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EXPLORATION CENTER
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SOUTH COUNTY CENTER
Riverside Building
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Westerly, R.I. 02891
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July 21, 2022

Jeffrey Willis, Executive Director
Rhode Island Coastal Resources Management Council
Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879



Re: Plum Beach Club, CRMC File No. 2021-02-053

Dear Director Willis,

Save The Bay submits that the Plum Beach Club's proposed dock expansion does not meet the requirements of the Coastal Resources Management Program (CRMP). In summary, the dock is only permitted given its grandfathered status in Type 2 waters and the application does not meet Special Exception criteria, lacks evidence supporting a need for modifications and variances. Save The Bay does not oppose the replacement in kind of the dock and associated floats, but believes that the proposed expansion does not meet the clear standards set forth in the CRMP.

The intent of "grandfathering" is to allow for the maintenance of structures or development that would not be permitted under current regulations. While Save The Bay understands that the requested modifications are minor, under current regulations, the existing dock would not be allowed at all. The dock is located in Type 2 waters, defined by the CRMP as waters "with high scenic value that support low intensity recreational and residential uses."

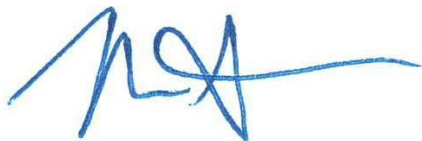
The public notice states that this project requires a Special Exception since the project proposes to go beyond replacement in kind. The application makes no attempt to explain how the project meets the required Special Exception criteria set forth in CRMP § 1.1.8. These criteria set an extremely high standard and burden on the applicant. This is by design, and this project fails to meet all criteria. A Special Exception requires the proposed activity to serve "a compelling public purpose which provides benefits to the public as a whole as opposed to individual or private interests" (CRMP § 1.1.8.A.1). It further requires that "all reasonable steps shall be taken to minimize environmental impacts and/or use conflict," and "there is no reasonable alternative means of, or location for, serving the compelling public purpose cited" (CRMP § 1.1.8.A.2-3). This burden is not met.

In addition to Special Exception criteria, the application also fails to meet variance standards set forth in CRMP § 1.1.7. When attempting to justify the requested variances, the applicant states that "over the years the club has and its users have become greater requiring larger more stable floats." There is no explanation

why the existing floats and layout require an expansion, beyond a desire for larger floats and increased intensity of use cited by the applicant. A need for larger floats that require deeper water and variances is not a hardship.

Thank you for considering our comments.

Sincerely,

A handwritten signature in blue ink, appearing to be 'MJ' followed by a long horizontal stroke.

Michael Jarbeau
Narragansett Baykeeper