to limit
7 hours. And I would encourage the subcommittee to
8 go back to the transcript. When Mr. Raso was
9 testifying, he was even sort of fudging a little
10 bit on the hours when he was testifying. He said
11 something like, yeah, and then in the off season --
12 then when it's not migratory birds, we'll be an
13 hour more, an hour less, more or less, give or
14 take. So it's like there's just going to be so
15 much activity in what Mr. Raso would have us
16 believe is this pristine part of the pond where I
17 like to take my kayak, my family likes to take
18 their kayaks. So I think that either way it's an
19 inappropriate location.

20 And I will tell you that there's sort of a
21 framing problem, what the psychologists would refer
22 to as a framing issue here. We're all talking
23 about where in Potter Pond, where in Potter Pond.
24 Why does it have to be Potter Pond? Rhode Island's

1 a small state but has a lot of water.

2 It seems clear from all the public comments
3 that there really is not a compatible use beyond
4 what Mr. Raso already has. And I'll say that has
5 really, from all the people in the neighborhood and
6 the existing use, has not been tranquil, it has not
7 been well accepted. It's something where it has
8 been more of a burden esthetically and physically
9 to the other users. It's created more conflict
10 than you might have expected at the beginning. And
11 so I think it's relevant to refer to the prior use
12 and how that's worked out, which I would suggest is
13 disruptive and burdensome. So adding to that, to
14 me, just makes matters worse.

15 The final point I would make is really a
16 question about the role of Mr. Beutel in these
17 proceedings. If I understand correctly, he's not
18 an employee of the state, he's not an employee of
19 CRMC, DEM. He's an ex-employee. He's a retiree.
20 If I'm right about that, he's a stranger to these
21 proceedings. Why is he testifying without being
22 sworn? Why is he testifying without being subject
23 to cross-examination? That's not appropriate. To
24 me, I think all of this -- if I'm correct that he's

1 not an employee, his testimony should be stricken,
2 and all the testimony derivative of his where
3 experts were referring to what Mr. Beutel said,
4 Mr. Beutel said, Mr. Beutel said, that should all
5 be stricken.

6 I believe he came across as a biased witness,
7 like an extension of Mr. Raso's team, not subject
8 to cross-examination, not subject to swearing in.
9 The reason members of the staff can speak without
10 being sworn and without being subject to
11 cross-examination is because they are public
12 servants. It's the whole notion of there's a civil
13 service apparatus that governs your conduct, your
14 behavior. And if Mr. Beutel is not subject to
15 that, he doesn't deserve the deference that public
16 servants deserve in that context. So I would ask
17 that factual question be answered, and if, in fact,
18 that's correct, I believe it's appropriate to
19 strike his testimony. And, again, thanks for the
20 opportunity to speak to you. I appreciate it.

21 CHAIRWOMAN CERVENKA: Thank you.

22 Mr. DeSisto, could you just comment briefly on the
23 Mr. Beutel issue as a retired CRMC employee.

24 MR. DeSISTO: He came back and finished up

1 because he did his initial report, and it just --
2 you know, he retired right around the time that he
3 had wrapped it up. So he did come back and
4 volunteer for that. He is considered to be a
5 CRMC employee, and it was appropriate for how he
6 testified, and it was appropriate how it was -- his
7 testimony was handled. So --

8 CHAIRWOMAN CERVENKA: And he was an
9 employee at the time that he wrote his staff
10 report, correct?

11 MR. DeSISTO: That's correct, yes.

12 CHAIRWOMAN CERVENKA: Okay. Thank you.
13 All right. Moving onto Curtis Corl.

14 MR. CORL: Hello.

15 CHAIRWOMAN CERVENKA: Good morning.

16 MR. CORL: Good morning. Just make sure
17 you can hear me.

18 CHAIRWOMAN CERVENKA: We can.

19 MR. CORL: Thank you so much. So I've
20 been a Rhode Islander for about 37 years. I went
21 to URI. I've lived all over, in Middletown,
22 Newport, Cranston, and Hope Valley, Narragansett,
23 most recently had a house in Green Hill until two
24 years ago. So I've been -- I've been coming here

1 forever, and specifically Potter Pond for the last,
2 I don't know, 22 years. I've kayaked there, I've
3 fished, I've clammed. It's really been an
4 enjoyable time, and I hope I get another 20 years
5 of doing that, at least, I would hope, God willing.
6 But I just wanted to layout there that I've -- I'm
7 a big believer in Rhode Island and South County and
8 Potter Pond.

9 And what I wanted to do, though, I wanted to
10 state clearly that I'm not against this because of
11 any ill will to Perry. I mean, I've known Perry
12 since when he had his dog on the little boat and
13 would go, you know, doing his clamming and stuff.
14 So it's nothing about Perry. I'm happy that he's
15 got what he's got. I've eaten at his restaurant a
16 lot. But what this is about is looking at the
17 overall cost benefit and the people impacted. So
18 in this case we've got one person who's going to
19 benefit from it, and you've got, like, hundreds
20 that are going to suffer for it.

21 I'm not going to reiterate what a lot of
22 people said because they said it better than me,
23 but the pond ain't that big, right? I've been on
24 it many times. You put that big thing in the

1 middle, there's no way people are going to be able
2 to do anything around it. And what my fear is --
3 so that will ruin it for everyone. But my fear is
4 some people will try. And somebody's going to take
5 their kid out tubing, like I did with my daughter
6 when she was four, first tubing, now she's 23. But
7 someone's going to do something like that, because
8 they think they can, and they're going to hit --
9 they're going to hit that. And I'm worried about
10 the kids. I'm worried about anybody, and I'm
11 worried about all the fun that we won't have there,
12 but I'm worried that somebody's going to get hurt.
13 And I think we have to take that into
14 consideration, because people will try to use it
15 because they think they'll have it, and then
16 there's no room for error. Especially with a
17 powerboat and waterskiing.

18 So, in closing, again, I think it's a bad idea
19 for this specific spot. There's plenty of other
20 water in Rhode Island. This is just too small, and
21 we already have that -- we can already see that
22 other big area that Perry has, which is fine. It's
23 out there, but it already is hard to get out of the
24 cove even now. I can't imagine having another one

1 in it. So thank you very much.

2 CHAIRWOMAN CERVENKA: Thank you, Mr. Corl.
3 We next have Gary Benoit. There looks to be a note
4 that Gary will not be speaking today, but I see his
5 video. And, yes, Mr. Moore, if you can take him
6 off. Oh, he's -- Mr. Moore, are you following the
7 chat?

8 MR. MOORE: Yes, I am.

9 CHAIRWOMAN CERVENKA: Is he speaking but
10 just from phone?

11 MR. MOORE: I suspect that he is not
12 speaking today.

13 CHAIRWOMAN CERVENKA: I was a little bit
14 confused. If that's not the case and he wants to
15 speak, then, Mr. Benoit, just put that in the chat,
16 and we'll get back to you.

17 So the next will be Pat Moore, who no longer
18 wishes to speak. And No. 11, the next speaker is
19 Patrick Grimaldi.

20 MR. MOORE: I do not see him in the
21 attendees list.

22 CHAIRWOMAN CERVENKA: Okay. Mr. Grimaldi,
23 if you're out there, can you please raise your hand
24 to be admitted.

1 MR. MOORE: We do have two people
2 listening on phone. I don't know if one of them is
3 him. If it is, please press star nine to raise
4 your hand.

5 MS. NOONAN: Madam Chair, if I might note,
6 we're getting substantive comments from -- I don't
7 know if it's people that have been signed in or not
8 on the chat. I don't know how you want to handle
9 that.

10 CHAIRWOMAN CERVENKA: Mr. DeSisto.

11 MR. DeSISTO: Well, I'll defer to Ryan on
12 that, but the chat is a record, so those would be
13 added -- the chat box will be added to the record.

14 MR. WILLIS: Madam Chair, if I might?

15 CHAIRWOMAN CERVENKA: Mr. Willis.

16 MR. WILLIS: Because the chat, as
17 Mr. DeSisto has stated, is being recorded, and
18 we've offered the public to write in comments
19 during this period, we can include those chat
20 comments to the file.

21 CHAIRWOMAN CERVENKA: Okay. Thank you.
22 So do we have, Mr. Moore, Mr. Grimaldi that you've
23 identified?

24 MR. MOORE: No one has come forward,

1 Madam Chair.

2 CHAIRWOMAN CERVENKA: All right. We'll
3 put him as a question mark for now and move onto --
4 Brad Voss no longer wishes to speak, so it's
5 Christine Chase. Good morning, Ms. Chase.

6 MS. CHASE: Good morning.

7 CHAIRWOMAN CERVENKA: Good, you're good.

8 MS. CHASE: I -- excuse me. I'd first
9 like to start by echoing -- I'm not going to echo
10 actually -- some of the previous commenters. I
11 feel that they have exercised their right to speak
12 and speak on all of our behalves. Before I tell
13 you a little bit about my personal experience with
14 the pond, I would like to reiterate some of what
15 has been referred to in the bias nature of
16 Mr. Beutel's testimony on this case. I have to say
17 that I've been listening right along, and I was
18 dismayed, quite frankly, in how dismissive he was
19 of any and all of the public comments that he had
20 received in this matter previously in writing as
21 being all of the same nature and all relative to
22 recreational use. I honestly can tell you that I
23 had a bad taste in my mouth right in the beginning
24 when listening to his, I guess we're going to call

1 it testimony.

2 I'm urging all of you to take each and
3 everyone of us individuals who have concerns about
4 the significant impact of this proposal on us and
5 on the public as just that, as independent
6 community members, not as one group or a whole of
7 the public. Thank you for that.

8 So, I guess, I'll start with informing you
9 folks that I am an abutter of Potter Pond. I live
10 at 992 Matunuck Beach Road in Seaweed Cove. And my
11 family has owned the property and used the property
12 since the 1920s, so at a time almost a hundred
13 years ago when there was virtually nobody on
14 Potter Pond. My great-grandfather bought and built
15 a few houses on our property, and all of our family
16 continues to use it today as a fifth generation.

17 That said, we always had a boat. We've always
18 had water sports that we've enjoyed there. And to
19 speak of tranquility, in spite of the exponentially
20 increased recreational usage of the entire
21 Potter Pond, it remains a very tranquil part of our
22 very lives. We have always enjoyed it in the
23 summertime, and a few years ago we moved down to
24 our summer place full time; so I'm a full-time

1 resident on the pond.

2 My fondest memories are memories of taking my
3 little boat and going to my best friend's house via
4 the waterway, navigating from Seaweed Cove into
5 Segar Cove where my best friend resided and
6 waterskiing in that area. So I can attest that I
7 have been using and enjoying that pond, as some
8 other members have spoken about, since I was a very
9 young child. I learned to swim there, etc.

10 I echo some of the other comments about the
11 precious deep water areas and precious areas for
12 navigation for water sports in the entire of
13 Potter Pond. Unless you're familiar with or are a
14 regular user of the pond, you can't appreciate just
15 how precious and how limited the waterways to
16 navigate to and from areas in a boat or to utilize
17 recreationally is.

18 What I can tell you is, that Seaweed Cove is
19 unusable virtually. It's a to and from spot.
20 Folks that have boats in Seaweed Cove must navigate
21 through the ever-increasing mooring field, and it
22 is a seaweed area, so it's not a recreational area
23 for boating.

24 Sycamore Cove, I've known since I was a

1 six-year-old girl riding with my brother in the
2 boat, is not a place that you enter. You just do
3 not enter that area due to the weeds, due to the
4 rocks, due to the unknowns. So that area is
5 exclusive of any recreational water sports. That
6 leaves us Segar Cove, and it leaves us the northern
7 basin Skiers Cove area to navigate recreationally.

8 The burden that this proposal will place on,
9 as I agree with what's been said already, the
10 precious deep water areas for any motor sporting is
11 just extraordinary. As it is, the navigation
12 channel from Seaweed Cove and Segar Cove outside of
13 that area along the left-hand side of the already
14 existing aquaculture area is very small. There
15 is -- as folks have testified, there is an
16 increasing safety concern with the small navigation
17 area that we already have to navigate through in
18 order to get to and from Segar Cove, Seaweed Cove,
19 and the Skiers Cove and out to the ocean, quite
20 frankly.

21 I've noticed the last two summers, this summer
22 in particular, there is an increase in kayaking and
23 canoeing folks in that small channel area. And
24 it's very -- you have to be very mindful when

1 you're going to and from that area to avoid other
2 boaters, other kayakers, other canoers, etc. I just
3 feel, frankly, the capacity of this pond, based on
4 the areas that are not usable, not deep water, not
5 usable, not navigationable are just too restrictive
6 as it is. So to that end, I certainly oppose this
7 application.

8 The other thing is, I guess I wonder if the
9 Board is considering all of the previous
10 oppositions from the Waterfront Advisory Committee,
11 the Marine Fisheries Council, the
12 South Kingstown Conservation Commission, all of
13 who have not approved of this proposal. And I
14 guess I wonder what weight you folks are placing on
15 that.

16 I'd like to end with just imaging if
17 privatizing parts of the sun for one local
18 grower's garden will have an impact on all of the
19 rest of the public's capacity to enjoy a small
20 private garden of their own, would we attest to
21 that? Would we support that? Thank you for your
22 time.

23 CHAIRWOMAN CERVENKA: Thank you.
24 Robert Groskin.

1 MR. GROSKIN: Good afternoon.

2 CHAIRWOMAN CERVENKA: Good afternoon.

3 MR. GROSKIN: You can see me? You can
4 hear me okay?

5 CHAIRWOMAN CERVENKA: We can.

6 MR. GROSKIN: Very good. Thank you very
7 much. Thanks for the opportunity to speak to you
8 today. First, let me say that my experience on
9 Potter Pond comes from many, many years of coming
10 and fishing there, particularly in the Segar Cove
11 area. But I wanted to speak to you today from
12 several other perspectives.

13 First, from a habitat and environmental
14 perspective. I'm the executive director of the
15 Association of Avian Veterinarians, and I'd like to
16 address one concern that I have not seen brought up
17 yet, and that's the roosting and numerous --
18 hundreds of shorebirds that roost in and around the
19 oyster farm that exists now, and that would roost
20 and land, eat, and more significantly defecate on
21 the new farm. And it's my understanding that
22 there's some regulations that specify that farms of
23 this nature need to have provisions for preventing
24 these roostings. The fecal matter that accumulates

1 is extremely detrimental, both to humans and to the
2 ecosystem in and around the farm. So that's one
3 area that I do not see that was addressed in the
4 application, which I believe it was required to be
5 addressed.

6 The second issue that I'd like to bring up is,
7 again, I didn't see within the application for the
8 farm any benthic surveys, which would include an
9 infauna survey. And the purpose of these benthic
10 surveys is to determine what animal and plant
11 species, invertebrate or vertebrate are present at
12 the specific site and what impact the proposed farm
13 would have on those species. I know that many
14 states require that as part of an aquatic use
15 application, and I'm surprised that none was
16 conducted and made available to the subcommittee.

17 As an example, in particular, my concern is
18 that of cedar worms. Cedar worms are a primary
19 food source for stripers in salt ponds and
20 especially in the month of May are found in great
21 abundance in Potter Pond, especially, again, in the
22 southern portion of Segar Cove where the proposed
23 oyster farm and scallop farm is being considered.

24 It's been my experience that the -- that the

1 proposed farm siting is also a very active emerging
2 cedar worm hatch, and my concern, of course, is
3 that the farm would potentially have significant
4 impact on this important habitat, and that should
5 be considered as part of the decision.

6 The other thing I'd like to speak about is
7 that oyster and scallop farming is not a static
8 operation. The ongoing daily harvesting and
9 maintenance is going to be very disruptive to both
10 the habitat and native species of the cove.

11 And, finally, this farm is going to
12 significantly expand the private use of a public
13 resource for the sole purpose of one business,
14 who's already been granted considerable use of this
15 public resource. And I hope that the subcommittee
16 would oppose further privatizing the public's
17 access to an important public resource.

18 So -- and I did speak -- do speak to you as a
19 member of the steering committee of the Atlantic
20 Coastal Fish Habitat Partnership. So I do have
21 some knowledge and experience of habitats. So this
22 concerns me a lot, as what will happen to the
23 habitat under the proposed oyster and scallop farm.
24 Thank you.

1 CHAIRWOMAN CERVENKA: Thank you,
2 Mr. Groskin. Next is Joyce Corl. Ms. Corl, you'll
3 need to unmute and put your video on. You're still
4 on mute. Good, we can hear you now.

5 MS. CORL: I'm pushing it. Okay. All
6 right. Hi. My name is Joyce Corl. I live at the
7 pond end of Washington Street beside the public
8 access. It is one of four public access points on
9 Potter Pond. I'd like to speak about the public
10 access.

11 Three of these accesses are in Segar Cove.
12 The fourth is mainly a boat launch, which is in
13 Seaweed Cove, which is aptly named. Sycamore Cove
14 should be named Eelgrass Cove. Then there is the
15 point area, which was called the "Wetlands" and is
16 now mostly covered by Perry's existing oyster farm.
17 The people who live or vacation on those three
18 coves enjoy coming to Segar Cove to recreate.

19 Now, this is a picture. It's an aerial shot
20 of the area; so you get an idea of how this works.
21 Segar Cove is the one near the farmland. So -- and
22 you can see that there is grass growing or eelgrass
23 or seaweed in other areas. So people gravitate
24 towards Segar Cove. Moorings are in both Segar and

1 Seaweed Cove. Public access is how they get to
2 their boats. Folks also utilize the farm by using
3 kayaks, paddleboards, etc., which they leave at the
4 public access areas.

5 This is a picture of Lake Street, that public
6 access. Perry knows that this is used because he
7 used to live on Lake. Swimmers and clammers also
8 use the public right-of-way. I talked to these
9 pond users, and they are trying to enjoy the pond
10 just as we all do, and they live in all the
11 surrounding area. Sometimes people come from the
12 big salt pond. They bring their boats through to
13 recreate in Segar Cove or the upper cove. They do
14 this because it's almost impossible to do that -- I
15 think it's impossible -- on the big salt pond.

16 And also we are retired and live here
17 full-time, so we do get to enjoy what is happening
18 on the pond. I did not take pictures at lunchtime,
19 as Perry did, but I see folks enjoying the cove
20 most all the time. And waterskiing certainly will
21 be curtailed because that is where the farm will
22 be. That is Cooney's property you see behind.
23 Even in December people are enjoying the pond. I
24 saw a person on a paddleboard this past weekend and

1 a boat. My husband took these pictures Monday of
2 this week at the public access that is right beside
3 us on Washington Street.

4 CHAIRWOMAN CERVENKA: Ms. Corl, all the
5 pictures you're holding up, at least I only see a
6 portion of them. So if --

7 MS. CORL: Up higher?

8 CHAIRWOMAN CERVENKA: I think I would just
9 bring them back towards your face. So we --

10 MS. CORL: Now?

11 CHAIRWOMAN CERVENKA: Yes, that's fine.

12 MS. CORL: Okay. The people using the
13 pond try to be thoughtful. They take turns and try
14 not to motor up to a kayaker or paddleboarder.
15 Three motor boats can circle the cove by keeping a
16 distance between boats. These activities will
17 certainly be curtailed with the new 3-acre farm and
18 a barge or boat that will be used to harvest. This
19 is a picture of Perry's 7-plus acre farm. And I
20 would hope this doesn't happen to Segar Cove.
21 Thank you for listening.

22 CHAIRWOMAN CERVENKA: Thank you, Ms. Corl.
23 Moving onto Dorothy Woodcock.

24 MS. WOODCOCK: Can you hear me?

1 CHAIRWOMAN CERVENKA: We can.

2 MS. WOODCOCK: Hello. My name is
3 Dorothy Woodcock. Thank you for giving me this
4 opportunity to comment on Perry Raso's proposed
5 aquaculture project in Segar Cove. Though I did
6 submit a letter almost three years ago, we have all
7 had time to ponder this issue further, and these
8 hearings, all of which I've watched, have added to
9 my understanding of aquaculture and the beloved
10 attributes of Potter Pond.

11 My family has owned property at the northwest
12 corner of Potter Pond since 1960, 60 years. While
13 I call it the "upper pond," I know that others have
14 referred to it as the "Waterskiers Pond," the
15 "northern basin," and the third -- and the "third
16 basin." This is all new to me. I have many
17 beautiful views of the pond, as our property
18 extends along wooded shoreline all the way south to
19 the Sycamore Cove properties. There's actually
20 about eight-tenths of a mile of shoreline due to
21 its many protected coves.

22 First, I want to speak from my perspective on
23 the upper pond. For 40 years I have spent at least
24 three months of the year in residence at our home

1 with its elevated view very close to the pond.
2 Every day and throughout the day I enjoy my views
3 of the pond. Early morning sunrise, midday, and
4 the evening. I love this pond. It nourishes me.
5 I take non-stop photos of the changing light on the
6 pond. My Segar Cove friends have spoken as well of
7 their love of the pond. I know that my neighbor
8 across the pond, Perry Raso, also dearly loves the
9 pond. It is part of our lives, our memories, our
10 growing up, our family times.

11 Many days the pond can be totally quiet,
12 perhaps a loan kayaker or a fisher person. Other
13 days, particularly during this past summer in COVID
14 times, this northern basin is packed and noisy,
15 with as many as 20 boats anchored or pulling skiers
16 or tubes. It can be a scary scene.

17 Families also anchor all day below my home,
18 and I hear just about everything they say. The
19 jet skiers, who insist on circling are, yes, a true
20 annoyance. Open water, as we all know, magnifies
21 voices and engines. Generally, I would say,
22 though, that people, excepting the jet skiers, are
23 respectful, compared to years ago when skiers would
24 wait their turns on my dock.

1 Yet, from my private paradise, I have come to
2 full acceptance that this is the public's pond. It
3 is not mine. I can see the joy of families
4 anchored all day. I can see the frustration and
5 accomplishment as people from all over learn to ski
6 for the first time. I accept that little kids have
7 to squeal as they are pulled around corners. I
8 accept that in these times water brings wonderful
9 freedom and community, as well as healing and
10 solace. I accept that the deep water in front of
11 my home is becoming a rare commodity for those
12 enjoying these water sports.

13 We have enjoyed our dock since the '60s. We
14 waterski, we fish, we swim, we kayak, and we
15 readily head south in our MAKO cruising around the
16 pond, tilting our engines due to the shallow water
17 and eelgrass, past Perry's expansive and somewhat
18 unsightly oyster beds to Segar Cove. As already
19 well stated, you have to know -- you have to know
20 the pond very well to navigate it.

21 Though this cove is around the bend, it is
22 still our pond and very connected. We actually own
23 land at the northern end. I dread what an oyster
24 and scallop bed, this one covering 3 acres, will do

1 to the cove's safe access through its narrow mouth
2 and the ability to kayak safely along the coastline
3 or putter in a boat there appreciating the ospreys
4 and the other birds. Neighbors who live there have
5 already made this very clear, deep water is in
6 short supply. Accessible deep water for recreation
7 is vanishing in South Kingstown. Salt Pond now no
8 longer offers safe space for towed water sports.
9 Potter Pond, accessible through its challenging cut
10 as well as through the public launch sites, is
11 really just the only public waters in
12 South Kingstown opened to all for all types of
13 water enjoyment. Even those of us cruising around
14 do enjoy a bit of speed.

15 The extensive presentations before your
16 advisory body have made very clear that the
17 prolific eelgrass, the very shallow water, and the
18 200-foot South Kingstown ordinance buffer around
19 docks and aquaculture astonishingly reduces safe
20 public recreation space. Restricting one cove's
21 recreational and social carrying capacity affects
22 the dynamics of the whole pond, whose public use
23 has skyrocketed over this past summer and whose
24 growing popularity is not reflected in the earlier

1 studies presented to this body.

2 Please know that Perry is my neighbor and a
3 generous man. I love his restaurant where I head
4 immediately during the off season. His carryout
5 business sustained my family all summer,
6 particularly those wonderful beet, goat cheese
7 salads. I know that he's our state's poster child
8 whose restaurant is advertised as one arrives at
9 the airport. I appreciate that he's an
10 extraordinary entrepreneur, but he always wants
11 more. I know that he's applying for more, but I
12 have seen no evidence that Perry really needs more.
13 Our pond cannot take more. Too many have
14 discovered this beautiful and secluded recreational
15 treasure. Enough is enough. Thank you.

16 CHAIRWOMAN CERVENKA: Thank you,
17 Ms. Woodcock. M.L. Hedison is next. Hi.

18 MS. HEDISON: Hello.

19 CHAIRWOMAN CERVENKA: Yes, we can see you
20 and hear you.

21 MS. HEDISON: Okay. Well, it would be
22 hard for me to add to what Ms. Woodcock has just
23 laid out. I completely -- I think she really
24 expressed many of my views so succinctly and

1 amazingly, so I won't repeat a lot of thoughts. I
2 will just add that, as many people who have spoken
3 before this committee, I, too, have spent 60 years
4 on Potter Pond. And it truly is -- it is such a
5 special place, and it truly lives in the souls of
6 all of us who have spent so many years enjoying all
7 that it has to offer. And that's really my point,
8 is that Potter Pond and all the amazing coves
9 surrounding it, including Segar Cove, are there not
10 for the profit of one but for the use and enjoyment
11 of many. And, you know, I think that Mr. Raso was
12 afforded an incredible opportunity when the State
13 allowed him to utilize 7 and a half acres of this
14 incredible public pond for his enterprise. But to
15 come back and ask for 3 and a half more acres, I
16 just -- I find it so egregious that he would ask
17 for this, because, you know, as you know, I believe
18 her name is Ms. Chase, had also made the analogy
19 about, you know, what if everybody wanted a piece
20 of the sun for their own private garden, where
21 would we be left? And I feel like that analogy is
22 really, really apt in this case.

23 This pond, these waters, this eelgrass, these
24 crabs, all this amazing beauty is there for

1 everyone's enjoyment. And I just think it -- I'm
2 astonished, and I just think it's unconscionable to
3 grant Mr. Raso 3 and a half more acres of this
4 joint resource, and I vehemently oppose his
5 application. Thank you.

6 CHAIRWOMAN CERVENKA: Thank you,
7 Ms. Hedison. David Papazian.

8 MR. MOORE: I don't see him in the
9 attendees list, Madam Chair.

10 CHAIRWOMAN CERVENKA: Okay. If
11 Mr. Papazian is in this meeting, please raise your
12 hand or press star -- what is it, Mr. Moore?

13 MR. MOORE: Star nine.

14 CHAIRWOMAN CERVENKA: -- star nine if
15 you're participating via phone. I don't see any
16 hands, so we'll move on and go to Deborah McCurdy.

17 MR. MOORE: Deborah, if you're an
18 attendee, can you please raise your hand. Thank
19 you.

20 CHAIRWOMAN CERVENKA: Ms. McCurdy, we need
21 you to turn on your video and unmute yourself.

22 MS. MCCURDY: You got it.

23 CHAIRWOMAN CERVENKA: We have you.

24 MS. MCCURDY: Great. Thanks for the help.

1 CHAIRWOMAN CERVENKA: No problem.

2 MS. MCCURDY: My name is Deb McCurdy, and
3 thank you for having me this morning. I live on
4 Segar Cove on Prospect Road. My father-in-law
5 built this house in 1960. Our family's lived here
6 ever since. We're year-rounders. We don't leave.
7 We're constantly here; so we get to see everything
8 that does go on in the pond, as well as the other
9 people have testified before me.

10 This past summer I just -- everything that
11 people have said already I totally agree with.
12 Actually, it's like they read my notes. But
13 anyway, this past summer I think is the busiest I
14 have ever seen the pond between kayakers, tubers,
15 waterskiing, and they all congregate where that
16 turn is where Perry Raso's proposed expansion is.
17 My fear is that someone is going to get hurt. I
18 said it in the waterfront committee meeting. I've
19 been to the fisheries meeting. I just fear that if
20 somebody gets entangled in one of those oyster
21 traps or in those lines, it's going to lead to
22 bodily harm.

23 Most of the people who are on these tubes are
24 little kids, and if you ever watch a little kid go

1 off a tube that's going pretty fast, they do
2 somersaults, they fly. They end up where a parent
3 has to go and get them halfway down the pond for
4 crying out loud. So my biggest fear is somebody
5 getting hurt if it was allowed.

6 I thank you for your time, and I'm not going
7 to reiterate what everybody else said because
8 you've already heard it. Thank you.

9 CHAIRWOMAN CERVENKA: Thank you,
10 Ms. McCurdy. We now have Robert Hefner.
11 Mr. Hefner, can you turn on your video and unmute
12 yourself. We can see you, but we can't hear you.

13 MR. HEFNER: Can you hear me now?

14 CHAIRWOMAN CERVENKA: We can.

15 MR. HEFNER: Okay. Great. Well, as you
16 said, my name is Robert Hefner. I live on
17 Segar Cove, on the north end, and I have an
18 unimpeded view of the proposed area and most of the
19 cove.

20 I'm here today to make four points. One,
21 there are misrepresentations that are in Mr. Raso's
22 application. Two, I'm concerned about the clinging
23 jellyfish and the impact that additional oyster
24 farm boxes, panels, cages floating, whatever will

1 have on that. I want to talk about trading public
2 usage for a private commercial for profit entity
3 and who gains here. What does Rhode Island state
4 gain, what does CRMC gain, what does the public
5 gain, what does Mr. Raso gain or not gain. And,
6 finally, I want to talk about the degradation of
7 the recreational use by the public for boating,
8 swimming, sailing, etc. Mr. Raso's own expert
9 witness, and I've forgotten the name, Dr. Rowe, who
10 spoke at least on November 13th at around 4:45 when
11 I tuned in, he made some comments at that point in
12 time. So those are the four things I want to talk
13 about.

14 First of all, there are at least three
15 misrepresentations that I had the ability to
16 uncover within the original file 2017-12-086.
17 They're points Section 3, 6, and 10 within the
18 application. And, again, I have a complete
19 unimpeded view of the proposed area.

20 In Section 3 of Question 3 the question was
21 asked about whether there would be issues, and
22 Mr. Raso's answer is that the area is away from
23 boat traffic north of the navigational channel. I
24 think you'll hear a number of people comment today

1 that the area is not removed from boat traffic.

2 Section 6, again, the question is, demonstrate
3 that the usage does not unreasonably interfere with
4 the public usage. Mr. Raso's answer was, the area
5 is removed from boat traffic. That, again, is not
6 correct. The cove is actually a very narrow cove
7 and a very small cove. The south end of the cove
8 houses the South Kingstown mooring farm. It takes
9 up, I'm just going to say, about a third. Okay.
10 The north end, is the end that I live on, is rather
11 narrow and rocky, and it is not wide enough for any
12 boats to come in to make any sort of tubing or
13 waterskiing. So that leaves the middle of the
14 pond, which is now where Mr. Raso wants to put his
15 oyster farm. So Question 6 is not true. There is
16 substantial boating there.

17 And then Section 10, demonstrate the farm will
18 not result in significant conflict with water
19 dependant uses, boating, fishing, swimming,
20 navigation, skiing. I think the issue -- I know,
21 Perry, that you're here and, you know, I know you,
22 you know me, so this is not an anti Perry, but
23 Mr. Raso sets himself as an expert. In his
24 comments in his filing he says, I've lived and

1 worked on the pond continuously for the last 19
2 years, and over these years I have seen only an
3 occasional paddle craft in the proposed lease. I
4 have never seen anyone fishing or shellfishing in
5 the proposed area. I don't believe that's true,
6 and I think the number of people in the public
7 comments today will talk to you about that.

8 Two, the clinging jellyfish. Okay,
9 speculation, but Montclair State University
10 Providence Journal article, November 18, 2018, goes
11 on and on and on and talks about it. In there, the
12 Montclair State University Director of Marine
13 Biology and Coastal Science, Paul Bologna, says,
14 quote, It's a public -- speaking about the clinging
15 jellyfish -- It's a public health issue. Are you
16 going to let your kids go in the water if they end
17 up in the hospital?

18 In my opinion, Montgomery (sic) State
19 University goes on to imply or assume or suggest
20 that the floating baskets that are used for the
21 floating docks that actually support the floating
22 docks, within -- you know, harbor the clinging
23 jellyfish, and that they also imply that the
24 restriction of water flow through areas such as

1 oyster farms and aqua farms also provide an
2 incubating area to harbor and incubate additional
3 clinging jellyfish. And now we're talking about
4 adding three more acres. Do I know whether that's
5 the case or not? Montgomery (sic) State University
6 seems to indicate that.

7 Swapping public usage and access for a
8 commercial private fiscal gain. I don't know who
9 gets what from this, but I would suggest that I
10 read somewhere, and you folks know, that these
11 leases go for \$100 per acre per year. So if that's
12 the case, \$100 for three more acres. So already
13 there's 8 acres, so that's \$800 that goes to the
14 State of Rhode Island. So now \$300 more. So the
15 State isn't getting anything.

16 CRMC, again, great organization. I do -- at
17 one point I read that there's a long-term plan for
18 CRMC to have 5 percent of every coastal pond in
19 Rhode Island under aquaculture. Well, the
20 suitability -- I understand about long-term plan,
21 but checking a box saying Segar Cove, Potter Pond
22 is now 3.99 or whatever, therefore, we need to get
23 it up to 5, that's reasonable. You're going after
24 something merely to check the box. Long-term plans

1 are fine, but, you know, the plan has to get
2 modified and moderated using common sense as you go
3 along. I would see just that this particular pond
4 is too small, too many areas that are not navigable
5 already, and that -- that arbitrarily moving
6 forward because there's, quote, room isn't
7 appropriate.

8 The public, I don't think the public gains
9 anything here. If anything, it's a huge loss. But
10 for Mr. Raso it's more profit. I understand he
11 already has the farm there, he already has the
12 equipment, he already has the staff; so it
13 certainly makes a lot of sense. Use all the same
14 people, get more space, make more money. I'm not
15 against anybody making more money but depending
16 upon whose expense.

17 Finally, the degradation of the recreational
18 public usage. This will be greatly impeded. And I
19 believe that Mr. Raso's expert witness on
20 November 13th, at around 4:45 p.m., and I believe
21 Ms. Noonan may have asked the question, but I was
22 only tuning in or tuning out, but the question was
23 asked, Will -- to Dr. Rowe I guess the name is --
24 Will the farm result in a degradation of

1 recreational usage such as boating, swimming, etc.,
2 etc., and waterskiing? So Mr. Rowe's first comment
3 was, Well, it strikes me that the size of the cove
4 is rather small for waterskiing. So if you go back
5 to your notes, you'll see that that's the comment.
6 I thought that sort of right off the cuff says what
7 it is. Well, it is rather small, and with this
8 lease it will become exceptionally small and
9 virtually impossible for waterskiing and tubing, as
10 well as interfering with others.

11 And then, finally, he was also asked the need.
12 Well, what is the need for this expansion? And the
13 doctor says, Well, Mr. Raso has maxed out his
14 existing lease, so he needs more space to grow more
15 oysters. Well, why Segar? He said, Well, he wants
16 to grow scallops, so he needs the depth. So pretty
17 much we now get into is this need or is this greed.
18 And I think the number of private citizens and
19 residents and vacationers that are trying to use
20 this pond, I think it's just -- it's not a good
21 trade off.

22 So in summary, we have misrepresentations in
23 Sections 3, 6, and 10. We have the clinging
24 jellyfish that are in the pond now. Do we -- do we

1 know -- we don't know, but do we really need that
2 risk? Do we really want the become, you know, the
3 jellyfish pond?

4 Public versus profit usage. You know, one
5 person gains, many lose. And then public
6 recreational usage is greatly, you know, degraded.
7 As I said, I think Mr. Raso's, you know, Dr. Rowe
8 has indicated that with his comments about the size
9 and narrowness of the cove.

10 So with that said, I hope that -- I don't even
11 know how the members of CRMC, the directors will
12 even hear any of these comments, but those that
13 vote, I don't know how this information gets
14 through to them, but I trust and hope that you'll
15 convey my thoughts and my concerns and the concerns
16 of many that are speaking today as to why this is
17 not a good trade off, and I thank you for your
18 time.

19 CHAIRWOMAN CERVENKA: Thank you,
20 Mr. Hefner. Just so you know, the subcommittee
21 makes a recommendation to the full Council, and so
22 we consider everything first and then recommend to
23 the Council. So we will consider your comments.

24 MR. HEFNER: Okay. Thank you very much.

1 CHAIRWOMAN CERVENKA: Thank you. I'm
2 going to go back to Gene Corl. He was listed with
3 Joyce Corl, and I didn't realize that he wanted to
4 be a separate speaker. So I will call upon him
5 now. We can hear you, Mr. Corl, and see you.

6 MR. CORL: Can you hear me now?

7 CHAIRWOMAN CERVENKA: We can.

8 MR. CORL: Okay. Thank you. Are we good?

9 CHAIRWOMAN CERVENKA: We're good.

10 MR. CORL: Okay. Thanks for giving me a
11 chance. I got lost in the shuffle there. Just to
12 reiterate, my name is Gene Corl, and I live with my
13 wife, Joyce, at 210 Washington Street in Matunuck
14 at the public access point in Potter Pond.

15 I just want to briefly refer to an article in
16 the Narragansett Times on November 5th titled,
17 "Fish Wrap." It's columned by a man named
18 Todd Corayer, who I don't know, but he makes two
19 valid points, which are, one, public access in
20 Rhode Island recreation space and water are highly
21 valued and limited. He writes that Potter Pond
22 allows for things we love to do with family and
23 friends. Mr. Raso's application puts us at risk of
24 losing resident and tourist access to waterskiing,

1 tubing, and water sports in general. Also,
2 fishing, especially during the worm hatches. With
3 the pond space, these activities need to be done
4 safely.

5 The second point he makes is cost. To the
6 public there's a cost. Mr. Corayer says, When
7 acreage is removed from recreation use and turned
8 into a commercial benefits -- a commercial
9 business, who benefits? Mr. Raso's asking to take
10 control of three more acres for a very low state
11 fee of less than \$500 annually. Does that
12 compensate all other users for the cost of losing
13 access? Should we have to give up the public space
14 so that many people lose for the benefit of one
15 person getting a profit from it? I think not.

16 Myself and probably some others were recently
17 disappointed to learn this subcommittee did not
18 have the opportunity to read the 140 letters sent
19 in to CRMC back in 2018 and again more recently
20 opposing this expansion. I think with so many
21 citizens and taxpayers writing to express concerns,
22 you should have had the opportunity to hear for
23 yourself, rather than one person, Mr. Dave Beutel,
24 offering his summary. My view on the same numbers

1 will be very much different from his. His
2 reference to out-of-staters to me could mean people
3 with second homes here or vacationers who choose to
4 come here and rent or people who might plan to move
5 here or move back here, like my son does when he's
6 able to. They're choosing here versus somewhere
7 else because they enjoy recreating in the cove.
8 They bring money into the area. And I think the
9 people that do live in the area that are not
10 fortunate enough to live, quote, on the pond,
11 should be represented, and their concerns should be
12 heard as well.

13 As was mentioned, we live right at the public
14 access at the top of Washington Street; so we've
15 spoken to many pond users over the years. Our view
16 is that they seem to love the cove as much as we
17 do. I do hope you take the time to read all the
18 letters from 2018 and the more recent ones before
19 you render your opinion to the whole CRMC body. As
20 public servants in today's most cynical time, this
21 would be a good thing for you to do.

22 Anyone with firsthand knowledge of Potter Pond
23 knows that there are only two areas where the water
24 is deep enough to boat and tube. And that's been

1 said over and over and over again. One area up
2 where Mr. Raso owns a home and the other area here
3 in Segar Cove where the new farm is proposed. All
4 the other coves have -- like Sycamore and
5 Seaweed -- have grass. Seaweed Cove also has some
6 really rocky barriers in there that are very
7 hidden. You can rip the bottom of your boat off,
8 and then they expanded the mooring field there
9 because more people want to moor over there. Many
10 places are too populated with docks and boat
11 traffic or too shallow being 3 feet or less, which
12 has been said numerous times. In the past few
13 years, we're now seeing more people come up the gut
14 past the restaurant into Potter's to tube and ski
15 because the big pond, Point Judith Pond, is pretty
16 well farmed out. As Mr. Beutel said in his last
17 testimony, the waters off the channel are pretty
18 well built up, and so there's no place to go.

19 Having owned property here on the cove for
20 20 years or so, most of the changes we've seen have
21 been positive changes. However, in my opinion,
22 prohibiting the use of any portion of Segar Cove
23 for all who live on or otherwise enjoy access to
24 Potter Pond for the recreational use for the

1 benefit of one business will be a tremendous
2 disservice to the entire community.

3 In closing, my belief is that if the proposed
4 farm comes into Segar Cove, it would be too
5 dangerous to ski or tube safely. I don't think
6 either can safely coexist with the oyster farm. At
7 my age, I wouldn't risk it, but I was a kid once,
8 and kids being kids, they think they're invincible.
9 So if there's an accident or someone is thrown into
10 those floating cages and the gear there, whoever
11 has the liability better have a lot of insurance.
12 Thank you for your opportunity to speak. I
13 appreciate it.

14 CHAIRWOMAN CERVENKA: Thank you, Mr. Corl.
15 Mr. Willis, I just want to confirm that the
16 subcommittee has received all written comments that
17 have been submitted to the agency on this
18 application, including those submitted in 2018.

19 MR. WILLIS: That is correct, Madam Chair.
20 The file has contained all records that were
21 submitted during that time period, as well as
22 anything being submitted now.

23 CHAIRWOMAN CERVENKA: Thank you.

24 MR. BOYD: You were muted there,

1 Madam Chair.

2 CHAIRWOMAN CERVENKA: Oh, good, because I
3 think I mispronounced his name. The next I have is
4 Bill Demagistris. That's a lot of vowels. Okay.
5 You need to turn on your video and unmute.

6 MR. DEMAGISTRIS: Thank you. Thank you
7 very much. I would first like to be recorded as
8 adopting and incorporating comments made by
9 Robert Hefner in objecting to the granting of this
10 application. My wife and I have lived for 15 years
11 on Prospect Road, right alongside Seaweed Cove. We
12 have a dock and have had boats for years since that
13 time. And we have over the years, many, many times
14 and continuing, taken our boat into the Segar Cove,
15 pulled our relatives and friends and grandchildren
16 on skis and inflatables, and we have done
17 paddleboarding, kayaking, and we continue to do it,
18 and we observe many, many other people doing the
19 very same thing. And I can tell you that the very
20 portion of Segar Cove, the 3 acres which would be
21 used for the extension of the oyster and scallop
22 farm, is an absolutely essential area and a margin
23 of error area for boats navigating and pulling
24 skiers and inflatables and tubes in this area. It

1 is absolutely essential.

2 Waterskiing and tubing is not an exact
3 science. You must be very careful and cognizant of
4 anything that could possibly result in collisions
5 with the young people, typically, who are on --
6 being pulled on the skis. And the very area
7 applied for here, the 3 acres is not really
8 3 acres. It's much bigger than that because of the
9 necessity of avoiding the area completely, which
10 compresses the size of the area in which this kind
11 of activity goes on. So, essentially, what you're
12 dealing with very emphatically, is the elimination
13 of safe waterskiing and recreational activities,
14 including tubing from this --

15 MS. NOONAN: Hi. Yes, I just missed a
16 call.

17 MR. DEMAGISTRIS: Pardon me -- from this
18 area. You are basically --

19 (INTERUPTION)

20 MR. DEMAGISTRIS: -- you are basically
21 confronted with the elimination of these
22 activities, not the --

23 MS. NOONAN: Do you have any idea what
24 time?

1 MR. DEMAGISTRIS: Because you cannot
2 possibly safely navigate in that area.

3 CHAIRWOMAN CERVENKA: Excuse me one
4 minute.

5 MR. DEMAGISTRIS: Okay. Thank you.

6 CHAIRWOMAN CERVENKA: No, go ahead. I
7 just wanted to eliminate the background noise.

8 MR. DEMAGISTRIS: Okay. Thank you very
9 much. In any event, this is going to, again, make
10 utterly unsafe navigating boats in this area and
11 other recreational activities, and it's going to
12 increase the volume of such activities being
13 conducted on the larger, deeper pond to the north.
14 So it is going to result in a greater risk there.

15 And let me just say this, Murphy's law applies
16 to this situation. Even now collisions could take
17 place. No question. But this is going to
18 substantially and dramatically increase the
19 possibility of that. And, you know, we all know
20 Murphy's law. Murphy's law says sooner or later
21 it's going to happen, a tragedy. And it will.
22 Nobody can ensure anybody against that. The very
23 depth of the water that is an issue with respect to
24 the farming of scallops, is important as a margin

1 of error and a buffer so that boats can navigate
2 safely around each other and avoid any sort of
3 contact with each other or the oyster farm.

4 There is a 7- or 8-acre farm that Mr. Raso has
5 done a superb job in making an extraordinary --
6 making a very successful business. And it's also
7 in an area that's appropriate for the farming and
8 avoids the kind of contact or restriction of
9 recreational activities, because it is shallow. If
10 he wants to extend it, he can extend it in that
11 shallow area. Boats don't go there. So, you know,
12 basically, in a legal sense, this is the
13 restriction and, I would suggest to you, the
14 elimination of recreational activities in this
15 area, Segar, which is a timeless use of public --
16 right of public of recreational activities for
17 essentially what it is, private financial gain, and
18 more specifically for the cultivation of scallops.
19 That is the dynamic. And there is no question that
20 the need to cultivate scallops, to make money from
21 it, to enhance the size of the 7- or 8-acres farm
22 that already exists, does not begin to justify the
23 timeless use of this area for recreational
24 activities.

1 As has been mentioned before, Segar Cove is
2 not a big -- is not a big area, but it is an
3 appropriate area for the conduct of the skiing and
4 the recreational activities. As a witness -- an
5 expert witness for Mr. Raso said, he doesn't think
6 that the cove is big enough right now for skiing.
7 Well, it is. Of course, you have to be careful.
8 The point is, if you put this 3 acres there, it is
9 going to be too dangerous, and it's going to
10 effectively eliminate -- I know I won't go in there
11 anymore, and I -- you know, a lot of people go in
12 there now, and it's going to end that activity.
13 And that is not justified. The need versus the
14 expense at which it is taken simply doesn't justify
15 it.

16 And so my feeling is that -- and based on my
17 explicit experience -- water activities in this
18 Segar Cove over the years, many years, and we've
19 been in Matunuck since the '80s, simply does not
20 justify it. And so I would suggest that you vote
21 to preserve the timeless recreational public use of
22 this property and find that there is already a
23 7- to 8-acre very successful farm here, and that
24 the expense and the danger and the constriction of

1 the recreational use in this pond is far, far, far
2 too high a price to pay for granting this
3 application. Thank you very much.

4 CHAIRWOMAN CERVENKA: Next, is
5 Vince Mattera.

6 MR. MATTERA: Hello.

7 CHAIRWOMAN CERVENKA: Hi. We can hear
8 you, Mr. Mattera, we can't see you.

9 MR. MATTERA: Very good. My name is
10 Vince Mattera, and I oppose this project. With the
11 increased use of personal watercraft, boaters need
12 more space on the water, not less. As stated by
13 others, deep water is in short supply.

14 I'm a resident of California, but I've spent
15 every summer of my entire life in Matunuck on
16 Segar Cove. My family has kept a boat on
17 Segar Cove since at least 1960, if not earlier.
18 Over the past 60 years, I spent countless hours on
19 Segar Cove, and I continue to sail, row, fish,
20 crab, clam, tube, and waterski on the cove with
21 family and friends.

22 My grandfather taught me how to drive a boat
23 on Segar Cove. When I was growing up, all the kids
24 in my Matunuck neighborhood learned how to swim and

1 also to waterski on Segar Cove. I learned how to
2 swim, sail, and waterski on Segar Cove. I've
3 taught my kids how to sail and waterski on
4 Segar Cove, my nieces and nephews, my friends, my
5 relatives, just about everybody. I am a boating
6 enthusiast.

7 If you think about snow skiing, there's a
8 bunny slope that's for beginners, and then there's
9 a black diamond run for the more advanced skiers.
10 Segar Cove has always been the bunny slope. It's
11 where people learn, and it's safe. I felt very
12 safe teaching my two daughters when they were
13 ten years old how to waterski on Segar Cove.
14 Teaching somebody to waterski takes a lot of time
15 and patience. You have to get the person in the
16 water with their tips of the skis up. Then you
17 have to put the rope between them while slowly
18 moving forward to take out the slack. It may sound
19 simple, but more times than not one ski floats
20 behind the person, and they end up in the splits,
21 or they end up with both skis behind them and
22 they're on their bellies. So the boat has to
23 circle around, help the person re-set, and this
24 usually happens several times before the person

1 actually even has the tow rope in their hand.

2 And, finally, when the person is set and has
3 the rope in their hand, the operator of the boat
4 has to look back to make sure that the person is
5 ready to go, while looking forward to make sure
6 that no one is coming. And they take out the
7 rope -- the slack out of the rope. When it's taut,
8 you give it the gas, and with any luck the person
9 on the back is dragged out of the water, but most
10 often the person falls flat on their face, and the
11 process starts again. You're pulling the rope, you
12 circle around, the person puts the skis on, you put
13 the tips up, give it the gas, take out the slack,
14 and they fall down. And this happens over and over
15 and over again. So my point, is that it's not easy
16 to learn how to waterski, and it's not easy to
17 drive a boat while teaching someone to waterski,
18 but yet these two things have been happening on
19 Segar Cove for generations. Segar Cove has always
20 provided the perfect environment for both.

21 Segar Cove has a long, safe boating history.
22 To the best of my knowledge, over the past
23 60 summers, there's never been a serious boating
24 accident or injury on Segar Cove. Reducing the

1 water space on Segar Cove with either Plan A or
2 Plan B will make Segar Cove less safe for all those
3 who use it. Reducing the water space will increase
4 waves from boats and require boater -- powerboaters
5 to make hairpin turns at the north end of the cove.
6 The proposed plans, both A and B, severely narrow
7 the space to about 100 feet at that end of the
8 cove. Pulling a person behind a motor boat
9 requires more space. When a skier or a tube does
10 not have enough space, the risk of danger is
11 exponentially increased.

12 According to Boater Magazine, Once on plane,
13 waterskiers work with speeds between 25 and 36
14 miles an hour. So if we use the low end of the
15 speed spectrum, 25 miles an hour, that converts to
16 36 feet per second. So to turn a boat in 100 feet,
17 you would need -- you would have only three
18 seconds. It's really not safe to do that. Turning
19 sharply causes a person on a waterski or a tube to
20 whip outside the wake, lose control, and wipe out.
21 The person on the tube has no control when sent
22 into a sharp turn. Centrifugal force forces the
23 tube to increase speed, whip outside the wake, and
24 overturn. The children on the tube will be ejected

1 into the air, hit the water at high speeds. A
2 beginner on waterskis will have the same problem.

3 I've driven a powerboat since I was 13 years
4 old. I've pulled waterskiers and tubers for close
5 to 50 years. I can tell you from personal
6 experience that making sharp turns is not safe for
7 beginners on tubes, waterskis, or even for an
8 experienced waterskier. Compressing all the ski
9 and tube activities into the center of the cove
10 will create excess boat waves, which also makes it
11 more difficult to remain on a tube or skis.

12 Hitting another boat's wake while you're on a tube
13 will send the tube into the air and eject those who
14 are upon it. These conditions do not presently
15 exist because there's sufficient space for the
16 waves to dissipate. The proposed plan will change
17 the water conditions and will alter the historical
18 use of this cove.

19 I'd like to address the point that I heard
20 during the oral testimony. The experts will have
21 you believe that the reduction in the water space
22 only means one less skier. It's total nonsense.
23 There will continue to be the same number of, if
24 not more, boaters on Segar Cove using it as they

1 have in the past, but now they'll be doing it less
2 safely. There are no monitors to limit the number
3 of boats on Segar Cove. There are no lanes to keep
4 you 200 meters or feet from other boats. The same
5 activity will go on, but in a lot less space. And
6 that's what makes it unsafe.

7 I'd like to wrap up by just posing this:
8 Imagine if someone gets seriously injured while on
9 Segar Cove. I'm talking about injury like a small
10 child, maybe your granddaughter being run over by a
11 boat. I live in California, and the first thing
12 that comes to my mind is multimillion dollar
13 lawsuit. So think about it.

14 For the past 60 years there's never been an
15 accident, then you allow this project to move
16 forward, the water space is reduced creating an
17 unsafe environment. And what about the safety
18 study? Oh, you never did a safety study on
19 Segar Cove for water towed sports? Hmm. You know,
20 I don't think it would take a legal scholar to
21 conclude that someone was negligent in their duty
22 to ensure public safety. What jury wouldn't award
23 tens of millions of dollars for the death of a
24 small child? You know, I hope a situation like

1 this never comes to pass. Please do not approve
2 this project. Keep Segar Cove safe. Thank you. I
3 hope everybody has a happy holiday.

4 CHAIRWOMAN CERVENKA: Thank you,
5 Mr. Mattera. Douglas Campbell.

6 MR. CAMPBELL: Can you hear me,
7 Madam Chairman?

8 CHAIRWOMAN CERVENKA: Yes.

9 MR. CAMPBELL: Thank you. My name is
10 Douglas Campbell. I live at 360 Sycamore Lane. We
11 look down -- I saw an earlier -- Christine has
12 shown pictures. I don't know if you can see
13 exactly, but our house looks down at Segar Cove.
14 You can see the narrow north channel, we look on
15 the north part, and the narrow entry to your cove.

16 My grandparents bought property on
17 Potter's Pond, the McCalls and Woodcocks, 60 years
18 ago; so I've been going to the area for 60 years.
19 We learned to waterski on Potter's Pond. Today
20 there are 15 to 20 times as much activity on
21 Potter's Pond. In fact, Dorothy Woodcock, my aunt,
22 gave a wonderful summary, as did Robert Hefner, my
23 neighbor. But there are now pontoon boats on
24 Potter's Pond. And I think what's happened is,

1 it's forced a lot more people into Segar Cove for
2 recreational use.

3 So from our house we see, you know,
4 waterskiing, we see sailing, even sculls
5 occasionally. We kayak and canoe in the area. And
6 I remember canoeing out to see the oyster beds
7 years and years ago, and one time I went around the
8 corner and all of a sudden I said, Oh, there are
9 200 black ducks out there. And the new kind of
10 sliding system that Perry had put in, you know,
11 it's incredible. He's done an incredible job. I
12 admire what he's done with the restaurant, with the
13 farm, with everything he's done. And we frequently
14 kayak out there and see it. But it's -- visually
15 it's away from the boats, it's away from things.
16 It's visually a real change. It's a challenge,
17 though.

18 I also would go down on Sunday mornings, and
19 Roberto, who is with the Cornell Osprey Project,
20 every Sunday would come, and they were monitoring
21 the osprey and the baby osprey for years. And as
22 we kayaked through the area where he's -- Perry's
23 proposing, there's an osprey nest. We stay
24 40 yards away, and they are just terrified. You

1 know, they chirp, chirp, chirp, chirp, chirp,
2 chirp. And, of course, the osprey that nest on the
3 other side of the Segar Cove are frequently flying
4 back and forth and fishing. I think it would
5 totally disrupt their life there.

6 You know, it's just an inappropriate use. I
7 just -- again, Dorothy Woodcock explained it
8 extremely well, Robert Hefner, some of the
9 challenges. The four challenges -- and I wrote a
10 letter on November 9th and submitted it. But it
11 would adversely impact the osprey and sea life. It
12 would be a visual eyesore and really be difficult.
13 And I do think it disrupts a very quiet,
14 undisturbed bay and coastline. And I think people
15 forget the boats that are coming in servicing the
16 oystering or scalloping that are coming back and
17 forth polluting. They're also adding a lot of
18 territory to the use area, and, of course, that's a
19 very narrow entry into the cove. It's just an
20 over and inappropriate use. I mean, I admire
21 what's being done, but it's out of scale, as many
22 people said. So thank you for letting me make a
23 statement, Chairman.

24 CHAIRWOMAN CERVENKA: Thank you,

1 Mr. Campbell. At this point, I'm going to take a
2 five-minute break. I'd ask that everyone who's on
3 right now with their videos, if you would just stay
4 on so you don't have to be admitted again when we
5 come back. So if you just turn off your cameras
6 and mute. And then when we come back -- it's
7 12:23, so come back at 12:28. And then we will
8 pick up with Anthony Sousa. Thank you.

9 (BREAK TAKEN)

10 CHAIRWOMAN CERVENKA: All right. I think
11 we can go back on the record. Mr. Moore, is that
12 right? Okay. It's 12:33, and it looks like we
13 have -- if everyone takes approximately
14 ten minutes, we can get through three more
15 individuals for public comment before we would be
16 done for today. We do end at one. So I will start
17 with Anthony Sousa, but behind him we have
18 Pablo Rodriguez and Diane Rodriguez. So,
19 Mr. Sousa. If you could admit him, Mr. Moore.

20 MR. MOORE: I don't see him in the
21 attendees list. There is a Katherine Sousa. If
22 that is Anthony using that name, could you please
23 raise your hand. Okay.

24 CHAIRWOMAN CERVENKA: Okay. Mr. Sousa,

1 you need to turn on your camera and unmute
2 yourself.

3 MR. SOUSA: Okay. Can you hear me now?

4 CHAIRWOMAN CERVENKA: I can hear you, just
5 not see you.

6 MR. SOUSA: Yes, okay.

7 CHAIRWOMAN CERVENKA: We have you.

8 MR. SOUSA: Okay. Thanks.

9 CHAIRWOMAN CERVENKA: And then we lost
10 you.

11 MR. SOUSA: Okay. We're not tech savvy.

12 CHAIRWOMAN CERVENKA: That's okay.

13 MR. SOUSA: Oh, there we are. Okay.
14 Hopefully, it will stay long enough. We're going
15 to keep our comments brief anyway. Can you hear us
16 okay?

17 CHAIRWOMAN CERVENKA: Yes, I can.

18 MR. SOUSA: Okay. Hopefully, this will be
19 the beginning of some positive comments for Perry
20 in supporting him. My wife, Kathy, and I have
21 already sent in a letter to your subcommittee, so
22 we'll keep our comments today very brief.
23 Personally, I believe Perry's proposal is a plus
24 for the environment. It means a cleaner

1 Potter Pond, and it's also good for Rhode Island's
2 economic development, providing the potential for
3 much needed jobs.

4 MS. SOUSA: Perry lives in this area, as
5 we do, and his life has revolved around the water.
6 His aquaculture projects in Potter Pond are good
7 business for him but even better for the
8 environment, and therefore, all of us. We also
9 kayak on the pond, and we recreate in this area,
10 even though we do not live on the water. Thank
11 you. We're done.

12 MR. SOUSA: Thank you.

13 CHAIRWOMAN CERVENKA: Okay. Does that
14 conclude? All right.

15 MS. SOUSA: Yes.

16 MR. SOUSA: Yes. Thank you.

17 CHAIRWOMAN CERVENKA: Thank you very much.
18 Next will be Pablo Rodriguez and followed by
19 Diane Rodriguez.

20 MR. RODRIGUEZ: I am here. Can you hear
21 me?

22 CHAIRWOMAN CERVENKA: Yes, we can.

23 MR. RODRIGUEZ: Okay, perfect. So I'm
24 Dr. Pablo Rodriguez. My wife, Diane -- I will be

1 testifying for both of us, that way we can let
2 somebody else come after us. We own two houses on
3 Gardener Island, 201 and 202 Prospect Road. We've
4 been in Rhode Island for 35 years. And the reason
5 we moved to Rhode Island is because of the water.
6 We researched all the places to live. We lived in
7 Warwick Neck for many years, and as I retired, we
8 were looking for a place that we could practice all
9 the sports -- the water sports that we practice
10 right now. And I challenge anybody that uses Segar
11 Cove more than my family. We are in the water
12 every day. I have two sailboats. I have two jet
13 skis. I have a number of paddleboards, kayaks, and
14 wind surfers. Wind surfing is my passion, and
15 whenever the wind is light, I am sailing on my
16 Beetle Cat sailboat, which I think was testified
17 before some people have seen my sailboat. And when
18 the wind picks up, then I'm wind surfing.

19 So we have the two houses that right now
20 provide for entertainment for as many as 40 people.
21 My wife's family, five siblings, have their own
22 children, and now we have grandchildren, and we
23 chose this area specifically because of the ability
24 for us to entertain and to engage in all the

1 sports.

2 I'm also a member of the Watershed Watch; so I
3 am in the cove every two weeks testing the water
4 for bacteria, for temperature, for salinity, and
5 we've been doing that ever since we moved to the
6 cove. And you can see me, you know, in days where
7 no one else is on the cove, at six o'clock in the
8 morning taking my water samples every two weeks.

9 This area is a tidal pond. So I am a witness,
10 and I have the stats to prove that the only place
11 where you can wind surf, sail, jet ski, do any kind
12 of boating in that area is definitely Segar Cove.
13 I have lost a number of fins, and my brother-in-law
14 lost a very expensive prop by not knowing exactly
15 where to go. So there's issues of safety that have
16 to be considered.

17 I have behind me the -- an image of the cove
18 and the areas where I need to sail. You know, when
19 you're a sailboat, you know, you are dependent on
20 the -- on the wind to be able to get to a different
21 place. Let me see if I can move this a little bit
22 better. My other camera, it just broke down just
23 in time, which is a much better camera to see this.
24 But as you can see on -- there you go.

1 So when you are in a sailboat, especially on a
2 Beetle Cat, you can see here the wind direction
3 coming from the south and southwest. The red line
4 is the tack that I need to take to get into the
5 cove. You don't have a lot to -- a lot of space to
6 maneuver because this gap right here, you see where
7 the yellow spots are, those are rocks; so the
8 narrow entrance to Segar Cove is very, very
9 difficult to maneuver on my sailboat; therefore, I
10 need to use this path in order to get in.

11 When the wind is really, really tight and hard
12 in the summer, when the sea breeze kicks in, if
13 there's somebody boating in there, jet skiing,
14 tubing, waterskiing, I have no other choice but to
15 take that tack.

16 So with the new farm, I am not going to be
17 able to come in with the boat, or I'm going to have
18 to do four or five tacks in front of that very,
19 very narrow entrance, which is blinded by the
20 people coming from this direction into the cove.
21 So this is a real, real issue for me as a sailor
22 and as a wind surfer, and it represents a security
23 issue for all the kids, all the grandkids that are
24 members of our family that use this area.

1 I don't know if this is being considered, but
2 I was glad to hear from the person that is from the
3 avian association. So as I said before, I'm a
4 member of the Watershed Watch, and we test the
5 water every two weeks. And two weeks this summer
6 we had 31 coliform bacteria. I counted 31 per
7 100 mls two weeks of the summer, July 22nd and
8 August 19th. This is before a farm full of birds
9 that roost on the floating -- on the floating areas
10 of the farm.

11 This means that not only are you going to be
12 eliminating the ability for people to wind surf, to
13 do the boating, to do the jet skis or the
14 waterskiing or the tubing, but with 33 bacteria --
15 33 coliform bacteria per 100 mls, that's when
16 swimming becomes prohibited. So we came very close
17 this summer to having swimming be banned on
18 Segar Cove, which hasn't happened since we've been
19 there for 14 years.

20 So this is something to be considered, because
21 as I showed on this narrow entrance, this -- this
22 entire cove gets completely drained and filled by
23 this entrance. So it's going to be very, very
24 difficult for this cove to be cleansed if all of a

1 sudden we have a number of birds just roosting on
2 the structures that this farm is going to be
3 creating, and the amount of coliform bacteria is
4 going to grow to very significant levels.

5 I think it is important for all of us to
6 coexist. We absolutely love the restaurant. I
7 actually like the oyster farm. I paddleboard
8 around it when the tide is high because in the low
9 tide you lose a fin if you do, or you can fall and
10 hurt yourself. But I love the oyster farm, and I
11 love the restaurant. And I highly recommend the
12 goat cheese -- beet, goat cheese salad, as somebody
13 else recommended. It is my wife's favorite,
14 favorite meal.

15 So I don't want to take more of your time,
16 because you have heard from many, many of the
17 neighbors. This is a wonderful, wonderful
18 neighborhood, you know, where, you know, children
19 are playing, where families are getting together.
20 This is the first time in 14 years that I have seen
21 this kind of animosity. And, you know, it's unlike
22 what we have experienced in Rhode Island for all
23 these 14 years. So I want to close with the words
24 of a great philosopher, Mr. Spock, The needs of the

1 many outweighs the benefit of a few. Thank you.

2 CHAIRWOMAN CERVENKA: Thank you,
3 Mr. Rodriguez. We are now moving on to
4 Marilyn Mattera.

5 MS. MATTERA: Good morning. Can you hear
6 me?

7 CHAIRWOMAN CERVENKA: Yes, we can.

8 MS. MATTERA: Thank you. My name is
9 Marilyn Mattera. I live at 62 Park Avenue,
10 Matunuck Beach. I've been a resident of
11 Matunuck Beach for over 75 years. Segar Cove has
12 been a peaceful haven for thousands of families,
13 friend, and visitors for over 125 years. This cove
14 has provided a safe place for young and old to
15 enjoy the various water activities. Many of us
16 that grew up on Segar Cove are now seeing a fifth
17 generation of families using this cove.

18 I am strongly opposed to the granting of
19 additional acreage for the Raso subcommittee
20 proposal for the following reasons: In the early
21 1940s, the public access area at the end of
22 Lake Avenue was used as a small beach for small
23 rowboats, canoes, bathing, and quahogging. There's
24 always been moorings in this area. The population

1 has increased, watercraft have began to grow, and
2 more moorings and docks have appeared.

3 Today with the increase in population in the
4 South County/Matunuck area, including permanent,
5 summer residents, and renters, the use of the pond
6 has increased drastically. Presently, we have
7 22 moorings, 26 docks, all of which have one or two
8 motorboats, plus the 45 kayaks on the shore at the
9 end of Lake and Washington Street. We are talking
10 about 48 stationary areas with boats. Besides the
11 permanent docks and moorings, there are four public
12 access boat ramps that come into Segar Cove.

13 They're at the end of Park Avenue, Lake Avenue,
14 Washington Street, and Water Street, which all
15 merge into the narrow opening in and out of
16 Segar Cove. With the area beaches continually
17 reaching capacity, the use of this pond has quickly
18 become overpopulated. Many times you have to wait
19 your turn to come in to drop a passenger off or to
20 board a vessel at the end of the Lake Avenue access
21 area.

22 In addition, many children and families are
23 once again using the pond for swimming, as well as
24 using floatation devices in the low water areas,

1 particularly at the end of Lake. At any given day,
2 you will see a multiple of water activities trying
3 to enjoy Segar Cove. Safety for -- safety, I'm
4 focusing on that word -- safety, I impress that
5 word continually -- for waterskiing, wake boarding
6 and tubing into the area will now be impossible to
7 maintain with the 3-acre proposal for oyster
8 farming. The area needed to safely turn a boat
9 pulling a skier will be significantly reduced with
10 the addition of any oyster farming equipment in
11 this body of water, as well as a vessel and several
12 people a day harvesting.

13 Boaters cannot go into the mooring field to
14 turn while towing; therefore, restricting ability
15 to turn the boat to a larger area of Segar Cove.
16 A boater must also take into consideration the
17 changing tides. The sides of the pond are shallow
18 and rocky. Even kayakers have to safely distance
19 themselves from the shore as skiers, jet skis, and
20 other boats come in and out either to dock or moor
21 their boats.

22 The entire Potter Cove has seen a dramatic
23 increase of recreational use over the past several
24 years alone. Another critical issue to be

1 considered is many boaters from the upper
2 Potter Pond have been moving to Segar Cove. The
3 upper pond is a very popular waterskiing area and
4 has become so congested that boaters are using
5 Segar Cove as an alternative, therefore, increasing
6 the boater activity there. There are many boats
7 coming into the area from other parts of
8 Point Judith Pond, that you frequently have to
9 anchor and wait your turn because only two boats
10 can navigate safely. There's that word again,
11 "safely."

12 While towing the skier or tuber, we have to --
13 right now, this past year, my family have gone out
14 to try to ski in that area because Segar Cove was
15 adjusted. We went down to Potter Cove, and we were
16 not able to ski there either. We ended up waiting
17 and then getting discouraged and ending up going
18 back at six o'clock at night to ski. One morning
19 the children went out at 5:30 to ski.

20 I believe this is an issue of safe, safe, safe
21 recreational use of public versus economics. The
22 rental of the bedding proposal, I believe, is \$150
23 annually. The homeowners on the pond alone pay
24 \$18,000 in taxes annually. The South Kingstown

1 beach community, many who are only summer
2 residents, also pay a substantial tax. Take into
3 consideration you have an application to provide
4 one business owner an advantage to increase
5 earnings with hundreds of taxpayers, homeowners,
6 and the public who will be deprived of a safe
7 recreational -- a safe recreational environment to
8 enjoy Segar Cove with family, friends, and
9 neighbors.

10 The Coastal Resource Management has already
11 granted 6 acres of aquaculture bedding to Perry in
12 another area of the pond which does not include the
13 circumference around the area for harvesting and
14 the barge accessed many times a day. Not only has
15 it covered 6 acres of aquaculture bedding that's
16 been taken from the public, but it must be
17 considered that there are four other areas of
18 aquaculture bedding close by which inhibits
19 recreational activities in Point Judith Pond as
20 well. The public should have the right to use this
21 pond in its entirety for safe, safe recreational
22 use, and it should not be compromised for one
23 person's financial gain.

24 This decision has been a long -- will have a

1 long-term impact on Segar Cove, its surrounding
2 residents, as well as many visitors to South County
3 area. This pond has been used for recreational use
4 for over 125 years. I ask this committee to
5 recommend to Coastal Resource Management to reject
6 this proposal, but I also ask them to put a
7 moratorium on applications, as the Fishery Advisory
8 indicated, to further study the impacts already
9 made on Potter Cove, Point Judith Cove, Jamestown,
10 and Charlestown area. This 5 percent rule made
11 many years ago needs assessing. Point Judith Pond
12 is also being impacted. These guidelines are not a
13 final determination for major decision-making in
14 regard to public and recreational use.

15 South County has a land trust, and it appears
16 we are now in the need of a water trust to stop the
17 sale of water property, individual gains leaving
18 the public without access to recreational activity.

19 Thank you very much for listening to my
20 testimony. I appreciate it a lot. Thank you.

21 MR. MOORE: Madam Chair, you're on mute.

22 CHAIRWOMAN CERVENKA: Thank you very much.
23 Okay. I think we're going to end with Ms. Mattera
24 today. It's 12:54, and we don't have a full

1 ten minutes if someone wanted to use it. So next
2 time we will pick up with Matthew Wilkes, and we
3 have 35 to 40 more people to get through, and we
4 get back together on December 30th at 10 a.m. It
5 will also be a three-hour meeting. And we'll try
6 to move through the rest of the public comments,
7 and if we need to schedule a third meeting, we
8 will, but, again, I ask that people prepare their
9 comments carefully so that they can speak between
10 five and ten minutes.

11 Mr. Willis, is there anything administratively
12 that we need to communicate?

13 MR. WILLIS: No, Madam Chair. We will
14 just update the speakers list to the website to
15 make it clear who's next and who has already
16 spoken.

17 CHAIRWOMAN CERVENKA: Okay. Anything
18 else, Mr. DeSisto, that we need to do?

19 MR. DESISTO: No.

20 CHAIRWOMAN CERVENKA: Okay. All right.
21 Anything from counsel who's on?

22 MS. NOONAN: No.

23 MR. WAGNER: No. No, thank you.

24 CHAIRWOMAN CERVENKA: All right. So I

1 will move to adjourn today's proceeding. Is there
2 a second?

3 VICE CHAIRMAN COIA: Ray Coia seconds.

4 CHAIRWOMAN CERVENKA: Thank you,
5 Vice Chair Coia.

6 (WHEREUPON, A VOICE VOTE WAS TAKEN/
7 MOTION PASSES)

8 CHAIRWOMAN CERVENKA: Thank you. Everyone
9 stay safe, and get your Stop & Shop groceries.

10 MS. NOONAN: Thank you.

11 (MEETING CONTINUED AT 12:55 P.M.)

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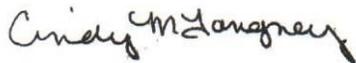
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C E R T I F I C A T E

I, Cindy M. Tangney, a Commissioner in and for the State of Rhode Island, hereby certify that the foregoing pages are a true and accurate record of my stenographic notes that were reduced to print through computer-aided transcription.

In witness whereof, I hereunto set my hand this 23rd day of December, 2020.



CINDY M. TANGNEY, RMR

My Commission (RI) Expires on 06/30/2025

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