

Response to Objections

CRMC File Number 2024-04-003

Applicants: Donna Hostetler, Diane Bardsley,

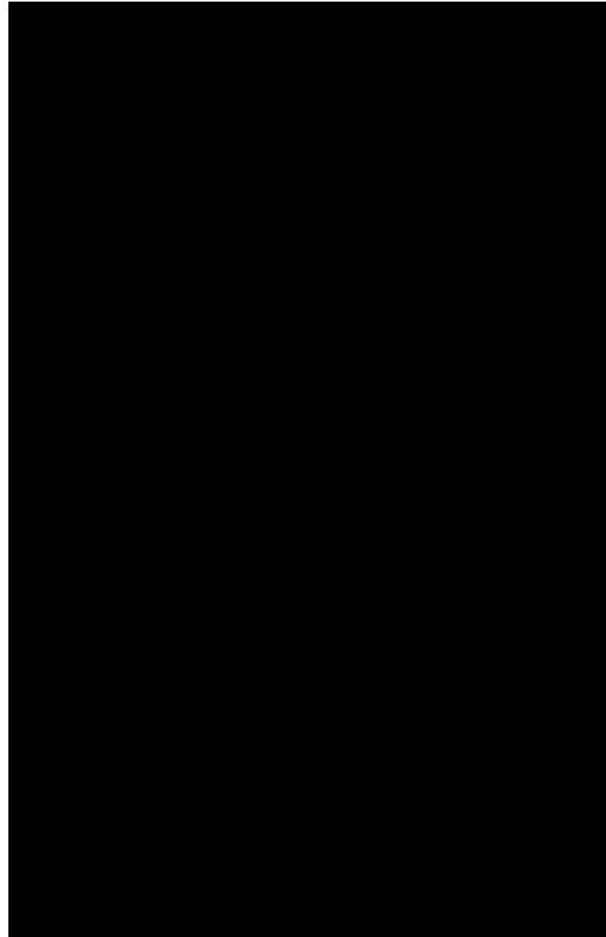


Objection relating to size of boat and “affects [sic] of propeller wash” (from 7/12/24 filing by attorney Jeffrey Eger)

██████████ boat and our boat are similar in size.

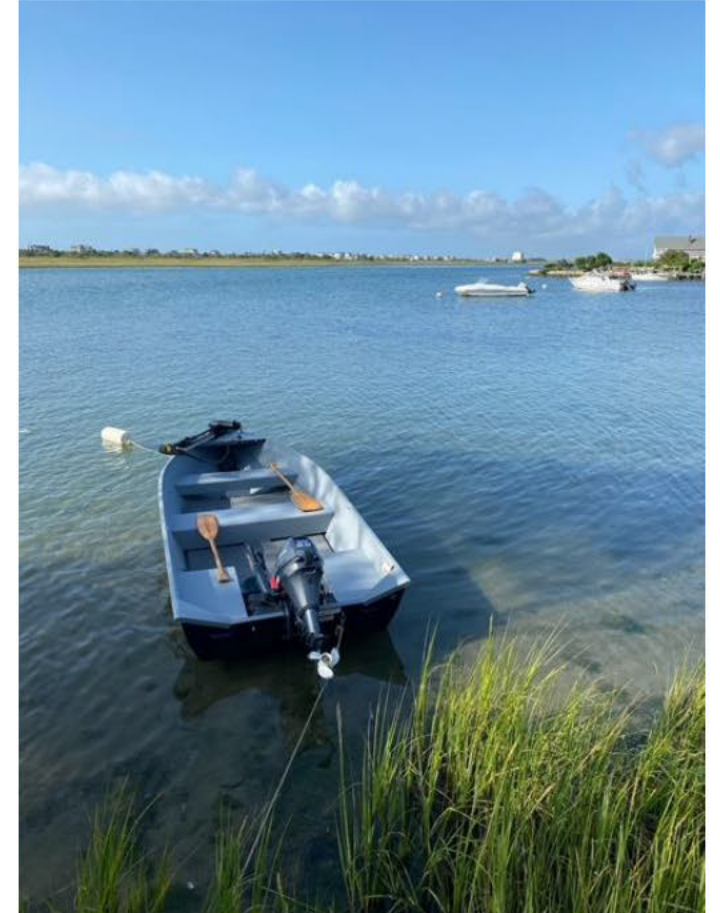
The objection that our boat will cause propeller wash - with the effects of muddying the water and disturbing aquatic life - would appear to apply more to ██████████ rather than to us, due to the fact that his dock was built prior to CRMC regulations, and this permits him to keep his boat afloat, depart from and return to his dock in less than the required minimum water depth.

██████████ boat



David Bardsley, 8/7/24

Our boat
(to be secured to proposed dock)



David Bardsley, 9/14/20

mooring

- **7/13/23:** Occupant of 15 Snowberry Ln. verbally expresses opposition to dock to environmental scientist while latter is conducting SAV survey.
- **8/13/23:** [REDACTED] notifies environmental scientist that a mooring has appeared in front of 13 Snowberry Ln.
- **1/12/24:** Dock engineer advises [REDACTED] via email, to request that the mooring is moved because "Typically the moorings would be located in between the property line extensions for the lot, not 'in front of' someone else's lot."
- **1/16/24:** Diane Bardsley contacts Westerly Harbormaster to report the mooring.
- **1/22/24:** Kimberlie Rayner-Russell from Westerly Harbormaster's office confirms in email that the "mooring is currently not registered", and "If the mooring is in fact not located within the Riparian boundaries, it will have to be relocated in the spring." (see [appendix](#))
- **3/15/24:** Rayner-Russell confirms she contacted the dock installer to relocate the dock and stated: "The mooring is not permitted and will not be permitted until I can verify its location." (see [appendix](#))
- **5/31/24:** Bardsley contacts Rayner-Russell to report mooring has not been relocated.
- **6/23/24:** Bardsley contacts Rayner-Russell to report mooring has been relocated.

Objection relating to “Scenic Values”

██████ objects to the proposed dock because he wishes to “allow the scenic value to continue unaffected”.

Currently, there is the dock at 20 Snowberry Ln. in view from his property (looking south easterly), noted by the red arrow in the photo at right. Also, his own dock can be viewed from his property – a dock which was installed prior to CRMC’s existence.

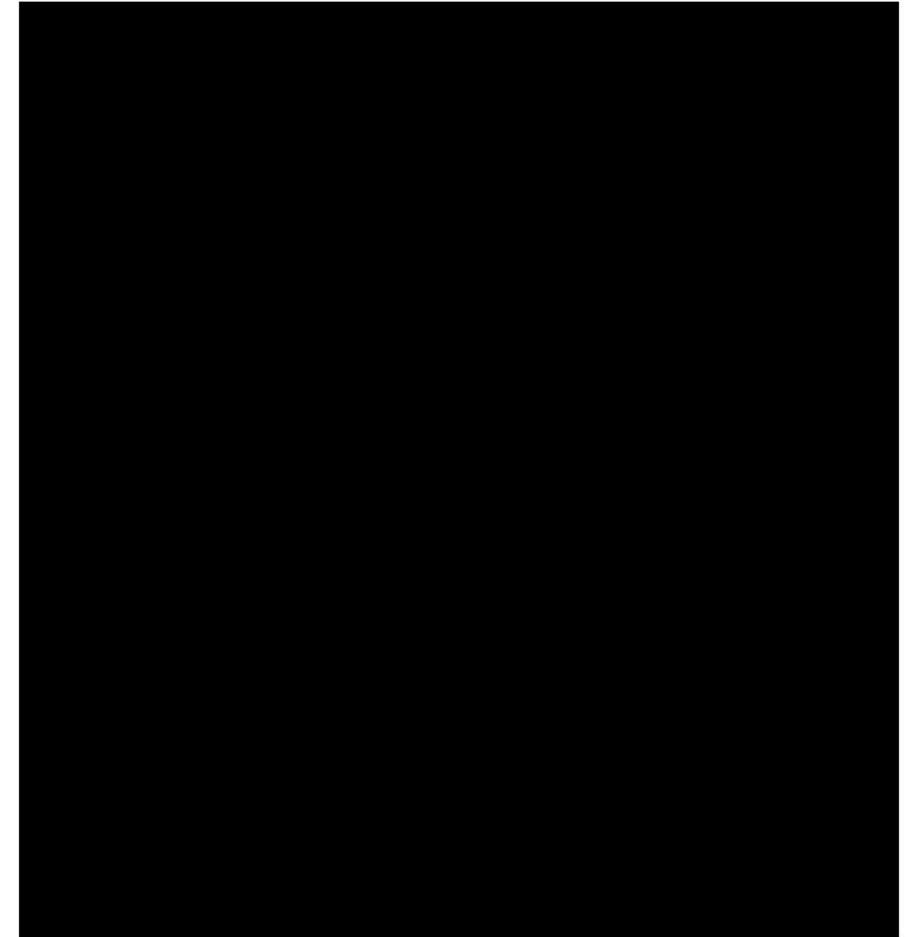
If scenic value is affected by the presence of docks, then his “scenic value” has already been affected. By what additional magnitude would the “scenic value” be affected by the presence of the proposed dock?



Photo of pond-side of 15 Snowberry Ln., taken from southeast corner of Hostetler, Bardsley, ██████ property, showing ██████ view of the pond.

Objection of “too many docks”

Presently, there are three docks on the cove. One on the west side of the cove (below), and two on the east side of the cove (inset). The proposed dock would bring the total to four. Whatever “too many docks” means, there still would be fewer docks than there have been in the past.



The photo above, from 1970, shows red arrows indicating four docks on the west side of the cove. Including the dock at 15 Snowberry Ln. (not shown in photo), there were a total of five docks on the cove at that time.

Objection that the dock will “disturb the ability of the neighboring property to fish and shell fish”

The pond hosts quahogs, cherrystones, sea clams, and littlenecks. Our mother, [REDACTED] [REDACTED] shell fished in the pond for decades, beginning in the 1940s through the '70s. She taught us that **1)** you could find quahogs by the western point of the cove, **2)** in the mid-channel, sea clams and quahogs, and **3)** in the marsh channels across the pond, littlenecks and cherrystones. Never did she shell fish, nor show her children to shell fish, in the proposed site of the dock, where the bottom is mostly muck. ([REDACTED] should know this.)

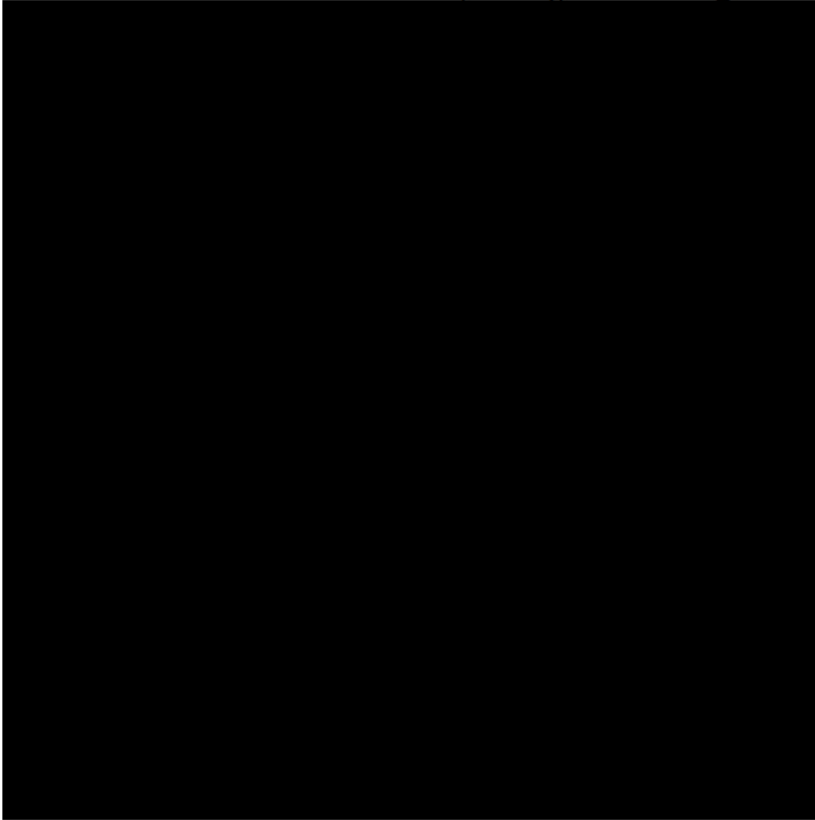
Also, the proposed dock will not interfere with fishing at 15 Snowberry Lane. [REDACTED] [REDACTED] and members of his family (i.e., his siblings, including the late [REDACTED]) fished from the dock at 15 Snowberry Lane for decades – there is no reason to believe that the presence of the proposed dock will impact this activity.



View of pond, looking southwest from 13 Snowberry Ln.

Objection relating to water-dependent uses

Historically, swimming in the cove occurred in the area of the public right-of-way, located in the southwest corner of the property (by the bench, at red arrow in the photo below). There, the bottom is sandy and firm, with no rocks. Our grandmother, Bessie Belleavoine (pictured in background), would walk us along the shore to the bench to swim. We did not swim in the area of the proposed dock because the bottom was muck and there were large, barnacled rocks – not ideal. In addition, over the decades we have witnessed little, if any, swimming in this area.



Presently, as in the past, the preferred place to swim for visitors to the cove is in the area of the right-of-way (red arrow in photo to the right), not near the proposed dock site. *For reference, the right-of-way is located over 115 feet to the west of the proposed dock site.*



9/11/24



To the immediate left is a view of right-of-way spilling onto Hostetler, Bardsley, [REDACTED] property into the pond (photo is of area near red arrow in photo above). Users of the pond resources (e.g., kayakers, swimmers, paddleboarders, boaters, etc.) enter and exit the pond here, from/to Clamshell Drive.

Objection that the proposed dock will impact [REDACTED] egress and ingress in relation to his property by boat

- This past summer I saw [REDACTED] from my paddleboard, which was situated at the site of the proposed dock, embark with his family from his dock, in his boat, on a journey across the pond in a westerly direction. He made headway, unimpeded, and he did not come anywhere near the site of the proposed dock as he piloted his boat.
 - In addition, [REDACTED] and his family's ability to swim, paddleboard, or kayak, likewise, should not be impacted by the proposed dock.

- [REDACTED]

Objection that building dock will be disruptive to marine life

- **Is the sinking of posts into the pond floor as detrimental to marine life as asserted by the public commenters in the objections file?**
 - The dock that was installed and had posts driven into the pond floor at 20 Snowberry Ln. in recent memory is located in an area with *far* more marine-life diversity than the area where the proposed dock will be located, and the marine life there does not seem to have been affected by the building of that dock.
 - As someone who is familiar with the pond (over fifty years of swimming, snorkeling, sailing, etc. there), I have swum and snorkeled often in the area of the 20 Snowberry dock, observing diverse aquatic creatures such as sea horses, sea robins, urchins, seaweeds, etc. I have observed little to no change in diversity since the time that the dock was installed.

— [REDACTED]

“These landowners”^{*}

We, Donna Hostetler, Diane Bardsley and [REDACTED]:

- Maintain property adjacent to a public right-of-way where recreational users of the pond cross over onto our property to enter and enjoy the pond. Users of the pond include:
 - our neighbors from the Cove Road community
 - paddleboarders and kayakers who paddle the length of the pond (from its west end), who use the right of way as a disembarkation point
 - boaters who have moorings in the cove
- Own two acres of land where:
 - great blue herons and ospreys sit in trees to eat their catch and repose
 - barred owls, nesting Coopers hawks, kingfishers, egrets, etc. can be seen
 - deer, coyotes, rabbits and other wildlife live and roam
- Have enjoyed the pond for over five decades and continue to do so with our children, grandchildren and friends, just as our ancestors did in their time going back to the 1930s.

** From the 6/4/2024 correspondence of Chris, Bird Advocate and Bird Protector*

Appendix:

Diane Bardsley and Kimberlie Rayner-Russell email correspondence

On Jan 22, 2024, at 10:20 AM, Kimberlie Rayner-Russell
<krayner@westerlypolice.org> wrote:

Hi Diane,

I am working on resolving the mooring concern that you had notified me of. I have determined that the mooring was installed last season and is associated with the 15 Snowberry address. The mooring is currently not registered, so I am working on resolving the issue. If the mooring is in fact not located within the Riparian boundaries, it will have to be relocated in the spring.

Would you please let me know which property the dock is being proposed for?

Thank you for your patience as I work through a resolution.

Regards,

Kim

From: Kimberlie Rayner-Russell <krayner@westerlypolice.org>

Sent: Friday, March 15, 2024 10:30 AM

To: dianeardsley@cox.net <dianeardsley@cox.net>

Subject: RE: Mooring

Good morning,

I have contacted the mooring installer and notified him that the mooring will have to be relocated if it is not within the riparian boundaries. I have also requested the coordinates, but haven't heard back from him. The mooring is not permitted and will not be permitted until I can verify its location.

Regards,

Kim