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August 14, 2024

Via Electronic Mail to cstaff1@crmc.ri.gov

Coastal Resources Management Council, O. S.
Government Center,
4808 Tower Hill Road, Room 116
Wakefield, RI 02879

**Re: CRMC File 2023-08-084; RIDEM Water Quality Certification Number 24-008
(MPL Only)
Stone Harbour Condominium Association Submission of Substantive Objection
and Request for Subcommittee Hearing**

To State of Rhode Island Coastal Resources Management Council & State of Rhode Island
Department of Environmental Management:

Moses Ryan Ltd. writes on behalf of our client the Stone Harbour Condominium Association ("Stone Harbour") to submit a substantive formal objection to applicant TSL, LLC's (the "Applicant") proposed installation of a berthing facility and expansion of an existing marina for the mooring of a pool boat submitted to the Coastal Resources Management Council ("CRMC") and Rhode Island Department of Environmental Management ("RIDEM") as CRMC File 2023-08-084 and RIDEM Number 24-008 (the "Application" or "Proposal"). Enclosed, pursuant to the CRMC's Management Procedures, please find our office's entry of appearance on behalf of our client Stone Harbour. Furthermore, on behalf of our client, we respectfully request a subcommittee hearing on this Application in order to formally oppose this Application.

Stone Harbour, comprised of the condominium owners of the property located at 341, 343 and 345 Thames Street, Bristol, Rhode Island and a direct abutter to this Proposal, has thoroughly reviewed the Application and plans, visited the proposed site and is familiar with the site conditions. Stone Harbour has substantive objections to the Application pursuant to Coastal Management Program Red Book (650-RICR-20-00-01) (the "CRMP") Sections 1.1.6.G.1.b, c, & d as follows:

b. Direct evidence that the proposed alteration or activity does not meet all of the policies, prerequisites, and standards contained in applicable sections of [the CRMP 650-RICR-20-00-01];

c. Evidence is presented which demonstrates that the proposed activity or alteration has a potential for significant adverse impacts on one or more of the following descriptors of the coastal environment: Circulation and/or flushing

patterns; Sediment deposition and erosion; Biological communities, including vegetation, shellfish and finfish resources, and wildlife habitat; Areas of historic and archaeological significance; Scenic and/or recreation values; Water quality; Public access to and along the shore; Shoreline erosion and flood hazards;

d. Evidence that the proposed activity or alteration does not conform to state or duly adopted municipal development plans, ordinances, or regulations.

We also object to and reserve the right to further address the RIDEM Water Quality Certification portion of this Application. Stone Harbour intends to submit additional testimony and evidence during the hearing. Each of these substantive objections as defined by CRMP Sections 1.1.6.G.1.b, c, & d is summarized below.

Objection CRMP Section 1.1.6.G.1.b: The proposed alteration or activity does not meet all of the policies, prerequisites, and standards contained in applicable sections of the CRMP.

Based on review of the Application, the Applicant's proposed installation of a berthing facility and expansion of an existing marina for the mooring of a pool boat does not meet all of the policies, prerequisites and standards of CRMC outlined in the CRMP, particularly Sections 1.2.1.F, 1.3.1 (A, C, D, F, G, & R) and 1.3.6.

The Proposal is expressly prohibited by CRMP Section 1.3.1.C.3.e.

The proposed pool is a structure and is improperly designated as a "boat" or "vessel" and "water-dependent."

This Proposal should be expressly prohibited based on Section 1.3.1.C.3.e of the CRMP, which states that "[n]ew decks and structures, and expanded structures associated with residential properties, or non-water dependent commercial uses, are prohibited in or over tidal waters." The Proposal here is not actually a vessel nor a boat as the Applicant tries to state but is instead a structure or a deck. Further, a hotel and/or pool is not a water-dependent commercial use, so a new structure associated with it would be expressly prohibited per the CRMP.

The Applicant relies on the affidavit of the Bristol Harbor Master for its classification as a vessel or boat, but that document contains no reference to the basis of this determination such as definitions or sources. As defined in the CRMP, "vessel" means "every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water and shall include barges and tugs. Specifically excluded by this definition are floating homes or houseboats." CRMP Section 1.1.2.A.168. "Boat" means "any vessel or watercraft as defined by R.I. Gen. Laws § 46-12-1(1)." CRMP Section 1.1.2.A.16. This proposed pool is not capable of being used as a means of transportation on the water. Furthermore, the pool and deck will be continuously secured to pilings and also a fixed ramp. This makes it a fixed structure rather than a vessel.

The CRMP defines "commercial and industrial structures and operations" to mean "all buildings and structures and alterations to facilities related to the manufacturing and interchange of goods

or commodities, or any other business activity located on a shoreline feature, its contiguous area, or within tidal waters.” CRMP Section 1.1.2.A.33. The proposed pool structure meets this definition because a hotel is a business activity, and this will be a hotel amenity within tidal waters. The Applicant has stated that the pool will only be accessible to hotel guests, so use of the pool is a business activity on a commercial structure. Further, being utilized seasonally rather than “permanently” does not prohibit the pool from being a structure. “Recreational structures” are defined as “swim floats, beach pavilions and other structures that are located in the water or constructed for recreational purposes on a shoreline feature, its contiguous area, or in tidal waters.” CRMP Section 1.1.2.A.122. Swim floats by definition are installed seasonally but are still considered structures. See definition of “swim float” in CRMP Section 1.1.2.A.159. This Proposal will be anchored to pilings and located in one place throughout the season and should be properly considered a structure.

This is also not a water-dependent use. As defined in the CRMP, “water-dependent” means “activities and/or uses which can only be conducted on, in, over, or adjacent to tidal waters or coastal ponds because the use requires access to the water from transportation, recreation, energy production, or source of water and also includes non water-dependent activities that provide access to the shore to broad segments of the public.” CRMP Section 1.1.2.A.169. Neither a hotel nor a pool fits this definition. Pools and hotels can be located anywhere and have no link to tidal waters or access to the water. A private pool for a private hotel business intended for private guests also does not provide access to the shore for broad segments of the public. As a new non-water-dependent structure in Type 5 waters, this Proposal should be prohibited.

Prohibited Use of Type 5 Waters

Even if this use was not expressly prohibited as a structure, CRMC’s highest priority uses for Type 5 waters are not fulfilled by this use and marina expansion. Pursuant to CRMP Section 1.2.1.F.2.b.4.AA, CRMC shall suitably modify or prohibit activity that significantly detracts from or interferes with priority uses in Type 5 waters. Here, this is not a recreational vessel, it will not be providing transportation, and it will be fixed in place. The use is not water-dependent or even water-enhanced. The proposed use is a low priority use. In fact, the pool’s installation in the area interrupts navigational channels and makes it more difficult for vessels to enter/exit said areas, directly affects water quality considering potential contamination from the pool itself and its pilings, and also impedes the scenic ability of public view of the harbor. These are all in direct conflict with the priority uses of Type 5 waters per CRMP Section 1.2.1.F.2.b, and as such, the Application should be prohibited by CRMC.

Additionally, Applicant has not met the requirements of CRMP Sections 1.3.1.C.3.f.1-3, which would allow a deck associated with a commercial property in Type 5 waters under certain circumstances. A pool is not a priority use in Type 5 waters. The Applicant states that there is no reasonable alternative to the Proposal but has not conducted a full alternatives analysis and described how other options were foreclosed, such as installing an above-ground pool in the existing parking area of the hotel. The Application has not met this standard, and the Proposal should not be permitted under this basis.

CRMP Section 1.3.1.A Category B Requirements.

The Applicant has not demonstrated that the project meets all the requirements for a Category B Assent per CRMP Section 1.3.1.A. There is no demonstrated need for the proposed activity or alteration. This is the desire of a private business owner with no evidence that the installation of a pool is needed in this location. The Applicant has claimed on one hand that the hotel needs recreational facilities to bring in guests, while simultaneously stating to the Bristol Zoning Board that the hotel cannot meet demand and requesting relief to construct more hotel rooms. See enclosed minutes of the Bristol Zoning Board of Review meeting of March 4, 2024. It is highly suspicious that the Applicant could not speak about the summer occupancy rate or average length of stay when asked by the Bristol Town Council, especially after utilizing occupancy as justification for this Proposal that has been pending for over two (2) years. See enclosed draft minutes from the Bristol Town Council Meeting of July 31, 2024. Moreover, any waning demand is likely seasonal during the winter months when the pool would not be in use.

The proposed installation, including the wave attenuator (about which no report has been provided) and pilings, could impact soil and erosion. There will be water circulation impacts from the wave attenuator, as well as the pool itself. The surrounding area is also subject to an Environmental Land Use Restriction ("ELUR") due to contamination of the soil with arsenic, lead, and PAHs (polycyclic aromatic hydrocarbons), so the impacts of driving additional pilings into this area will have an impact on water quality.¹ The Applicant did not disclose any of these existing conditions in its Application and directly dismisses any environmental impacts without providing necessary support.

The Bristol Harbor Commission raised concerns about a number of the Proposal's impacts. This Proposal will have an impact on boating and navigating in the area, as evidenced by the Bristol Harbor Commission's concern about potential collisions between the pool and boats in the area and the suggestion that protection or barriers would be needed "to prevent any out of control vessel from colliding with the pool boat and endangering pool users." See enclosed Advisory Recommendation re CRMC Application File #2023-08-084 dated July 1, 2024, by the Harbor Commission and Harbor Commission Advisory Committee (the "Harbor Commission Recommendation"). The Bristol Town Council also adopted this concern. Also, water quality related to pool water entering Bristol Harbor has not been addressed and was raised as a concern by the Bristol Harbor Commission in the Harbor Commission Recommendation and the Bristol Town Council. The Harbor Commission Recommendation states that "Applicant shall provide a written plan indicating how the pool water will be treated, how the waste from any backwashing filtration system will be disposed, and confirming that there will be no discharge of such filtration system water into the Bristol Harbor." See Harbor Commission Recommendation. The Applicant

¹ Pursuant to the ELUR Section D "Grantor shall not make, or allow or suffer to be made, any alteration of any kind in, to, or about any portion of the Contaminated-Site inconsistent with this Restriction unless Grantor has first received the Department's written approval of such alteration". The driving of the pilings in connection with this Proposal will surely alter the contaminated soil and therefore requires RIDEM's written approval that the site is in accordance with the restriction. The ELUR runs with the land and is binding upon and enforceable against Grantor, and Grantor's successors and assigns. See enclosed ELUR Land Evidence Records of the Town of Bristol at Book 4623, Page 213.

has not provided such a plan. Additionally, plant and animal life may be affected by the installation of the pool, piles, and from treated water spilling into harbor waters. The pool structure will shade and could disturb certain finfish habitat in the area. A submerged aquatic vegetation (“SAV”) survey should be required to determine the impact of said shading, pile driving and treated water.

The Proposal creates impediments to a public water access walkway for the sole benefit of the hotel’s private guests. The location will create confusion as to whether the boardwalk is reserved for hotel guests or accessible by the public. Because the pool will be perpetually located in the marina during the summer months, there is an adverse scenic impact to the public view and access to Bristol Harbor waters. Pursuant to CRMP Section 1.2.1.F.c, applicants for Council Assents for alterations or activities in Type 5 waters must describe measures taken to mitigate impacts on the scenic quality of the area, which the Applicant has not sufficiently done. Lastly, the proposed use will result in significant conflicts with true water-dependent uses. The hotel and/or pool is not a water dependent use. If this proposal is deemed to be water-dependent, the precedent will be set for every private marina to install a similar structure and create widespread conflicts of navigational safety in state waters. All this together shows that the requirements for a Category B Assent per CRMP Section 1.3.1.A have not been met.

CRMP Section 1.3.1.C Residential, commercial, industrial, and recreational structures.

As discussed above, this pool should be properly considered a structure and all the provisions of CRMP Section 1.3.1.C should apply to it (assuming it were not prohibited explicitly by CRMP Section 1.3.1.C.3.e). Per CRMC’s Preliminary Determination on this Application (CRMC File No. D2022-07-006 dated January 25, 2023 (the “Preliminary Determination”)), the Applicant should meet all the policies, prerequisites, and standards of CRMP Section 1.3.1.C, but the Application leaves many of these requirements unaddressed or unsatisfactorily addressed. For example, the Applicant has not adequately addressed the risk of storm damage to property and coastal resources, as well as the public burden or post-storm disaster assistance. CRMP Section 1.3.1.C.1.a. The Bristol Harbor Commission and the Bristol Town Council recognized that this requirement is applicable and necessary by recommending that a storm plan is needed, including identification of specific vendors who have been contracted to remove the structure and drain the pool water as provided in the Harbor Commission Recommendation. The Applicant should also be required to obtain a structural perimeter limit (SPL) pursuant to CRMP Section 1.3.1.C.1.c. Instead of actually addressing the prerequisites of CRMP Section 1.3.1.C.2, the Applicant simply states that this is not a permanent fixed structure and claims these provisions do not apply, even though CRMC’s Preliminary Determination listed this section as applicable. This is all direct evidence that the Proposal does not meet all of the CRMP requirements.

CRMP Section 1.3.1.D Recreational boating facilities.

Per CRMC’s Preliminary Determination, the Applicant must address all the provisions of CRMP Section 1.3.1.D, but the Proposal again leaves many of these policies, prerequisites, and standards unaddressed or unsatisfactorily addressed. For example, the requirements of CRMP Section 1.3.1.D.2.b have not been met because the Applicant has not furnished a complete alternatives

analysis and had a CRMC staff meeting (as of the submission date per the Application). The Applicant only submitted a partial alternatives analysis with their Application that does not fully address all the requirements of CRMP Sections 1.3.1.D.2.b.1-10². We argue that these requirements are not met because the appropriateness level of the Proposal does not match the impact to coastal waters and that this Proposal offers a private benefit to hotel guests to the detriment of the public at large for a pool that does not depend upon water access. Further, environmental conditions of soil and water will be disturbed; marine life and vegetation may be impacted; there are navigational impacts on nearby boats, scenic and aesthetic negative impacts, and negative property value impacts to neighbors; and there are numerous concerns about safety of users in the area. Had a meeting took place to discuss the results of the Preliminary Determination, said meeting would have exposed the adverse impacts of the Proposal described above and forced the Applicant to mitigate these issues at an earlier stage.

The Applicant has also not sufficiently met the requirement of CRMP Section 1.3.1.D.2.c to demonstrate through measurable standards that the marina expansion cannot be accomplished within the existing Marina Perimeter Limit through utilization of more efficient configurations. Relatedly, the Applicant has not adequately shown per CRMP Section 1.3.1.D.2.f that (1) There is no alternative within the current in-water perimeter that would accommodate the expansion; (2) The area requested is the minimum necessary; and (3) The request avoids or minimizes impact to the aquatic environment and traditional uses in the area. This is particularly important since this is a use of Rhode Island's public trust resources, and the CRMC must examine reasonable alternatives to the proposed activity, and ensure that the public's interests in the public trust resources are protected. CRMP Section 1.3.1.D.2.e.

The Applicant dismisses as not applicable items such as sanitary facilities (CRMP Section 1.3.1.D.9.h) and parking (CRMP Section 1.3.1.D.9.i), among other applicable items in this section that should be met. For example, there are no sanitation facilities proposed at this pool and the nearest facilities are inside the hotel via the guest rooms or hotel lobby, which are a distance away. The Applicant also proposed an enclosed, locked fence around the pool, which creates an additional impediment to restroom access. The pool is intended to target families, likely with small children, who may need access to restrooms quite quickly. This raises sanitation concerns about water contamination and requires a plan to address such treatment of water.

² (1) The appropriateness of the facility given the activities potential to impact Rhode Island's coastal resources; (2) The appropriateness of the structure given environmental site conditions; (3) The potential impacts of the structure and use of the facility on public trust resources (e.g., fin fish, shellfish, submerged aquatic vegetation, benthic habitat, commerce, navigation, recreation, natural resources, and other uses of the submerged lands, etc.); (4) The potential navigation impacts of the structure and associated use of the structure; (5) The potential aesthetic and scenic impacts associated with the structure; (6) The cumulative impacts associated with the increased density of existing recreational boating facilities in the vicinity of the proposed project. In considering these factors, the Council shall weigh the benefits of the proposed activity against its potential impacts while ensuring that it does not cause an adverse impact on other existing uses of Rhode Island's public trust resources; (7) The potential impacts to other recreational or commercial uses of the affected resource; (8) The extent to which any disruption of the public use of such lands is temporary or permanent; (9) The extent to which the public at large would benefit from the activity or project and the extent to which it would suffer detriment; and (10) The extent to which structures that extend over submerged lands are dependent upon water access for their primary purpose. CRMP 1.3.1.D.2.b.1-10

Additionally, the area is not actively monitored, which could lead to further contamination issues if “accidents” go undetected or unreported.

Furthermore, per CRMP Section 1.3.1.D.9.o, “all new or modified Marina Perimeter Limit lines shall be a maximum of ten (10) feet outside of the marina structures.” The pool deck and wave attenuator should be properly considered marina structures, and both are currently shown within ten feet of the Marina Perimeter Limit and not in compliance with this provision.

There is direct evidence that provisions of this section remain unmet.

CRMP Section 1.3.1.F Treatment of sewage and stormwater.

The Applicant states that the treatment of sewage and stormwater is not applicable here, but the Preliminary Determination specifically identified this as an applicable section. A plan is needed for any draining or treatment of pool water and the prevention of chemicals from infiltrating harbor waters during storms. The Applicant should provide said plan to CRMC, as well as RIDEM, which reviews similar treatment plans as part of the water quality certification process.

CRMP Section 1.3.1.G Shoreline protection.

The Applicant states that shoreline protection is not applicable here, but the Preliminary Determination specifically identified this as an applicable section. There may be erosion from the wave attenuator or other structures. This provision has not been fulfilled.

CRMP Section 1.3.1.R Submerged aquatic vegetation and aquatic habitats of particular concern.

A SAV survey should be required for the Application, particularly because of the perpetual and fixed shade cast by the pool and the number of pilings being proposed for the pool and the wave attenuator. This section was noted as applicable in the Preliminary Determination, which indicates that a full SAV survey may be warranted.

CRMP Section 1.3.6. Protection and enhancement of public access to the shore.

New and significant expansions to marinas as defined in CRMP Section 1.3.1(D) require a public access plan per CRMP Section 1.3.6.A.4.b. A new public access plan should be required, or the existing agreement should be adapted to this project. While hotel guests may have access to the area, the Proposal creates limitations on general public access.

Preliminary Determination.

The Applicant has also not satisfactorily addressed the multitude of staff concerns/comments/information requests contained in the Preliminary Determination.

The issues raised above regarding these CRMP sections cumulatively show that there is an abundance of direct evidence that this Proposal does not meet all of the policies, prerequisites and standards of CRMC outlined in the CRMP.

Objection CRMP Section 1.1.6.G.1.c: The proposed activity or alteration has a potential for significant adverse impacts on the coastal environment.

As another basis of substantive objection, the Application also has a potential for significant adverse impacts on the coastal environment such as circulation and/or flushing patterns; sediment deposition and erosion; scenic and/or recreation values; water quality; public access to and along the shore; and shoreline erosion and flood hazards.

As stated above in relation to the Applicant's failure to meet the requirements of a Category B assent, the proposed installation, including the pool, wave attenuator, and pilings, could impact sediment and erosion. There are potential water circulation impacts from the wave attenuator and the structure itself. The contaminated soil of the surrounding area may have water quality impacts from the proposed pilings. Pool water entering Bristol Harbor also has the potential to impact water quality. The pool will impact the scenic values in the area and also create hazards for boats, which will impact the recreational value of the area and public access along the shore. Many facets of this Application have the potential for significant adverse impacts on the coastal environment.

Objection CRMP Section 1.1.6.G.1.d: The proposed activity or alteration does not conform to state or duly adopted municipal development plans, ordinances, or regulations.

The pool should be properly classified as a structure, in which case it must comply with the Bristol Zoning Ordinance and Building Code. Such compliance has not been shown.

General Concerns

Stone Harbour also has many other general concerns about this Proposal and has opposed this Proposal through all levels of review by the Town of Bristol. See enclosed letters from Moses Ryan Ltd. to the Bristol Town Council and Bristol Harbor Commission. When this matter was before the Bristol Harbor Commission and Bristol Town Council, our client and many other Bristol residents, including members of the Bristol Harbor Commission and Town Council themselves, raised concerns about this Application. See enclosed news articles and letters to the editor regarding review of this Proposal. Although the minutes of those meetings were forwarded for your review, we have summarized the concerns below particularly because the Bristol Harbor Commission minutes do not fully capture the issues brought forward during the Harbor Commission's two and a half hour long meeting on this topic.

First, numerous safety concerns are at the forefront that have not been addressed or accounted for by the Applicant. The Proposal's subject area often experiences rough water and waves, even at comparatively low wind levels, which creates safety concerns for those at the pool and other boaters. The Stone Harbour Marina Association submitted written comments to the Bristol Harbor Commission warning that the area is subject to winds, currents, and storm surges. See enclosed letter from Stone Harbour Marina Association President Mario Barrenechea dated June 10, 2024. Storms in the area would create a multitude of risks and the Proposal must adequately plan for them. Rough water creates risk for injury in the pool and on the deck and access ramp and could also create risk of the pool detaching from its moorings, thus becoming a hazard to

Bristol Harbor. The Proposal discusses a wave attenuator, but no details have been provided on this device, its installation, or the impact it may have on surrounding areas. It may have a negative impact on surrounding navigation areas or marinas.

Moreover, the proposed location directly abuts navigation areas for boats exiting the adjacent marina and said area will not be continuously monitored. There is a risk of boaters losing control and colliding with the pool. It would be very unsafe to combine unmonitored swimmers in a pool, waves and rough waters, and boats navigating through tight marina areas. Additionally, because the pool is unmonitored, there are concerns of alcohol and/or substance abuse, rowdy wedding or hotel guests attempting to gain access after-hours, and swimmers jumping off the wrong side of the pool into the Harbor, all of which could all lead to significant injuries. Bristol Town Council members were rightly concerned that this could become an attractive public nuisance in the area. The Applicant maintains that this will be accounted for by security cameras and locks, however, Stone Harbour has been informed by a hotel employee that there are currently no security cameras located anywhere on the Hotel premises. The Applicant has also mentioned a hard locking cover for the pool as a mitigation, but no details have been provided about how this would be installed and operated on a structure of this size.

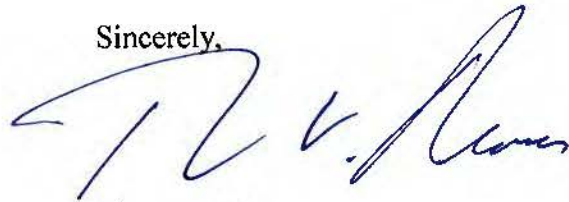
Further, if this Proposal is approved, a proliferation of this use in Bristol Harbor could follow. Approval of this Proposal would be a precedent for every private dock and marina to install a similar structure. This would create numerous safety risks and negatively change the character of our state's waters. The Proposal also negatively impacts the surrounding property owners, including the unit owners of the Stone Harbour Condominium. Alyce Wright, a Rhode Island professional real estate agent for Lila Delman Compass, submitted a letter to the Bristol Town Council outlining the potential impact on nearby property values. See enclosed letter from Alyce Wright dated June 6, 2024.

Significantly, the Applicant has tried to avoid the issue of the disability access to this Proposal. The Town Council questioned who had authority to enforce the provisions of the Americans with Disabilities Act (ADA) as it relates to this Proposal. The safety and accessibility of the Proposal should not slip through the cracks. Per CRMP Section 1.3.1.D.9.bb, the Executive Director can determine which standards are applied to limited marinas and here, the requirements of the ADA related to public accommodations and facilities should be applied. The State of Rhode Island Governor's Commission on Disabilities should be consulted in the efforts to determine ADA applicability. CRMC should be mindful of the safety of disabled individuals. If it is determined that ADA requirements do not apply, disabled individuals will be either: (1) ultimately prevented from utilizing the hotel amenity due to inherent safety risks and/or design limitations, thus alienating and discriminating against said individuals; or (2) forced to risk the unsafe conditions, which could lead to severe injuries and could go undetected given the lack of monitoring by the hotel. The necessity and benefit of this Proposal is already rather limited, i.e. a small group of private hotel guests rather than the public. The Applicant is further attempting to limit the "benefitted group" by ignoring the safety of some of its guests while prioritizing the enjoyment of others without any consequence.

The risks and negative impacts of this Proposal greatly outweigh any private benefit to a private business and there is a clear question of the necessity of locating this proposal in the Bristol Harbor.

We have also enclosed our client's letter of objection to CRMC/RIDEM filed by Association President Howard Sutton. We kindly ask that you notify our office of the time and place of the hearing for this matter, as well as provide copies of any materials prepared in advance of that hearing such as staff reports. We strongly oppose this Application and look forward to the opportunity to have it reviewed at a hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. V. Moses', is written over a light blue horizontal line.

Thomas V. Moses, Esq.

cc: State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879

State of Rhode Island
Department of Environmental Management
Office of Technical and Customer Asst.
235 Promenade Street
Providence, RI 02908-5767

Enclosures: *Moses Ryan Ltd. entry of appearance*
Minutes of the Bristol Zoning Board of Review meeting of March 4, 2024
Draft Minutes from the Bristol Town Council Meeting of July 31, 2024
ELUR Land Evidence Records of the Town of Bristol at Book 4623, Page 213
Bristol Harbor Commission Advisory Recommendation re CRMC Application File
#2023-08-084 dated July 1, 2024
Letter from Moses Ryan Ltd. dated May 29, 2024
Letter from Moses Ryan Ltd. dated June 14, 2024
Letter from Moses Ryan Ltd. dated July 24, 2024
News articles regarding the Proposal from the Providence Journal, Bristol Phoenix,
and East Bay RI and others
Letter from Stone Harbour Marina Association President Mario Barrenechea dated
June 10, 2024
Letter from Alyce Wright dated June 6, 2024
Letter from Stone Harbour Condominium Association President Howard Sutton dated
August 14, 2024



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
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(401) 783-3370
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ENTRY OF APPEARANCE

Before the Rhode Island Coastal Resources Management Council

IN THE MATTER OF:

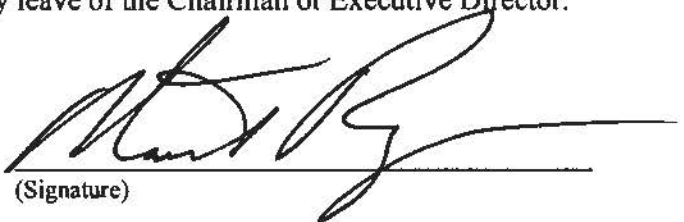
FILE NO. 2023-08-084 24-008

TSL, LLC

(Name of Applicant)

I, Thomas V. Moses & Mark T. Ryan, hereby enter my appearance as attorney of record on
behalf of Stone Harbour Condominium Association.

Withdrawal of appearance may only be granted by leave of the Chairman or Executive Director.


(Signature)

Moses Ryan Ltd.

(Business Address)

40 Westminster Street, 9th Floor

Providence, RI 02903

Date: August 8, 2024

401-453-3600

(Phone Number)

tmoses@marlawri.com
mryan@marlawri.com

STATE OF RHODE ISLAND

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

04 MARCH 2024
7:00 PM
BRISTOL TOWN HALL
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. JOSEPH ASCIOLA, Chairman
MR. CHARLES BURKE, Vice Chairman
MR. DAVID SIMOES
MR. TONY BRUM
MR. DONALD S. KERN
MR. GOERGE D. DUARTE, JR., Alternate
MS. KIM TEVES, Alternate

ALSO PRESENT:

ATTORNEY ANDREW TEITZ, Town Solicitor's Office
MS. DIANE WILLIAMSON, Town Planner

Susan E. Andrade
91 Sherry Ave.
Bristol, RI 02809
401-253-5570

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04 MARCH 2024

MR. DUARTE STEPPED DOWN, MR. BURKE SAT ON THE BOARD

**3. 2024-04
LARRY GOLDSTEIN/TSL, LLC**

**267 Thames St.: W
Pl. 9 Lot 50**

Dimensional Variance to modify exterior walls and roofline of a portion of the existing Bristol Harbor Inn hotel building and construct eight (8) new hotel rooming units on the third floor of the structure with less than the require lot area per rooming unit.

Attorney Helen Anthony, Anthony Law, LLC, 42 Weybosset Street, Providence, RI. Presented the Petition on behalf of the applicant. They are requesting dimensional relief to add 8 new hotel room to the third floor of the Bristol Harbor Inn at 267 Thames Street.

Mr. Spencer Mccombe, architect on the project, explained that he's been working on the property since this ownership took over approximately ten years ago. They have been slowly renovating, fixing and bringing the whole campus back to life and they have been attacking the project throughout renovating and maintaining the property. This is the only hotel, currently, between East Providence and Middletown. So, it's in high demand and the hotel operators are essentially looking for any relief to house the people looking for hotel rooms anywhere in the East Bay. As they've worked on this property, they have found and added rooms in small unused areas as possible. Sometimes changing retail areas into hotel rooms. But that was all within the general envelope of the buildings that are there. This application is essentially to connect a central section of the campus, which has a larger work building with what they call the bank building out front. The initial design connected the two buildings and they do connect; there are stairways, elevators and hallways that are already on the level they are talking about, but there is no head room. They proposed to the HDC, as far as adding the dormers, which were on the lower next level down, one level up, to create 8 more rooms,

04 MARCH 2024

stacking directly on top of the hotel rooms that are there. It's going to mean some rebuilding of the lower roof area now and then a new roof on top of the new enclosure. Essentially, all the building is happening within the bounds of the existing mass. It will be very difficult to see from Thames Street, and very difficult to see from the water, but if you look from the side, you will see a difference. The dormers are now moved one level up. They feel like it's a sensitive design, the HDC voted unanimously in favor of it, and they are just trying to connect the dots of an existing building that does have this footprint that is available. They are asking for relief from is the density per rooming unit per square foot, which is spelled out in the paragraphs he has listed in the application. The Zoning Ordinance allows 1,500 square feet per rooming unit, and they will be at 1,049 square feet; so, 451 square feet per rooming unit per foot would be the slight variance being requested. Parking on the area, although they are not requesting it, although they are adding 8 rooms; when looking back at when this area was first established, there was a number of parking spots, but looking at it again with current parking standards and the idea of shared parking, etc., they actually fit down to the last spot. The uses that are there currently and all which have changed slightly still fit within the variances initially granted for this property. This is a unique situation; this is a dense urban environment, it's meant to be this way and always was this way. He feels like this is a great opportunity to allow this business owner to fill out some unused space in the center of the property. They have been in close contact with the Condo development just to the north, and they are in full support. This is not a hardship that the applicant put on themselves, this was a built-out design from 20 plus years ago and they are just trying to make the best of the current situation. They do not believe that granting it would alter the general characteristics of the surrounding area. HDC agrees that this addition will be harmonious with the massing of the overall complex. This is the least relief that

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they could ask for. Hotel rooms are a certain size, they have a template of four and four rooming units, and they are basically doing the same above them. Having them be smaller by a couple of feet just makes no sense.

The Board reviewed the plans in detail. The difference in height from existing will be 4 feet. The variance is due to the land ratio to how many rooms are allowed.

Mr. Burke pointed out that the application stated 50-foot height for the roof line. Mr. McCombe stated that was an error, that the height is 35.4; the 50 feet is the elevation, and it was a typo on the application. Mr. Teitz noted under State Law they would be measuring the height from the base flood elevation anyway. So, it would give extra height.

Mr. Asciola stated that from what he sees in the plans, one would not even notice it and it seems to be a good use of space.

Mr. Burke brought up parking and a couple of observations, he agrees that there is a need for more rooms. But he noted that when there are events and people are trying to park, people are told that they can't go through, and they have to try to back up in all of the traffic and try to get out the other entrance and asked why that access is being cut off. To him, adding more density isn't going to help the situation. Mr. McCombe stated that he didn't even know it was a concern but would certainly voice it to the ownership who may or may not be aware that it is happening. Discussion was held on this matter; however, a parking variance was not required on this application.

Mr. Tanner stated that he tried to explain it in the Staff report. From the original decision back in 1998 there is a number of off-street parking spaces. But as indicated, over the past several years the hotel has come before the Town three or four times for different forms of relief. When this development was created there was a lot more commercial space, and with the

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change in the economy a lot of that space wasn't being used and they converted that to rooming units. And the way the parking calculations work out, they actually sort of reduced their parking demand, per Zoning. And, in a previous Zoning amendment the Town exempted certain commercial uses from parking in the Downtown and Waterfront zone. So, a lot of the service businesses and restaurants no longer have a parking requirement. Because it is felt that people walk, and they come from all over. So, rather than mandating parking like on Gooding Avenue, where you need so many, the Council adopted some Ordinance amendments in recent years. Their overall parking requirement has actually gone down. So, the calculations actually work in the applicant's favor.

Mr. Duarte stated that they mentioned 400 square feet per room; so, the dimensional variance they are asking for would be 3,200 square feet. Mr. McCombe stated it was 451 square footage per room, total room, 71 rooms in the overall property.

Mr. Teitz stated that the rooming unit issue dates back to the early 1990's and at the time there wasn't a lot of dense development with either rooming units or dwelling units along the waterfront. That was when Stone Harbor was just getting going and the hotel. So, that was somewhat arbitrary, it wasn't capricious, but it was a somewhat arbitrary number on the density calculations, which has since been changed in other area; like with Robin Rug and so forth. Because the problem is that it doesn't make sense with multi story buildings. It's fine if you have a subdivision and are building a two-story house or something. But you're building a four or five story hotel or have a five-story existing Mill building, it doesn't work to have that kind of limit on your square footage. And, in fact, that's why the Robin Rug was changed more to a square footage initially. It's kind of historically inaccurate, that 1500 foot per lot area.

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Mr. McCombe continued and stated that in regard to hardship, the applicant is in kind of a tough spot of having more demand than they have rooms and do denying this would just keep them there and less people could stay in the East Bay in a hotel room, so it would be more than a mere inconvenience if the application is denied.

Mr. Tanner clarified that the square footage is for the entire complex on the west side of the road, Plat 9, Lot 50, which is one assessor's lot at 71,000 square feet. Mr. Burke stated that it's kind of crazy because it's got multiple buildings and it's very hard to equate that measurement to the number of rooms, because they're using a parcel that has multiple buildings on it to figure out how many total rooms they have. Mr. Tanner stated he was correct, so there are unique characteristics of this lot.

No one spoke in favor or against the Petition.

X X X X X

MR. BURKE: Mr. Chairman, I'll make a motion to approve file number 2024-04, Larry Goldstein/TSL, LLC at 267 Thames Street to add 8 additional units for a total of 71, that would require square footage of 106,500 feet, where the lot is only 74,488 square feet. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, or to an economic disability of the applicant. This location is designed for hotel housing, it's being utilized for that, and as the need increases, this is one way to satisfy that requirement. The hardship is not the result of prior action of the applicant. They purchased the property and it's an ongoing business concern and they are reacting to market conditions and changing

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economic conditions to the commercial part of the building. The granting of the requested dimensional variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. Hotels are allowed in the waterfront zone. In fact, it will enhance the capability of the Town of Bristol to attract guests and business to the Town. The hardship that would be suffered by the owner of the subject property, if the dimensional variance is not granted, will amount to more than a mere inconvenience, because the growth of the property would be stagnated. I so move.

MR. SIMOES: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. BURKE: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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5. ADJOURNMENT:

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MR. ASCIOLA: Motion to adjourn?

MR. KERN: So moved.

MR. SIMOES: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 8:03 P.M.)

04 MARCH 2024

RESPECTFULLY SUBMITTED,

Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 04 MARCH 2024

Date Accepted:

Chairman:

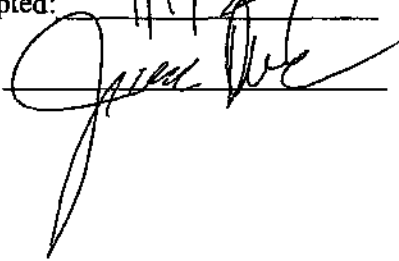
4/1/24


Exhibit C

TOWN COUNCIL MEETING MINUTES-WEDNESDAY, JULY 31, 2024

H. Old Business

H1. Joint Public Notice CRMC/DEM re Thames Street Landing, TSL, LLC, 267 Thames Street (continued from May 29th) Public comment extended to August 15, 2024

- a. Recommendation - Bristol Harbor Commission
- b. Alyce Wright, Lila Delman, re letter of concern
- c. Howard Sutton, President Stone Harbour HOA re letter of opposition
- d. Documents submitted to the Harbor Commission Meeting, July 1, 2024
- e. Mark T. Ryan, Moses Ryan LTD, re letter of concern

Teixeira/Sweeney- motioned to submit to CRMC the concerns and recommendations made by the Bristol Harbor Commission, along with a copy of the Harbor Commission meeting minutes and this evening's draft meeting minutes, to reflect the various concerns addressed by members of the council and residents. Voting in favor were Calouro, Teixeira, Sweeney, Ley. Voting Opposed was Vice Chairwoman Parella.

Prior to the vote being taken, Chairman Calouro stated that a recommendation had been received from the Harbor Commission and proceeded to read their four recommendations as follows:

1. The applicant shall provide a written plan indicating how the pool water will be treated, how the waste from any backwashing filtration will be disposed, and confirm that there will be no discharge of such filtration system water into Bristol Harbor.
2. The applicant shall provide a written storm action plan indicating the actions proposed for certain time frames (such as when a tropical storm or hurricane watch is secured and when a tropical storm or hurricane warning is issued) and identifying

TOWN COUNCIL MEETING MINUTES-WEDNESDAY, JULY 31, 2024

- the specific contractors who will provide trucks to pump out the pool water and identifying the specific marine facility that will hull the pool boat out of the water.
3. The applicant shall provide certification from an engineer that the access to the pool boat from the shore will meet ADA requirements.
 4. The CRMC should consider requiring the applicant to install additional barriers which might include additional pilings, to prevent any out-of-control vessel from colliding with the pool boat and endangering pool users.

Councilman Teixeira motioned to submit the Harbor Commission recommendations to CRMC, seconded by Sweeney for discussion. It was clarified that while the recommendation could be submitted to CRMC, the approval was under CRMC's jurisdiction.

Vice Chairwoman Parella noted that the recommendations by the Harbor Commission were well thought out. However, she personally believed the pool boat would be a public nuisance and the town would regret it. She felt there was no need for the pool in that congested location and thought the council should oppose the application. She clarified that a "no" vote from her would reflect her opposition to the pool boat, not disagreement with the Harbor Commission's recommendations.

Councilman Ley Councilman Ley expressed his opposition to the application as well. Councilman Teixeira stated that submitting the Harbor Commission's recommendations to CRMC did not imply his support for the application, as it fell under CRMC's jurisdiction.

Seth Hardy, the applicant's attorney representing TSL, LLC Thames Street Landing, summarized the request. Applicant Larry Goldstein and engineer Ron Blanchard were also in attendance. Attorney Hardy explained that the proposed project involved a vessel adjacent to the Bristol Harbor Inn, 8 feet wide, 20 feet long, and 4 feet deep, for seasonal use only and secured when not in use. He noted that the pool boat is allowed by right in Bristol Harbor and the zoning district. Attorney Hardy emphasized the benefits to the town and the alignment with the 2016 Comprehensive Plan for Economic Development.

Attorney Hardy addressed the recommendations and opposition, stating that TSL intended to present a storm action plan and pool water filtration plan to CRMC. He argued that ADA compliance and additional pilings were not warranted, citing CRMC standards for small marinas. He also responded to opposition from Stone Harbor, noting that the pool boat did not

TOWN COUNCIL MEETING MINUTES-WEDNESDAY, JULY 31, 2024

violate town ordinances 8-45 and 8-54 prohibiting swimming in navigational areas and blocking public access to water.

Attorney Hardy addressed additional objections and concerns raised. He stated that guests at the Bristol Harbor Inn were surveyed and strongly indicated that a pool was a missing amenity. He noted that guests seeking hotels with pools could choose other locations, potentially impacting the local economy.

In response to suggestions for alternate locations, Attorney Hardy explained that none were available. The current deck area is used for weddings, and the surrounding land is capped due to environmental concerns.

Regarding safety concerns, Attorney Hardy reassured that no alcohol would be allowed at the pool, and there would be security cameras and locks in place. To address noise concerns, he stated there would be no diving or audible music, emphasizing that noise is regulated by town ordinances, not CRMC.

On environmental issues, Attorney Hardy acknowledged concerns about pile driving disturbing the environment. He noted that the Department of Environmental Management (DEM) would participate, and a permit from the Army Corps of Engineers, which had already considered the pile driving, would be submitted to CRMC. CRMC would have regulatory jurisdiction over the application.

He continued to argue that this project falls under CRMC jurisdiction and addressed the request made by Stone Harbor for the council to provide a negative recommendation. Attorney Hardy noted that this request was contrary to the Town Administrator's position, which supported the application. He requested council consideration to also provide a recommendation for CRMC's approval of the proposal.

Vice Chairwoman Parella asked for the summer occupancy rate and average length of stay. Larry Goldstein replied that he did not have that information at that time. Vice Chairwoman Parella then asked if Mr. Goldstein had been recently seeking to expand the hotel due to high demand, suggesting that the argument for needing a pool to attract guests seemed inconsistent with the expansion plans. She pointed out that there are three local beaches near the hotel, offering plenty to do for short-term guests, and questioned whether a pool would significantly attract more visitors.

Vice Chairwoman Parella noted that this proposal might set an unwelcome precedent in the area. She expressed uncertainty

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about whether the council has ever provided recommendations to CRMC, noting that most CRMC applications involve docks or dock extensions, not pool boats. She emphasized the neighborhood's density and potential nuisance issues, asserting that this proposal could be problematic regardless of safety protocols and doubting its impact on tourism or hotel occupancy.

Mr. Goldstein responded that the hotel is not always fully booked and expressed a desire to fill the gaps. He mentioned that families often look for hotels with pools and emphasized that the pool boat idea was a creative solution inspired by a similar concept in Maine. The aim was to provide an amenity that families are seeking without causing a nuisance or headache for guests.

Parella acknowledged that surveys might indicate a desire for certain amenities, but based on her experience, a lack of specific amenities would not necessarily deter guests from revisiting a hotel. She expressed skepticism about the pool's potential to significantly impact the hotel's success and suggested that the hotel could be better marketed by highlighting local family amenities.

Attorney Hardy stated he would follow up with the hotel occupancy rate and average length of stay.

Councilman Ley asked Mr. Goldstein if there would be any restroom facilities and how far away they would be, as well as the protocol for access. Mr. Goldstein responded that guests could use either the guest rooms or the two bathrooms located in the hotel lobby, which are always open until sunset. Councilman Ley also inquired about the potential for the pool boat to rust and the maintenance protocols, expressing concern over unclear photos and the assurance of proper upkeep. Mr. Goldstein provided larger, clearer formatted proposals of the pool boat and assured the council that the establishment has always maintained its facilities with updates and maintenance, and they would treat the pool boat the same way, just like the common areas and the tent. He emphasized that they were not looking to create an eyesore at their hotel and that the boat was modeled as a first-class design.

Councilman Ley then questioned Attorney Hardy's statement regarding ADA requirements, asking if CRMC had the authority to impose ADA accessibility and if the town would be responsible for that. He asked the town solicitor for clarity. Solicitor Ursillo stated that he was not aware of CRMC's specific authority to impose or require ADA requirements. He mentioned

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that if this was a recommendation from the Harbor Commission, it could be something the town could address if approved by CRMC, and the applicant could then address ADA compliance.

Councilman Ley stated that ADA compliance should probably have the regulatory framework addressed before they go before CRMC, and the council might want to have requirements for ADA accessibility. Project Engineer Blanchard explained that according to CRMC regulations, a marina with fewer than 25 boats is considered a small marina and does not require ADA compliance. A discussion ensued regarding ADA compliance and who had jurisdictional authority to impose it. Ley talked about the potential for other organizations requesting a pool boat and whether the town would have the authority to impose ADA compliance, expressing the need to understand this before making any decision.

Councilman Sweeney asked for clarification on how the pool water would be handled, as addressed by the Harbor Commission. It was noted that the filtration plan would be similar to the system used by the Yachtsman in Maine, which the applicants intended to implement for this pool boat.

Howard Sutton, president of the Stone Harbor Homeowners Association, then spoke. He discussed a letter provided to the council from Alyce Wright, a professional realtor from Lila Delman, which included an affidavit expressing concerns about the proposed marina pool boat's impact on neighboring property values. He further read the letter he submitted to the council for the record as follows:

"We respectfully request that the Bristol Town Council, after due diligence, concerns raised by abutting property owners, and issues expressed by the Bristol Harbor Commission withdraw the letter of support for the TSL's application for the installation of a pool boat to CRMC that was sent by the Town Administrator.

It appears that the letter Mr. Contente sent to CRMC on June 6, 2023, was based on erroneous information and unsupported assumptions provided by TSL. The majority of TSL's points are fiction, not fact.

In addition, in the requested revised correspondence to CRMC, we support the inclusion of the four recommendations of the Bristol Harbor Commission (see attached request issued on July 1, 2024) along with compliance with the State of Rhode Island Department of Health requirements for swimming pools and

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an environmental impact study by the RI Department of Environmental Management.

In evaluating this proposal by TSL, it should be evident that the concerns raised by tax-paying residents and the Harbor Commission supersede a dubious, nominal increase in revenues for a private company.

The Bristol Town Council usually receives and files CRMC documents without comment. One would question why this application, fraught with obvious potential problems, should be an outlier "

Mr. Sutton spoke on his own comments and stated that in over four decades working with one of the most respected newspapers in the country, he learned the importance of distinguishing fact from opinion, fiction, and unsupported assumptions. He criticized the letter from the town administrator to the CRMC, based on TSL information, as being fictional and unsupported. He found it curious that a response regarding property value impacts was received within a week, yet when asked about the hotel occupancy rate—under study for two years—there was no available information. He found it hard to believe they could not provide the occupancy rate.

Attorney Mark Ryan, representing Stone Harbor, then addressed the council, noting several issues. He pointed out that while the council stated they don't normally take a position on CRMC matters, the town had already done so through the town administrator's favorable letter, which might have been based on misleading facts. Attorney Ryan pointed out that the Harbor Commission had made four additional recommendations. He argued that remaining silent effectively promotes the hotel boat.

He suggested that calling the pool boat a vessel was a workaround to avoid going through zoning for a deck. Attorney Ryan believed that CRMC cared about the town's stance and opinion on the matter, regardless of jurisdiction, and encouraged the council not to hesitate in expressing opposition. He expressed concern over the hotel's non-compliance with ADA requirements, questioning whether the Disability Rights of Rhode Island and the Governor's Commission on Disabilities would agree that the pool boat, considered a vessel, did not require ADA compliance, or if it would be seen as a place of public accommodation requiring ADA compliance under Title III. Ryan questioned that if neither CRMC nor the town raised the question of ADA compliance, who would.

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Discussions ensued about ADA compliance protocols. Attorney Ryan pointed out that when the applicant petitioned the zoning board for a dimensional variance to construct additional rooms, the minutes reflected a high demand for the hotel.

Attorney Ryan alleged that when the applicant approached the town administrator claiming the need for a pool to fill occupancy, it contradicted their hardship claim before the zoning board, where they sought assistance due to being swamped with demand. He argued that both statements couldn't be true. Additionally, he contended that if the hotel is swamped in the summer and the pool is needed only during that season, it raises questions about its use in the off-season.

In addition, Attorney Ryan highlighted that the town administrator had already sent a positive letter supporting the pool boat proposal, relying on the information that it would benefit the town. However, he argued the validity of this information. He discussed the possibility of alternate locations for the pool and expressed concerns about the appropriateness of the proposed site.

Attorney Ryan requested that the letter sent by the town administrator not be considered the official stance of the town. He urged the council to not only forward the recommendations made by the Harbor Commission but also to include the council's opposition to the application.

Administrator Contente stated that in June of 2023, after meeting with the hotel owner and being provided with a significant amount of information and detail, he wrote a letter of support for the pool boat proposal. He noted for the record that he writes many letters on behalf of individual businesses that may have an economic impact, and collectively, these businesses do make a difference. Contente highlighted that Bristol Harbor Inn is an employer whose guests frequent local businesses, and a pool is a sought-after amenity.

Town Administrator Contente expressed his disagreement with the opposition, maintaining his opinion that the pool would benefit the town. Town Administrator Contente acknowledged that while he had met with Mr. Sutton over various issues over the years, he did not reach out to Mr. Sutton after his initial concerns with the letter. He expressed disappointment that Mr. Sutton did not reach out to discuss the matter, as he had done in the past.

Town Administrator Contente emphasized that he typically stands by his opinions. However, he respects the council members, and

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if his letter was contrary to the council's intentions, he would withdraw it. Town Administrator Contente reiterated his belief that the pool would benefit the town and families and stated he is a strong proponent of public waterways.

Town Administrator Contente affirmed that the hotel is well-run with no major issues and found the project fascinating. He mentioned being informed that neighbors had been and would be notified in 2023, and he hoped his integrity and honesty were not being questioned. He viewed the pool boat as a positive addition to creating a family-friendly atmosphere and stated that was his opinion as an elected official.

Mr. Sutton clarified that no one was questioning the administrator's hard work and accomplishments. However, he stated that the administrator was misled to believe that the neighbors were notified and supportive. In reality, the information received was inaccurate. Stone Harbor was not notified until two years later and believes that the pool boat is a poor idea. Mr. Sutton also raised concerns about noise complaints at the hotel, suggesting that these issues would worsen if the pool boat were added.

Councilman Teixeira stated that the administrator is an elected official and has the right to hold and express his own opinions. He emphasized that they work together, and it is not uncommon for the administrator to send out his own letters of support. Councilman Teixeira affirmed that it was within the administrator's rights to do so and that he would not weigh in on the administrator's decision.

Chairman Calouro agreed that the council does not direct the administrator and affirmed that they have a great working relationship. He emphasized that the council relies on the boards and commissions for specialized information, as the council may not be familiar with every rule and regulation. The council looks to these boards and department heads for guidance.

Chairman Calouro expressed his appreciation for the information provided by the Harbor Commission and stated that he is not interested in revising their recommendations. He mentioned that if the Coastal Resources Management Council (CRMC) requires ADA compliance, they will ensure it is weighed in appropriately. Chairman Calouro believes it is important to move forward with the process and that every applicant should have the opportunity

TOWN COUNCIL MEETING MINUTES-WEDNESDAY, JULY 31, 2024

to proceed. He stated that he does not want to send a letter of support or objection at this time.

Vice Chairwoman Parella stated that while some members of the council may not want to take a position, the town is already on record supporting the project through a letter and an affidavit. The issue is not about whether the administrator can send a letter, but rather about the town's official stance. She acknowledged that not all council members may share the same level of enthusiasm for the project.

Vice Chairwoman Parella believes that CRMC should be made aware that the council does not fully support the project. If CRMC proceeds, they should be informed of the council's concerns. She cautioned that remaining silent could be interpreted as the town's overall support for the project. Vice Chairwoman Parella indicated that she would be voting in opposition to the project and believes a letter should be sent to raise concerns beyond the recommendations of the Harbor Commission.

Councilman Ley stated that there is a diversity of opinions among the council members, with some having grave concerns about the project. He is worried that remaining silent would signal to the agency that the town may be supportive of the project.

Discussions ensued on how to effectively communicate to CRMC that there are mixed opinions and not everyone is enthusiastic about the project. It was recommended that a cover letter, along with the council draft minutes, be provided to CRMC. This would clarify that the recommendations by the Harbor Commission do not specifically express the town or council's support. Additionally, it would ensure that CRMC is aware of the concerns raised by the council and members of the public. It was also suggested to forward the minutes from the Harbor Commission Meeting.

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ENVIRONMENTAL LAND USAGE RESTRICTION

This Declaration of Environmental Land Usage Restriction is made this 9th the day of December, 1997, by Miles Ave. Property Co., LLC (the "Grantor").

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of certain real property (the "Property") known as 253 & 267 Thames Street in Bristol, Rhode Island, designated as Lots 50, 51 and 72, Plat 9 of the Town of Bristol, Tax Assessor's plat maps, more particularly described on Exhibit A (Legal Description of Property) which is attached hereto and made a part hereof; and

WHEREAS, the Grantor has determined that the Environmental Land Usage Restriction (the "Restriction") set forth below is consistent with regulations adopted by the Department of Environmental Management (the "Department") pursuant to Section 23-19.1-14 of the Rhode Island General Laws; and

WHEREAS, the Department's written approval of this Restriction is contained in the Settlement Agreement entered into pursuant to the Remediation Regulations; and

WHEREAS, to prevent exposure to or migration of hazardous substances and to abate hazards to human health and/or the environment, and in accordance with the Settlement Agreement, the Grantor desires to impose certain restrictions upon the use, occupancy, and activities of and at the Property; and

WHEREAS, Grantor intends that such restrictions shall run with the land and be binding upon and enforceable against Grantor and Grantor's successors and assigns.

NOW, THEREFORE, Grantor agrees as follows:

- A. Purpose: In accordance with the Settlement Agreement, the purpose of this Restriction is to assure that (a) the geosynthetic liner described in Exhibit B (attached hereto) is not disturbed in any manner and (b) humans are not exposed to contaminated soil.
- B. Restrictions Applicable to the Contaminated-Site: In furtherance of the purposes of this Restriction, Grantor shall assure that the geosynthetic liner installed at the Property is not disturbed.
- C. No action shall be taken, allowed, suffered, or omitted if such action or omission is reasonably likely to:

000214 Create a risk of migration of hazardous substances or potential hazard to human health or the environment; or

ii. Result in a disturbance of the structural integrity the geosynthetic liner.

- D. **Release of Restriction; Alterations of Subject Area:** Grantor shall not make, or allow or suffer to be made, any alteration of any kind in, to, or about any portion of any of the Contaminated-Site inconsistent with this Restriction unless the Grantor has first received the Department's written approval of such alteration. If the Department determines that the proposed alteration is significant it may require the amendment of this Restriction. Insignificant alterations will be approved by the Department via a letter from the Department. The Department shall not approve any such alteration and shall not release the Property from the provisions of this Restriction unless the Grantor demonstrates to the Department's satisfaction that Grantor has managed the Contaminated-Site in accordance with the Remediation Regulations. Upon issuance, the Department shall cause to be recorded in the land evidence records the Letter of Compliance.
- E. **Notice to Lessees and Other Holders of Interests in the Property:** Grantor, or any future holder of any interest in the Property, shall notify any future grantee or lessee of the Property of this Restriction, including their obligations, as applicable, to comply with this Restriction. Such notice does not require a specific lease reference. The failure to provide such notice shall not affect the validity or applicability to the Property of this Restriction.
- F. **Severability and Termination:** If any court of competent jurisdiction determines that any provision of this Restriction is invalid or unenforceable, the Grantor shall notify the Department in writing within 14 days of such determination.
- G. **Binding Effect:** All of the terms, covenants and conditions of this Restriction shall run with the land and shall be binding on the Grantor, the Grantor's successors and assigns, and each owner and any other party entitled to possession or use of the Property during such period of ownership or possession.
- H. **Non-Compliance:** In the event that the terms of this Restriction are violated by the Grantor or any future holder of any interest in the Property, Grantor or any future holder of any interest in the Property shall notify the Department in writing within 24 hours of becoming aware of such violation. If the violation is not rectified in accordance with the Remedy as described in the Settlement Agreement within 14 days of the first day of notice of the violation, this Restriction and all other DEM approvals issued pursuant to the Remediation Regulations relating to the Property shall be null and void. If the violation is not rectified within 14 days of the first day of the violation, Grantor may, at

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the discretion of the Department, be subject to stipulated penalties in the amount of \$100.00 per day.

- I. **Terms Used Herein:** The definitions of terms used herein shall be the same as the definitions contained in Section 3 (DEFINITIONS) of the Remediation Regulations.

It is so agreed:

Miles Ave. Property Co., LLC

Daniel C. Wightman 12/9/97
Grantor Date
Daniel C. Wightman, President

So Sworn Before Me:

Pamela J. Wightman
Notary Date 12/12/97
My Commission Expires:
PAMELA J. WIGHTMAN
Notary Public, State of New York
Otsego County, Reg. No. 4520449
Commission expires Dec. 31, 1999

000216

T97-J-2326

Exhibit A

That certain lot or parcel of land with any and all buildings and improvements thereon situated on the westerly side of Thames Street in the Town and County of Bristol, State of Rhode Island, and bounded and described as follows:

Beginning at a point on said westerly line of Thames Street at the southeasterly corner of land now or formerly of Collins & Aikman Corporation as described by Deed from Prescott B. Paull et al to said Corporation recorded December 31, 1940 in Book 109 Page 657, recorded in said Town of Bristol; thence turning and running westerly bounding northerly on said last mentioned land a distance of three hundred eighty-three (383) feet, more or less, to the line of Bristol Harbor of 1896; thence turning and running southerly along said Harbor line a distance of one hundred fifty-seven (157) feet, more or less, to land now or lately of Herman F. Redfern et als; thence turning and running easterly bounding westerly on said last mentioned land to the occupied southerly line of Thames Street; thence turning and running northerly along said occupied westerly line of Thames Street a distance of one hundred fifty-three and 70/100 (153.70) feet, to said Collins & Aikman Corporation land at the point and place of beginning.

Being Lot "B" on "Property of Prescott B. Paull & Marion P. Paull Scale 50'-1" December 1940 W.W. Perry", which said plan is to be found in Deed Book 109 at Page 658 in the Land Records of said Town of Bristol. Together with riparian rights as appurtenant thereto. Subject to rights of others, public and private in and to land below the highest tide-mark.

Or however the same may be bounded and described, meaning and intending to convey Lots 50, 51, and 72 on Tax Assessors' Plat 9, for future reference only.

Recorded DEC 15 1997 at 2:25 P.M.
Diane C. Medeiros Town Clerk

Exhibit A

TOWN OF BRISTOL, RHODE ISLAND

BRISTOL HARBOR COMMISSION



**To: The Honorable Bristol Town Council
Via the Town Clerk**

**CC: Town Administrator
Harbormaster**

DATE: July 1, 2024

RE: Advisory Recommendation re CRMC – Application File # 2023-08-084, by TSL, LLC for Installation of a berthing facility and expansion of existing marina for the mooring of a pool boat for recreational purposes.

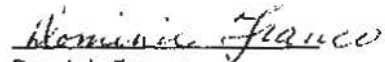
At its meeting of July 1, 2024, the Harbor Commission, together with the Harbor Commission Advisory Committee, heard two hours of public testimony, and following discussion, voted by a vote of 4 to 1, to send the following recommendation to the Town Council:

The Bristol Harbor Commission respectfully recommends to the Bristol Town Council that this Application meets the criteria of the Bristol Harbor Management Plan, in that it is completely within the riparian rights area of the applicant, does not cross the Harbor Line, and does not interfere with navigation in Bristol Harbor. The Harbor Commission is concerned with potential water pollution from the treated pool water, danger to nearby riparian and littoral structures in the event of a hurricane, public access to the waterfront by physically handicapped individuals, and possible danger to pool users in the event a large vessel navigating nearby might lose power or control and collide with the pool boat. Consequently, the Harbor Commission recommends to the Town Council that the following four conditions be recommended by the Town Council to the RI CRMC prior to CRMC's consideration of the Application.

1. The Applicant shall provide a written plan indicating how the pool water will be treated, how the waste from any backwashing filtration system will be disposed, and confirming that there will be no discharge of such filtration system water into Bristol Harbor.

2. The Applicant shall provide a written Storm Action Plan indicating the actions proposed for certain time frames (such as when a Tropical Storm or Hurricane Watch is issued and when a Tropical Storm or Hurricane Warning is issued) and identifying the specific contractors who will provide trucks to pump out the pool water and identifying the specific marine facility that will haul the pool boat out of the water.
3. The Applicant shall provide certification from an engineer that the access to the pool boat from the shore will meet ADA requirements.
4. The CRMC should consider requiring the Applicant to install additional barriers, which might include additional pilings, to prevent any out of control vessel from colliding with the pool boat and endangering pool users.

Respectfully submitted,



Dominic Franco
Chair, Bristol Harbor Commission

\\\\SERVER1\\Share\\Bristol\\Harbor Commission & Harbormaster\\2024 Floating Pool - Bristol Harbor Hotel\\Recommendation to TC, 07 01-2024
Bristol Harbor Com d2.docx



May 29, 2024

Bristol Town Council
10 Court Street
Bristol, Rhode Island 02809

Re: TSL, LLC Proposed Marina Expansion and Installation of a Pool Boat

Dear Members of the Bristol Town Council,

We write regarding TSL, LLC's proposed expansion to the Bristol Harbor Inn Marina and the installation of a moored pool boat. Our office represents the interests of The Stone Harbour Condominium Association, i.e. condominium owners of the property located at 343 Thames Street, Bristol, Rhode Island 02809 (the "Condominium"). The Condominium's residents are direct abutters to the proposed expansion located at 267 Thames Street, Bristol, Rhode Island. The proposed marina expansion is quite significant in size and negatively impacts the surrounding property owners, including the unit owners of the Condominium. The Condominium is comprised of 81 units, the owners of which contribute to the Town of Bristol as important taxpayers and community members. We urge the Bristol Town Council to oppose this proposal in consideration of the interests of its community members.

Our office is deeply troubled that written support was submitted last year to the Coastal Resource Management Council ("CRMC") by Bristol's Town Administrator and Harbor Master for this project without concern for the ramifications on the Town (copies attached). It is particularly troubling because this proposal will have a considerable impact on the immediate abutters and an area frequented by Town residents. Community outreach has been neglected and the impacts of this proposal are being minimized. Further investigation into the practicality and safety of this project is needed.

Noise, safety, view obstructions, and access to the marina from a public boardwalk are all important concerns echoed by the residents and condominium owners within the immediate area. More information is needed on exactly how the applicant intends to mitigate a myriad of concerns. The diminishment of property values due to noise, safety, view, and access impacts has not adequately been addressed. The pool is proposed for a location that directly abuts the area that boats must navigate through to exit the adjacent marina. Safety is a serious concern for boaters in the marina and potential swimmers on the pool boat, particularly in this section of harbor where waves and rough waters are combined with boat navigation through tight areas.

This is a significant expansion of the existing marina for a use that is not "water dependent." There is a clear question of necessity here. Alternative locations could be considered for a pool at this property, particularly because the pool itself is only approximately twenty (20) feet by eight (8)

feet (160 square feet) with a depth of less than four (4) feet. Issues of necessity, safety, security, and impact on community members remain unaddressed and warrant opposition to CRMC/RIDEM for this proposal on behalf of the Town Council. In addition to the general concerns expressed to the Bristol Town Council in this correspondence, our office intends to bring regulatory concerns associated with this proposal to CRMC/RIDEM.

The applicant has already tried to tip the scales in their favor by procuring support from the Harbor Master and the Town Administrator before neighbors were even aware of this proposal. This proposal should be carefully vetted by CRMC with full transparency and input from all stakeholders. We urge the Bristol Town Council to consider the numerous negative impacts on the Town and oppose this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas V. Moses". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Thomas V. Moses



STEVEN CONTENTI
Town Administrator

TOWN OF BRISTOL, RHODE ISLAND
OFFICE OF TOWN ADMINISTRATOR

June 6, 2023

Coastal Resources Management Council
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900
E-Mail cstaff1@crmc.ri.gov

Re: 251-267 Thames Street & 539 Hope Street, Bristol, RI

Dear Sir/Madam:

I serve as the Town Administrator for Bristol, RI. I write in support of TSL, LLC's application for assent to dock their proposed boat that will provide an important pool amenity at the Bristol Harbor Inn, 251-267 Thames Street in Bristol.

This proposed use serves a compelling public purpose that will benefit our public as a whole. The proposed pool is a water-dependent use that offers substantial public, economic gain to the state of Rhode Island. There is no viable, alternative location to construct a pool at the Inn, and the waterfront at this location is otherwise inaccessible for swimming given the marina use. This newfound capacity to swim in our summer heat is exactly the type of amenity that the families we seek to attract to Bristol value when on vacation. The proposed boat will also be an important feature and benefit to Bristol when competing to attract meeting and event business.

Our town officials have determined that the project is zoning and building code compliant. The proposed boat presents no use conflicts. It will not unreasonably interfere with public access to tidal waters or the shore since it will exist right alongside many other marine vessels. Nor will the boat negatively impact the historic significance of this area. Instead, it will stand as a symbol of Bristol's historic maritime leadership in innovative boat design, building, and use.

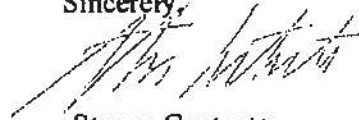
The applicant has kept its' residential neighbors updated as to the proposal and are committed to implementing controls that will protect the Town's interests at this location. For example, (i.) to minimize the risk of storm damage it has included a wave fence in it's design elements, (ii) all drinking and substance use will be specifically banned consistent with the intended family environment being created, (iii.) prohibit diving, (iv.) limit the hours of use to daytime hours, and (v.) regulate noise carefully.



Bristol takes great pride in its beautiful waterfront. This proposed use will only enhance our Town's capacity to use our coastline beneficially for all. Therefore, we strongly support CRMC's assent.

Thank you for your consideration. Please call if you have any questions or would like to discuss the project.

Sincerely,



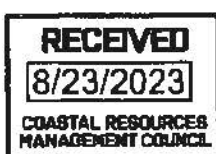
Steven Contente



AFFIDAVIT OF GREGG MARSILI

I, having been duly sworn, upon oath and of my own personal knowledge, do hereby make affidavit and say that:

1. I am the Harbormaster for the Town of Bristol, Rhode Island.
2. In this capacity, it is my duty to coordinate and administer all activities taking place in the harbors and waterways contingent to the coastal shoreline of the Town of Bristol and within the town's boundaries. These activities include patrolling of the harbors and waterways, enforcement of federal, state and local laws pertaining to activity on these waters, supervision of all moorings within town boundaries whether private or public, maintenance of all docks, wharfs, piers, marinas, moorings and similar structures owned by the town, maintenance of vessels and vehicles owned by the town to carry out these functions, and collection and management of fees for public use of these facilities.
3. I have served in this professional capacity since 2013.
4. I am a 21 year retired veteran of the United States Coast Guard.
5. I have met with representatives from TSL, LLC to discuss the proposal to dock a pool boat at the marina adjacent to their hotel located at 267 Thames Street in Bristol.
6. At that meeting I reviewed the plans and photographs of the proposed pool boat, attached to this affidavit as **Exhibit A**.



7. I consider the vessel depicted in Exhibit A to be a boat that would have to be properly registered and operated as a boat under applicable Rhode Island and Bristol legal requirements.
8. If and when properly registered and operated as a boat, I would allow such a boat to dock at a marina facility as long as it complies with any and all restrictions applicable to all boats docked at that marina.
9. I have not ever referred boats with recreational amenities on them, including but not limited to pontoon boats with jacuzzi tubs on their decks, for Coastal Resources Management Council permitting before docking at Bristol marinas, unless any such vessel might be considered a houseboat or a floating business.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY on this the

13th day of June, 2023.


Gregg Marsili





Mark T. Ryan
mryan@marlawri.com

June 14, 2024

Via Electronic Mail
Bristol Harbor Commission
127 Thames St
Bristol, RI 02809

Re: TSL, LLC Proposed Marina Expansion and Installation of a Pool Boat

Dear Commissioners,

We write to oppose TSL, LLC's proposed expansion to the Bristol Harbor Inn Marina and the installation of a moored pool boat. Our office represents the interests of The Stone Harbour Condominium Association, i.e. condominium owners of the property located at 343 Thames Street, Bristol, Rhode Island 02809 (the "Condominium"). The Condominium's residents are direct abutters to the proposed expansion located at 267 Thames Street, Bristol, Rhode Island. The proposed marina expansion is significant in size and negatively impacts the Harbor and surrounding property owners, including the unit owners of the Condominium. We urge the Bristol Harbor Commission to oppose this proposal in consideration of the interests of users of the Bristol Harbor (the "Harbor").

Our office is deeply troubled that written support was submitted last year to the Coastal Resource Management Council ("CRMC") by Bristol's Town Administrator and Harbor Master (copies attached). The support documents were submitted without consultation from this Commission or the Town Council and without full investigation into the proposal's ramifications on the Town and the Harbor. The negative impacts of this proposal are being minimized and further investigation into the practicality and safety of this project is needed.

Safety, the proliferation of this use, environmental impact, and access to the marina from a public boardwalk are important considerations. The proposal's subject area often experiences rough water and waves, even at comparatively low wind levels, and this would create a serious safety concern for those on the pool boat and other boaters. Rough waters would create the risk for injury on the pool boat and access ramp, and also create the risk that the pool boat could detach from its moorings and become a hazard in the Harbor. The proposal discusses a wave attenuator, but no details have been provided on this device or the impact it may have on surrounding areas. The applicant must show that the wave attenuator will not have a negative impact on surrounding areas and will not shift waves to the adjacent navigation areas or marina.

The pool boat is proposed for a location that directly abuts the navigation area for boats exiting the adjacent marina. The pool boat will not be continuously monitored, so there is a risk that

swimmers could enter the Harbor waters, either accidentally or purposefully. The Town is clearly aware that swimming is not suitable or safe for navigational/docking areas as evidenced by Bristol Ordinance Section 8-45, which states that “[s]wimming is prohibited in all navigation fairways, town dock areas and launching areas. In mooring fields and transient anchorage areas swimming is prohibited...” It would be very unsafe to combine unattended swimmers on a pool boat, waves and rough waters, and boats navigating through tight marina areas.

Further, if this proposal is approved, a proliferation of this use in the Harbor would follow. Support for this pool boat would be a precedent for every private dock and marina to install a similar boat. This would create numerous safety risks and negatively change the character of the Harbor.

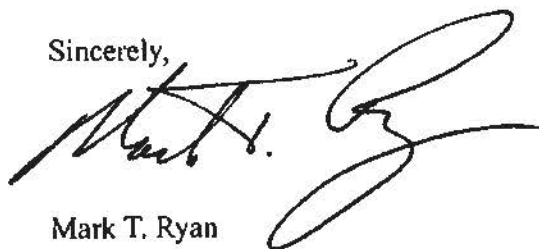
The project has a negative environmental impact because the soil in the proposal area is known to contain contaminants such as arsenic, lead, and PAHs. The proposal area is also subject to an environmental land use restriction (ELUR). The proposal’s installation of five (5) additional piles will disturb contaminated soil and introduce hazardous materials into the Harbor’s waters. Unnecessary driving of new piles into contaminated soil is a significant environmental risk.

One of the Harbor Commission’s directives is to ensure public access to the Harbor waters (Bristol Ordinance Section 8-54 “No person shall block, barricade or in any way impede the public use of or access to designated public rights-of-way to the water...”). This proposal creates impediments to a public water access walkway for the sole benefit of the hotel’s private guests.

The risks and negative impacts of this proposal greatly outweigh any benefits and there is a clear question of necessity. This use does not need to be located in the Harbor and alternative locations could be considered for a pool at this property, particularly because the pool itself is only approximately twenty (20) feet by eight (8) feet (160 square feet) with a depth of less than four (4) feet.

The concerns raised here, as well as those brought forth by others, warrant submitting opposition to CRMC/RIDEM for this proposal on behalf of the Town. The applicant has already tried to tip the scales in their favor by procuring support from the Harbor Master and the Town Administrator before neighbors were even aware of this proposal. We urge this Commission and the Town of Bristol to consider the numerous negative impacts on the Harbor and Town and oppose this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark T. Ryan", with a large, stylized flourish extending from the end of the signature.

Mark T. Ryan

AFFIDAVIT OF GREGG MARSILI

I, having been duly sworn, upon oath and of my own personal knowledge, do hereby make affidavit and say that:

1. I am the Harbormaster for the Town of Bristol, Rhode Island.
2. In this capacity, it is my duty to coordinate and administer all activities taking place in the harbors and waterways contingent to the coastal shoreline of the Town of Bristol and within the town's boundaries. These activities include patrolling of the harbors and waterways, enforcement of federal, state and local laws pertaining to activity on these waters, supervision of all moorings within town boundaries whether private or public, maintenance of all docks, wharfs, piers, marinas, moorings and similar structures owned by the town, maintenance of vessels and vehicles owned by the town to carry out these functions, and collection and management of fees for public use of these facilities.
3. I have served in this professional capacity since 2013.
4. I am a 21 year retired veteran of the United States Coast Guard.
5. I have met with representatives from TSL, LLC to discuss the proposal to dock a pool boat at the marina adjacent to their hotel located at 267 Thames Street in Bristol.
6. At that meeting I reviewed the plans and photographs of the proposed pool boat, attached to this affidavit as **Exhibit A**.



7. I consider the vessel depicted in Exhibit A to be a boat that would have to be properly registered and operated as a boat under applicable Rhode Island and Bristol legal requirements.
8. If and when properly registered and operated as a boat, I would allow such a boat to dock at a marina facility as long as it complies with any and all restrictions applicable to all boats docked at that marina.
9. I have not ever referred boats with recreational amenities on them, including but not limited to pontoon boats with jacuzzi tubs on their decks, for Coastal Resources Management Council permitting before docking at Bristol marinas, unless any such vessel might be considered a houseboat or a floating business.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY on this the

13th day of June, 2023.


Gregg Marsili





STEVEN CONTENTE
Town Administrator

TOWN OF BRISTOL, RHODE ISLAND
OFFICE OF TOWN ADMINISTRATOR

June 6, 2023

Coastal Resources Management Council
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900
E-Mail cstaff1@crmc.ri.gov

Re: 251-267 Thames Street & 539 Hope Street, Bristol, RI

Dear Sir/Madam.

I serve as the Town Administrator for Bristol, RI. I write in support of TSL, LLC's application for assent to dock their proposed boat that will provide an important pool amenity at the Bristol Harbor Inn, 251-267 Thames Street in Bristol.

This proposed use serves a compelling public purpose that will benefit our public as a whole. The proposed pool is a water-dependent use that offers substantial public, economic gain to the state of Rhode Island. There is no viable, alternative location to construct a pool at the Inn, and the waterfront at this location is otherwise inaccessible for swimming given the marina use. This newfound capacity to swim in our summer heat is exactly the type of amenity that the families we seek to attract to Bristol value when on vacation. The proposed boat will also be an important feature and benefit to Bristol when competing to attract meeting and event business.

Our town officials have determined that the project is zoning and building code compliant. The proposed boat presents no use conflicts. It will not unreasonably interfere with public access to tidal waters or the shore since it will exist right alongside many other marine vessels. Nor will the boat negatively impact the historic significance of this area. Instead, it will stand as a symbol of Bristol's historic maritime leadership in innovative boat design, building, and use.

The applicant has kept its' residential neighbors updated as to the proposal and are committed to implementing controls that will protect the Town's interests at this location. For example, (i.) to minimize the risk of storm damage it has included a wave fence in it's design elements, (ii) all drinking and substance use will be specifically banned consistent with the intended family environment being created, (iii.) prohibit diving, (iv.) limit the hours of use to daytime hours, and (v.) regulate noise carefully.



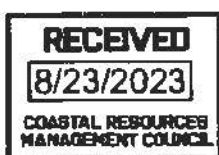
Bristol takes great pride in its beautiful waterfront. This proposed use will only enhance our Town's capacity to use our coastline beneficially for all. Therefore, we strongly support CRMC's assent.

Thank you for your consideration. Please call if you have any questions or would like to discuss the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Contente", written over a horizontal line.

Steven Contente





Mark F. Ryan
mryan@marlawri.com

July 24, 2024

Bristol Town Council
10 Court Street
Bristol, Rhode Island 02809

Re: TSL, LLC Proposed Marina Expansion and Installation of a Pool Boat

Dear Members of the Bristol Town Council,

This letter is in reference to TSL, LLC's proposed expansion to the Bristol Harbor Inn Marina and the installation of a moored pool boat. As you may recall, our office represents the interests of The Stone Harbour Condominium Association, i.e. condominium owners of the property located at 343 Thames Street, Bristol, Rhode Island 02809 (the "Condominium"). The Condominium's residents are direct abutters to the proposed expansion located at 267 Thames Street, Bristol, Rhode Island.

In light of the concerns brought to the Council's attention by this office, condominium owners, and neighbors alike, and the additional concerns identified by Commissioners of the Harbor Commission, this office urges the members of the Bristol Town Council to provide a negative recommendation to the Coastal Resources Management Council ("CRMC") and RI Department of Environmental Management ("RIDEM") or at the very least, rescind the letter of support provided by the Town Administrator and replace such with a recommendation that affirms the Harbor Commission's suggested conditions.

To date, our office has attended and spoken on behalf of the Stone Harbour Condominium Association at meetings of the Bristol Town Council and the Bristol Harbor Commission. Our concerns have focused on safety, noise, access to and from the Stone Harbour marina and boat navigation, impacts on property values, environmental impacts including water quality, ADA compliance of the pool, town support letters submitted without relevant context, and proliferation of the pool-boat use in the Harbor. This letter serves to reiterate those concerns, as well as bring to the Council's attention those additional concerns expressed by the Commission.

First, numerous safety concerns are at the forefront that have not been addressed or accounted for by the applicant. The proposal's subject area often experiences rough water and waves, even at comparatively low wind levels, which creates safety concerns for those on the pool boat and other boaters. Storms in the area would create a multitude of risks and the proposal must adequately plan for them. Rough waters create risk for injury on the pool boat and access ramp and could also create risk of the pool boat detaching from its moorings, thus becoming a hazard to the Bristol Harbor. The proposal discusses a wave attenuator, but no details have been provided on this device, its installation or location, or the impact it may have on surrounding areas. The

applicant must show that the wave attenuator will not have a negative impact on surrounding areas and will not shift waves to the adjacent navigation areas or marina.

The proposed location directly abuts navigation areas for boats exiting the adjacent marina, and said area will not be continuously monitored. The Town is clearly aware that swimming is not suitable or safe for navigational/docking areas as evidenced by Bristol Ordinance Section 8-45, which states that "[s]wimming is prohibited in all navigation fairways, town dock areas and launching areas. In mooring fields and transient anchorage areas swimming is prohibited..." It would be very unsafe to combine unmonitored swimmers on a pool boat, waves and rough waters, and boats navigating through tight marina areas.

The project creates a negative environmental impact because the soil in the proposal area is known to contain contaminants such as arsenic, lead, and PAHs. The proposal area is also subject to an environmental land use restriction (ELUR). The proposal's installation of additional piles will disturb contaminated soil and introduce hazardous materials into the Harbor's waters. In the interest of safety, the Harbor Commission suggested additional pilings be installed to prevent collisions between vessels and the pool boat, but this would disturb soil conditions. Unnecessary driving of new piles into contaminated soil is a significant environmental risk. It begs the question; how does the applicant intend to ensure that safety will be achieved while also eliminating significant environmental disturbances? Pool water entering Bristol Harbor is also an environmental concern. The Harbor Commission also suggested a written plan about water treatment, waste from backwashing filtration, and confirmation that no discharge from a backwashing filtration system enters Bristol Harbor.

Further, if this proposal is approved, a proliferation of this use in Bristol Harbor could follow. Support for this pool boat would be a precedent for every private dock and marina to install a similar boat. This would create numerous safety risks and negatively change the character of Bristol Harbor. The proposed marina expansion also negatively impacts the surrounding property owners, including the unit owners of the Condominium. Alyce Wright, a RI professional real estate agent has submitted a letter outlining the potential impact on nearby property values (copy enclosed). In addition, not only will nearby property owners be affected, but the installation of the pool boat will create confusion amongst the public as to where they may obtain access to the Harbor. The importance of public access is codified in Bristol Ordinance Section 8-54 which states "No person shall block, barricade or in any way impede the public use of or access to designated public rights of-way to the water...". This proposal creates impediments to a public water access walkway for the sole benefit of the hotel's private guests.

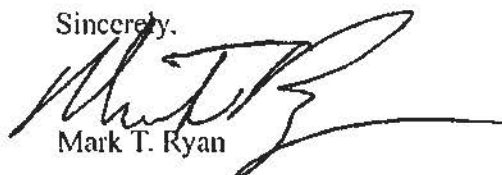
Many concerns were raised when this project was reviewed by the Bristol Harbor Commission by both community members and Commission members. Because of these concerns, a conditional advisory recommendation was submitted to the Town Council, stating that the application meets the criteria of the Bristol Harbor Management Plan but recommending conditions to CRMC including a written plan for treatment of pool water with no discharge into the harbor; a written storm action plan with specific contractors to pump out pool water and a specific facility to haul the pool boat out of the water; an engineer's certification that access to the pool boat will be ADA complaint; and that additional barriers are installed to prevent collisions

between vessels and the pool boat. These are all important conditions that should be affirmed by the Town Council and passed on to CRMC. The applicant needs to provide a plan indicating how it intends to address these conditions, what will be the protocols for boat removal in anticipation of weather conditions, which vendors will be engaged for wastewater treatment and removal of the boat, how does the applicant intend to handle disturbances to water/soil quality when installing additional pilings, etc.

Currently, the Town of Bristol is on record with the CRMC/RIDEM as supporting this proposal through correspondence provided by the Town Administrator and Harbor Master. Unless action is taken by this Council, these materials are representative of the opinions of the Town. Both documents were prepared in reliance on applicant-supplied information. The Harbor Master affidavit makes conclusions about legal issues that remain unsettled and require review by the CRMC such as the proposal's "water dependency", the classification of the pool as a "vessel" as opposed to a "deck" or "structure" and overall treatment of recreational amenities. The Town Administrator support letter was created in reliance on information presented by the applicant. One of the key arguments in favor of installation was that the pool-boat was necessary and essential to economic development. As confirmed by testimony at a Bristol Zoning Board meeting held on March 4, 2024, the applicant requested permission to add eight (8) new hotel rooms to the property claiming it cannot meet customer demand, which is directly in conflict with the provided information. Additionally, any occupancy problems during the winter months will not be solved with a pool, as the usage is seasonal. Additionally, CRMC applications for this proposal were pending much earlier than the applicant was in contact with the Stone Harbour Condominium residents, which did not occur until May 2024. Any claims made to the Town Administrator and relied upon in his letter that neighbors were in full support of the expansion was not accurate as to the Stone Harbour Condominium. The applicant's lack of transparency with regard to this project is unsettling. Because the Town Administrator letter appears to have been made without full and accurate knowledge about the proposal, the Town Council should request that that letter be withdrawn and submit an independent opposition to the project based on full proposal information along with Harbor Commission and community feedback received to date.

The risks and negative impacts of this proposal greatly outweigh any private benefit to a private business and there is a clear question of the necessity of locating this proposal in the Harbor. More information is needed on exactly how the applicant intends to mitigate the myriad of concerns. The concerns raised here, as well as those brought forth by others, warrant submitting opposition to CRMC/RIDEM for this proposal on behalf of the Town. In conclusion, we urge that the Bristol Town Council rescind the Town Administrator's support letter and replace it with a negative recommendation, or in the alternative, provide a neutral recommendation with inclusion of all the conditions of the Harbor Commission.

Sincerely,



Mark T. Ryan



June 6, 2024

Bristol Town Council
10 Court Street
Bristol, Rhode Island

Re: Proposed Expansion of Bristol Harbor Inn Marina and Pool Boat

Dear Bristol Town Council Members,

I am writing to comment on TSL, LLC's proposed marina expansion to include a moored pool boat. By way of background, I am a real estate agent at Lila Delman Compass, an independent brokerage firm with deep roots in Rhode Island as Lila Delman was founded in 1964. Just over 3 years ago Lila Delman joined Compass and under the Lila Delman Compass and Compass names we now have 8 office locations in Rhode Island. Lila Delman Compass's expertise is solidified by our ranking as the #1 Luxury real estate firm in the State of Rhode Island. Further, I am a licensed realtor in both Rhode Island and Massachusetts. My education and experience include: a degree in Economics from Harvard College, over 10 years' experience working at Morgan Stanley and Goldman Sachs, 16 years at Lila Delman Compass, two (2) terms serving as Treasurer of the Newport County Board of Realtors (on the Executive Committee and 6 years serving on the Board of Directors), serving on the Rhode Island Association of Realtors Board of Directors and a member of the Women's Council of Realtors. Lastly, I was recently awarded the Five Star Award for 5 consecutive years 2020 – 2024 for professional excellence in the real estate industry.

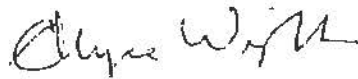
I am concerned that TSL, LLC's proposed marina expansion to include a moored pool boat would diminish the value of neighboring properties, including the Stone Harbour Condominium units in general and, more particularly and significantly, the South building units closest to the proposed moored pool boat. Noise, safety, waterfront views, and access are factors which impact property values. The installation of the proposed Bristol Harbor Inn pool boat in the marina could negatively impact all these factors, which would in turn negatively impact the values of the surrounding properties.

My primary concern is the potential safety risks posed by the pool boat. For instance, who will be policing and preventing Bristol Harbor Inn pool guests from jumping off the "wrong" side of the pool dock into the very active harbor where there is significant boating traffic, rather than the pool? Who will be monitoring that Bristol Harbor Inn guests are not over-consuming alcohol and risk falling into the harbor from the pool boat and once again potentially putting themselves in harm's way of marine traffic in an active harbor. When the

sea breeze really kicks in, there can be waves and rough seas in Bristol harbor. Will these Bristol Harbor Inn guest swimmers, who may not be familiar with a marine environment be able to safely navigate the docks to the moored pool dock? Will the pool boat be ADA accessible? It would be extremely unfortunate for an accident to occur, similar to the recent tragic accident in Biscayne Bay, FL in which a 15-year-old girl was fatally struck by a boat while waterskiing.¹ The safety risks should be evaluated and discussed before this proposal moves any further.

In conclusion, as a professional realtor and a recreational boater, I have serious concerns about the negative impacts of TSL, LLC's expanded marina and pool boat proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Alyce Wright", with a stylized flourish at the end.

Alyce Wright

¹ <https://www.cnn.com/2024/05/14/us/florida-girl-killed-waterskiing/index.html>


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'Pool boat' proposal ignites strife on Bristol Harbor


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Bristol Harbor Inn would build a new ramp going north from the tent area to access the pool boat, which would be about 44 feet long by 20 feet wide.



Posted Wednesday, June 5, 2024 5:30 pm

By Ethan Hartley

An amenity most often associated with quiet relaxation has become an increasingly contentious point of concern among harborfront condo owners that abut Bristol's only hotel.

Citing internal surveys from guests and a desire to compete with other hotels, Bristol Harbor Inn began looking into ways to possibly add a pool back in 2022. That is according to Larry Goldstein, co-owner of Goldstein Associates, the property management company that bought Thames Street Landing — The 1.7-acre waterfront parcel that includes DeWolf Tavern, various shops, restaurants, and most importantly for the purposes of this story, the Bristol Harbor Inn — in 2015 under the corporate entity TSL, LLC.

"Everything we do is mostly in the business of selling rooms, and trying to bring the tenant experience up and have a first-class experience offered in

downtown Bristol," Goldstein said in a recent interview. "We think that's an amenity that most first-class hotels offer, but our parking is limited and we just don't have space to do that on the grounds."

But during a trip to Kennebunkport, Maine a few years back, a member of the TSL group was staying at the Yachtsman Hotel + Marina Club and came across something that seemed like an answer to their dilemma.

A pool boat.

If you've never heard of a pool boat before, you're not alone, but it's also exactly what it sounds like. A pool boat is a floating vessel, subject to the same regulations as any other recreational boat, that has decking and a motor, but instead of a hollowed out hull for a galley or a bathroom or storage space, it has an area to put a swimming pool, with space around it for some lounge chairs.

Goldstein said that the plan formed from there to apply to the Coastal Resources Management Council to get approval to drive five additional pilings into the area near their existing finger docks located to the northwest of the event tent behind DeWolf Tavern. The boat could be moored there seasonally (he said initial plans might be from May 15 to Labor Day, but that's not set in stone).

Acknowledging that the harbor can be subject to some rough seas in stormy weather, Goldstein said it was purposeful to moor the pool boat closer to the quay wall to offer some more protection.

The boat itself would be about 44 feet long by 20 feet wide. The pool within the boat would be 8 feet wide by 20 feet long and 4 feet deep. It would be accessible from a new ramp built off the existing event deck. In the off season, it would be hauled out of the water and stored on private property.

Stone Harbour raises a challenge flag

Abutting Bristol Harbor Inn to the north, Stone Harbour Condo Associates has come out in firm opposition to the concept of the pool boat floating within a clear sight line of their property.

Howard Sutton, President of the Stone Harbour Condominium Association, said in a recent interview and at the recent May 29 meeting of the Bristol Town Council that their three biggest concerns regarding the pool boat boils down to noise, safety, and a fear of property values being negatively impacted.

Although Goldstein said in an interview that the pool boat would be locked behind a gate, accessible only to hotel guests from 9 a.m. to sunset, that no alcohol would be allowed on the premises, and that it would be under the watch of hotel staff, Sutton said these assurances were not sufficient.

"This is a problem waiting to happen," he told the Town Council. "Nobody is going to police it. Nobody is going to check the coolers. Nobody is going to go down there when they're smoking cannabis. It's going to end up being a party boat in front of multimillion dollar condos that contribute over \$800,000 to the coffers of the Town of Bristol."

Support from Town criticized as well

Sutton also took issue with the fact that Goldstein had solicited comments in support of the pool boat nearly a year ago in June of 2023, but only informed Stone Harbour representatives about the concept in early May of this year, prior to a mandatory notice being sent out by CRMC to abutters ahead of a public hearing to deliberate on the proposal.

A letter from Town Administrator, Steven Contente, filed June 6, 2023 and addressed to CRMC, contains a sticking point for Sutton and the condo owners.

"The applicant has kept its' residential neighbors updated as to the proposal and are committed to implementing controls that will protect the Town's interests at this location," Contente wrote in the letter.

"That is a blatant falsehood," Sutton said, reiterating he hadn't heard of the concept at all until May 6 of this year. "We've objected to that on the basis that, for lack of a better term, the waters of CRMC had been tainted already by them getting an indication from the Town of Bristol that it supported this project."

The letter from Contente states that the pool boat would serve a "compelling public purpose that will benefit our public as a whole. The proposed pool is a water-dependent use that offers substantial public, economic gain to the state of Rhode Island."

Tom Moses, an attorney representing the condo association, also took issue with this endorsement from Contente.

"This is not a public pool. This is a private activity for the benefit of guests of the hotel," he told the Town Council. "I see no public benefit of this at all. And the economic gain is to only the hotel. It is not to the State of Rhode Island or the Town of Bristol. These are hyperbole at best."

Contente, called for a comment on the issue, did not waver in his support of the proposal from Bristol Harbor Inn.

"We only have one hotel in Bristol, and if it will help them, I'm in support of it...Personally, any time people can get outdoors and enjoy the harbor and be healthy, I think it's a nice thing," he said. "We've had very good luck with Bristol Harbor Inn. Ever since they've opened we've had no problems there that I'm aware of. They run a very good business, they're well managed, and they're claiming they'll manage this well to not be an issue for the neighbors. So I support this."

Town Council petitions CRMC to delay hearing

At the Town Council meeting on May 29, the Council heard testimony from Sutton, Moses, Contente, and Harbormaster Gregg Marsili. Notably, no representative from TSL, LLC was present. They ultimately decided to motion to send a request to CRMC to delay hearing the issue until the Town could hold its own meetings with the Harbor Commission to receive more testimony, and then form a more informed opinion to provide to CRMC.

No official hearing has been set by CRMC at this time to discuss the pool boat, but the public comment deadline for the issue was set for June 15. The Council's motion asked CRMC to extend that deadline and to hold off on a hearing until a later date. That passed, with only Councilwoman Mary Parella dissenting.

"We have a Town Beach in town that's not that far away. You could rent a bike and you could be there in maybe 10 minutes. We have other waterfront beaches on Union Street and Walley Street as well...I don't think this is a good location," she said in her comments. "Why do we want to introduce this and then, once we open that floodgate, now we have other people saying 'Hey this is a great idea. I want to put a boat out here, I want to put a pool over there'. I've very, very concerned about that."

Sutton, for his testimony, said this was the first time he's ever received consensus on an issue while leading the condo association.

"In my five years as president of this association, this is the only time I have ever had an issue that has no dissenting viewpoints, and it'll probably be the only time I ever have an issue that doesn't have a dissenting viewpoint," he said. "I'm lucky if I can get 81 units to agree that the sun sets in the West."

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Letter: Safety concerns about pool boat

Posted Thursday, June 20, 2024 12:13 pm

To the editor:

On behalf of the Stone Harbour (SH) Marina Association in my capacity as President of the Stone Harbour Marina Association, I am writing to express our unanimous opposition to TSL LLC's proposal to dock a pool boat near Stone Harbour Marina, due to safety concerns and perceived value to the Bristol community.

The SH Marina Association represents 40 slip owners who pay additional Bristol taxes assessed on their boat slip. Our focus on this letter is on safety and the lack of due warning to perform due diligence studies on impact to the SH Marina infrastructure.

As recreational boaters we share a strong affinity for the rich maritime history and beautiful waterfront aesthetics Bristol offers. Working fishing boats share docks with yachts and family watercraft along a waterfront populated with private homes, shops and restaurants. From our marina we often see boats from all around Narragansett Bay and nearby Massachusetts queuing up for space at the public docks for a chance to enjoy these cultural attractions. The proposed "pool boat" would do nothing to enhance this character and atmosphere and almost certainly detract from it.

The Stone Harbour Marina is situated in an area where winds, currents, and storm surges are common occurrences, posing a constant risk to boats and Marina infrastructure. The recent addition of the town marina has already caused increased wave deflection to this area and the introduction of a pool boat with an additional wave attenuator would exacerbate these risks considerably. The safety of our marina and its users is our top priority, and we believe that the proposed pool boat installation compromises this safety.

Our marina is already experiencing the damaging effects of the environment, and the introduction of the proposed pool boat and its wave attenuator will only amplify these issues. Redirecting wave energy poses a significant threat to the structural integrity of the marina, potentially leading to increased maintenance costs and safety hazards.

We respectfully urge TSL LLC'S to reconsider this proposal considering the significant safety concerns and potential negative impacts on the marina. The wellbeing of our marina community and the preservation of our infrastructure are of paramount importance, and we believe that the proposed docking of a pool boat poses unacceptable risks.

Considering together with certain public safety and marine navigational and accessibility concerns, we respectfully contend that the proposed "pool boat" has no place on the Bristol waterfront.

Mario Barrenechea
President
Stone Harbour Marina Association

The Providence Journal

LOCAL

A pool on a barge in Bristol Harbor? Hotel wants one, but neighbors don't like the idea



Antonia Noori Farzan
Providence Journal

Published 5:10 a.m. ET July 3, 2024 | Updated 11:56 a.m. ET July 4, 2024

What do you do when your waterfront hotel has no room for a pool?

Stick one on a barge and dock it in the harbor.

At least that's what the Bristol Harbor Inn is hoping to do. But the concept of a floating "pool boat" is facing major pushback from neighboring condominium owners, as the Bristol Phoenix first reported.

"There's no benefit to the town," Mark Ryan, an attorney representing the Stone Harbour Condominium Association, said at a Tuesday night meeting of the Bristol Harbor Commission. "It's a private use for a private individual."

Maine hotel's pool provided inspiration

The pool boat would be an aluminum barge containing a shallow saltwater pool surrounded by decking, inspired by a similar vessel at the Yachtsman Hotel & Marina Club in Kennebunkport, Maine.

It would be docked all summer long at Thames Street Landing, the waterfront complex that includes the 52-room Bristol Harbor Inn and restaurants such as DeWolf Tavern.

Representatives of TSL LLC, which owns the property, said Tuesday that the pool boat would be removed during the winter and before hurricanes.

The barge would be about 44 feet long, but the pool itself would take up less than half that space, according to plans submitted to the Coastal Resources Management Council.

Hotel wants to attract more weddings

Larry Goldstein, a member of TSL, told the Harbor Commission that people tend to search for amenities such as pools when they choose a hotel.

"We've been shut out of that," he said.

He added that the hotel was open to restrictions on noise and hours.

Seth Handy, TSL's attorney, noted that the hotel would be allowed to add a regular pool by right if space were available.

He claimed the pool would offer "a substantial benefit to the town" and "enhance the town's ability to use the waterfront."

When asked how the pool would benefit Bristolians who aren't paying several hundred dollars a night to stay at the inn, Handy noted that residents "don't always have enough room for all their visitors" and that those visitors might stay at the inn and "enjoy the use of the pool."

Additionally, Handy said, having a pool is important for attracting events such as weddings.

"One issue that people have in selecting this venue is the lack of a water feature that people can swim in," he said. "Frankly, Bristol is being beaten out by Newport and Middletown."

Ryan, the condo association's attorney, took issue with that argument. The hotel recently asked to add more rooms because it can't keep up with demand, he said.

Neighbors fear skinny-dipping, chemical spills

Most of the opposition to the proposal comes from the Stone Harbour Condominium Association.

The waterfront condos, especially those in the south building, overlook the docks where the barge would be located – meaning that residents might hear noise from the pool.

At Tuesday's meeting, however, condo owners mainly cited safety concerns.

"We're going to have someone killed," commented Bob Camosci, who said his condo has "a perfect bird's-eye view" of the docks.

Camosci said that he's witnessed "massive intoxication" and "a crazy mob scene" late at night after Thames Waterside Bar and Grill's rooftop bar closes, with young adults and students from Roger Williams University congregating near the docks.

"What's going to happen when they see a swimming pool?" he asked. "Two o'clock, three o'clock in the morning, they're going to be skinny-dipping in the pool. Guaranteed."

Susan Ludlow and Ed Abramson, who live directly below him, noted that waves tend to jostle the docks.

That wave action could lead to water that contains chemicals "splashing out of that pool and into the Bay," Ludlow said.

Ron Blanchard, the project's engineer, said the floating pool is designed to avoid that. Since the prevailing winds come from the southwest, there will be a wave fence along the south side, he said.

Who gets the final say?

To accommodate the pool boat, TSL, LLC will need to expand its small marina by adding new pilings. That requires permission from the CRMC, which has extended the deadline for public comment until Aug. 15.

Last summer, Bristol Town Administrator Steven Contente submitted a letter of support to the CRMC, saying that the floating pool "will benefit our public as a whole."

At Tuesday night's meeting, however, members of the Harbor Commission and its advisory board echoed neighbors' concerns about safety – questioning, for instance, what would happen if a runaway boat hit the pool.

Howard Sutton, the condo association's president and a former publisher of The Providence Journal, said neighbors' concerns have been categorized as "NIMBYism."

"That is a fair accusation," he said. "Bristol Harbor is Stone Harbour's backyard. One could make the argument that the harbor is the backyard of all Bristolians."



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Letter: Pool boat is of questionable value

Posted Thursday, August 8, 2024 8:19 am

To the editor:

After traveling the world for 35 years, I always planned a return to the east coast. Having graduated from the U.S. Naval Academy in Annapolis, Maryland, I learned to love small coastal towns. Oddly enough, I had never heard of Bristol until a dear friend invited me here for a visit. It only took a weekend to realize Bristol's historic and picturesque attributes.

Bristol has many endearing parallels to Annapolis. Both towns played pivotal roles in our country's founding principles. Both towns reflect patriotic ideals. Even Annapolis cannot lay claim to a red, white, and blue main street centerline! Both towns have walkable downtown areas with a variety of restaurants, parks, a college, a history dating back centuries, and a stunning harbor district. Therefore, it came as no surprise when the U.S. Harbor Association named Bristol #4 on the list of 10 best harbors in the United States.

That said, I am perplexed by our town council and the owner of the Bristol Harbor Inn. Together they want to ruin Bristol's quaint harbor scene with a floating pool tethered next to the public dock in the center of town. The "pool" is of questionable value. While the entire "vessel" is 20'x40', the pool itself is only 8'x20'. It is little more than an overgrown bathtub. Inserting an inane eyesore like this sets a precedent that will only lead to a carnival-like atmosphere.

All this begs the question, why? The owner, Larry Goldstein, claims he needs the pool to increase his summer occupancy rate. However, he also applied for a variance to add seven hotel rooms to accommodate summer reservations. Inexplicably, if the hotel needs the extra rooms during the summer months, why does he need a pool to attract patrons when the hotel is already booked full? After repeated requests, Mr. Goldstein has yet to produce occupancy records for public consumption.

There exists a myriad of other conflicts. Not the least of which is the pool's failure to conform to federally mandated disabilities regulations. Plus, the Coastal Resource Management Council's regulations limit vessels of this nature to 150 square feet. This monstrosity will be 800 square feet.

Earlier I mentioned the parallels between Bristol and Annapolis. Years ago, Annapolis applied strict restrictions to maintain their harbor's scenic appearance. Coincidentally, like Bristol, Annapolis only had one hotel, the Maryland Inn. Today, Annapolis is a vibrant, thriving coastal community with four major hotels, none of which affect the town's waterfront views. Incidentally, the old historic Maryland Inn is one of the most sought-after hotels and it still does not have a pool.

Keeping these observations in mind, you might understand why I am perplexed with the town council's willingness to endorse an obvious blemish to our harbor district. Even a member of the town's Harbor Council called it a "dumb idea."

To his credit Steven Contente, the city's Administrator, was willing to withdraw his positive recommendation. And while I admire Council Chairman Nathan Clouro's commitment to an open "process" regarding the city's endorsement, it seems illogical to support a blight on our beautiful harbor when the "process" is based on seriously flawed substantiation. Does the town really want a circus side show in the middle of town or do we want to see Bristol preserve its award-winning beauty?

Paul J. Falten
Thames Street


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Harbor Commission shares concerns over Bristol Harbor Inn 'pool boat'



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Attorney Seth Handy, representing applicant Bristol Harbor Inn, makes his opening statement to the Bristol Harbor Commission on Monday night, July 1, with a room full of Stone Harbour residents behind him.

ETHAN HARTLEY



Posted Tuesday, July 2, 2024 6:00 pm

By Ethan Hartley

The Bristol Harbor Commission voted 4-1 on Monday night affirming that Bristol Harbor Inn's plan to moor a pool boat near their event tent did not fly in the face of local harbor regulations, but simultaneously provided a list of four concerns regarding the proposal to the Bristol Town Council and to the Coastal Resources Management Council (CRMC), the latter of which ultimately has authority to approve or deny the project.

During a two-hour meeting that brought dozens of Stone Harbour condo owners to the Bristol Maritime Center, lawyers and engineers had the floor for the vast majority of the time, going back and forth discussing the motivations of Bristol Harbor Inn for wanting the pool boat, how it would be deployed, and then a laundry list of reasons why the abutting property owners of Stone Harbour are staunchly opposed to the idea.

Members of the Harbor Commission, through their questioning, revealed a list of issues they found to be concerning regarding the project; but none that ultimately made them agree a negative recommendation to the Town Council or to CRMC would be appropriate or within their regulatory authority.

Environmental and safety concerns

Chief among the concerns raised was whether the pool boat would inevitably lead to contamination of the surrounding water through the backwash or leakage of chemicals used in the saltwater system planned for the pool boat.

Larry Goldstein, co-owner of Goldstein Associates, a property management company that includes the corporate entity that owns the Bristol Harbor Inn, said that the pool boat has a self-contained filtration system and that the boat would not discharge its pool water into the surrounding bay.

However, members of the commission were concerned with what would happen if a storm or a hurricane came through and the boat needed to be taken out of the water. They did not seem satisfied with the applicant's explanation of how the pool boat would be emptied and removed in a timely manner.

Likewise, the commission wasn't satisfied with a safety issue raised by neighbors and members of the commission's advisory board regarding the location of the pool boat — the concern being that if a boat entering or exiting the nearby marinas lost control or suffered a malfunction, nothing would stop the boat from running directly over a pool boat potentially filled with people.

"I think we need to see some plans for both of those," said commission member Steven Januario. "How the water will be removed so the harbor does not get polluted with whatever is in that pool, chemical-wise. And so we're sure if a boat does get loose, it doesn't go into the pool and hurt somebody."

The commission also insisted that CRMC ensure that the ramp leading to the pool boat was ADA-accessible, as they were unable to confirm that through the course of the meeting.

Other safety concerns seemed to be answered

For the roughly 50 Stone Harbour residents who had gathered, those who spoke against the project also brought up safety issues separate from those outlined above.

Bob Camosci, who owns a unit on the second floor that looks out directly over the Inn's event tent and the area where the pool boat would go, said he often sees young adults congregate in that area after the nearby bars close, intoxicated but looking for the party to continue.

"What's going to happen when they see a swimming pool? We were all young adults in our 20s. We get it. And today we have to worry about other stuff they're taking, not just alcohol," he said. "It is a recipe for disaster...We do not want someone to get severely injured."

The applicant, however, seemed to satisfy the commission's concerns over this unwanted accessibility angle, saying that not only would the pool boat be located behind a time-locked gate that only opens to hotel guests, but that a cover would be placed over the top of the pool boat once it closes. "It's not good for us if it becomes a nuisance to anybody, our hotel guests included," Goldstein said, adding later in the meeting, "We have no interest in creating an unsafe situation."

At the end of the meeting, the commission made a motion to confirm that the pool boat did not run afoul of the Town's harbor management plan, but that they recommended that the applicant provide to CRMC a written plan explaining how the pool would be emptied and how it would deal with any backwash that occurs, as well as a written hurricane action plan to describe how the boat would be emptied and removed from the water.

Additionally, they recommended that the applicant look into providing some type of safety barrier to prevent a collision occurring with surrounding boat traffic, and for CRMC to confirm that the ramp leading to the pool boat would be ADA-accessible. That motion carried, 4-1.

So what's next?

The Harbor Commission's recommendations will now go to the Bristol Town Council, who will take the issue up during their meeting on July 31. They have the authority to provide their support for the project, disapprove of the project, provide their own recommendations, or essentially receive and file it again.

Ultimately, it is CRMC who will have the authority to approve or deny the project, and their timeline for holding a hearing on the issue, as of press time, was unknown.

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Mario Barrenechea
President
Stone Harbour Marina Association
345 Thames Street
Unit 104 N
Bristol, 02809
Tel: (774) 452-4007
(774) 452 4007
June 10, 2024

Bristol Harbor Commission

Dear Bristol Harbour Commission:

Subject: Opposition to Docking Proposal of Pool Boat near Stone Harbour Marina

On behalf of the Stone Harbour (SH) Marina Association in my capacity as President of the Stone Harbour Marina Association, I am writing to express our unanimous opposition to TSL LLC's proposal to dock a pool boat near Stone Harbour Marina, due to safety concerns and perceived value to the Bristol community. The SH Marina Association represents 40 slip owners who pay additional Bristol taxes assessed on their boat slip. Our focus on this letter is on safety and the lack of due warning to perform due diligence studies on impact to the SH Marina infrastructure.

As recreational boaters we share a strong affinity for the rich maritime history and beautiful waterfront aesthetics Bristol offers. Working fishing boats share docks with multimillion dollar yachts and family watercraft along a waterfront populated with private homes, shops and restaurants. From our marina we often see boats from all around Narragansett Bay and nearby Massachusetts queuing up for space at the public docks for a chance to enjoy these cultural attractions. The proposed "pool boat" would do nothing to enhance this character and atmosphere and almost certainly detract from it.

The Stone Harbour Marina is situated in an area where winds, currents, and storm surges are common occurrences, posing a constant risk to boats and Marina infrastructure. The recent addition of the town marina has already caused increased wave deflection to this area and the introduction of a pool boat with an additional wave attenuator would exacerbate these risks considerably. The safety of our marina and its users is our top priority, and we believe that the proposed pool boat installation compromises this safety.

Our marina is already experiencing the damaging effects of the environment, and the introduction of the proposed pool boat and its wave attenuator will only amplify these issues. Without a proper study and safety analysis, we are all taking a huge gamble on detrimental repercussions to the area. Redirecting wave energy poses a significant threat to the structural integrity of the marina, potentially leading to increased maintenance costs and safety hazards.

We respectfully urge TSL LLC'S to reconsider this proposal considering the significant safety concerns and potential negative impacts on the marina. The wellbeing of our marina community and the preservation of our infrastructure are of paramount importance, and we believe that the proposed docking of a pool boat poses unacceptable risks.

Considered together with certain public-safety and marine navigational and accessibility concerns, we respectfully contend that the proposed "pool boat" has no place on the Bristol waterfront.

Thank you for your attention to this matter. We look forward to your understanding and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Mario Barrenechea", with a long horizontal flourish extending to the right.

Mario Barrenechea
President
Stone Harbour Marina Association

June 6, 2024

Bristol Town Council
10 Court Street
Bristol, Rhode Island

Re: Proposed Expansion of Bristol Harbor Inn Marina and Pool Boat

Dear Bristol Town Council Members,

I am writing to comment on TSL, LLC's proposed marina expansion to include a moored pool boat. By way of background, I am a real estate agent at Lila Delman Compass, an independent brokerage firm with deep roots in Rhode Island as Lila Delman was founded in 1964. Just over 3 years ago Lila Delman joined Compass and under the Lila Delman Compass and Compass names we now have 8 office locations in Rhode Island. Lila Delman Compass's expertise is solidified by our ranking as the #1 Luxury real estate firm in the State of Rhode Island. Further, I am a licensed realtor in both Rhode Island and Massachusetts. My education and experience include: a degree in Economics from Harvard College, over 10 years' experience working at Morgan Stanley and Goldman Sachs, 16 years at Lila Delman Compass, two (2) terms serving as Treasurer of the Newport County Board of Realtors (on the Executive Committee and 6 years serving on the Board of Directors), serving on the Rhode Island Association of Realtors Board of Directors and a member of the Women's Council of Realtors. Lastly, I was recently awarded the Five Star Award for 5 consecutive years 2020 – 2024 for professional excellence in the real estate industry.

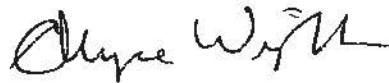
I am concerned that TSL, LLC's proposed marina expansion to include a moored pool boat would diminish the value of neighboring properties, including the Stone Harbour Condominium units in general and, more particularly and significantly, the South building units closest to the proposed moored pool boat. Noise, safety, waterfront views, and access are factors which impact property values. The installation of the proposed Bristol Harbor Inn pool boat in the marina could negatively impact all these factors, which would in turn negatively impact the values of the surrounding properties.

My primary concern is the potential safety risks posed by the pool boat. For instance, who will be policing and preventing Bristol Harbor Inn pool guests from jumping off the "wrong" side of the pool dock into the very active harbor where there is significant boating traffic, rather than the pool? Who will be monitoring that Bristol Harbor Inn guests are not over-consuming alcohol and risk falling into the harbor from the pool boat and once again potentially putting themselves in harm's way of marine traffic in an active harbor. When the

sea breeze really kicks in, there can be waves and rough seas in Bristol harbor. Will these Bristol Harbor Inn guest swimmers, who may not be familiar with a marine environment be able to safely navigate the docks to the moored pool dock? Will the pool boat be ADA accessible? It would be extremely unfortunate for an accident to occur, similar to the recent tragic accident in Biscayne Bay, FL in which a 15-year-old girl was fatally struck by a boat while waterskiing.¹ The safety risks should be evaluated and discussed before this proposal moves any further.

In conclusion, as a professional realtor and a recreational boater, I have serious concerns about the negative impacts of TSL, LLC's expanded marina and pool boat proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Alyce Wright". The signature is fluid and cursive, with the first name "Alyce" being more prominent than the last name "Wright".

Alyce Wright

¹ <https://www.cnn.com/2024/05/14/us/florida-girl-killed-waterskiing/index.html>



August 14, 2024

cstaff1@crmc.ri.gov
Coastal Resources Management Council, O. S.
Government Center,
4808 Tower Hill Road, Rm 116
Wakefield, RI 02879

Re: TSL, LLC Proposed Installation of a Berthing Facility and Expansion of Marina for
Mooring of a Pool Boat - CRMC File 2023-08-084; RIDEM Water Quality Certificate Number
24-008 (MPL Only)

Dear Members of the Coastal Resource Management Council,

On behalf of the Stone Harbour Condominium Association ("Stone Harbour"), we respectfully write to state a substantive objection to the above application, and to request that this application be submitted to a Coastal Resource Management Council ("CRMC") subcommittee for evidentiary hearing. The Stone Harbour Condominium Association is comprised of the condominium owners of the property located at 341, 343 and 345 Thames Street, Bristol, Rhode Island 02809, and are direct abutters to the proposed expansion located at 267 Thames Street, Bristol, Rhode Island 02809.

We pride ourselves on being good neighbors, adding value to the Town of Bristol, and supporting local businesses. To give some context, the condominium property is comprised of 81 units, situated in 3 buildings, the owners of which contribute to the Town of Bristol as important taxpayers and community members. The Stone Harbour Marina Association is also made up of approximately 40 slip owners (all of whom are condominium owners) who pay additional Bristol taxes assessed on their boat slips.

Condominium owners maintain the property's boardwalk along the shore of Bristol Harbor and the sidewalk on Thames St. As residents, we understand and appreciate the eclectic fabric of downtown Bristol and accept that we live in the midst of a business and entertainment district. However, the Applicant's proposal exceeds far beyond what is safe and acceptable for this area, and therefore, Stone Harbour objects to said application.

To date, our condominium unit owners, as well as our legal counsel, Moses Ryan Ltd., have written letters of concern and spoken at meetings of the Bristol Town Council and Bristol Harbor Commission. Our concerns have focused on noise, safety, view obstructions, access to and from the Stone Harbour Marina and boat navigation, impacts on property values, environmental impacts including water quality, disability access compliance of the pool, town support letters submitted without relevant context, and the proliferation of the pool-boat-use in the Bristol Harbor. The proposed marina expansion and pool installation



has high potential for significant adverse impacts to the coastal environment of the Bristol Harbor, to the private guests it intends to serve, and to the community members of the Town, including Stone Harbour.

First, numerous safety concerns have not been addressed or accounted for by the applicant. The proposal's subject area often experiences rough water and waves, which is a safety concern for the area. Potential detachment of the pool creates a serious risk of injury and property damage. The proposed wave attenuator could impact the Stone Harbour Marina, which is approximately less than 80 feet from the Applicant's marina. The Applicant should be required to show that the wave attenuator will not have a negative impact on surrounding areas and will not shift waves to the adjacent navigation areas or marina. We are also concerned about boats navigating in an area where the pool is proposed to be installed. We are concerned that the approval of this Applicant would have serious negative impacts on the coastal environment and set a precedent so that a proliferation of this use in Bristol Harbor could follow.

Second, open and transparent public and governmental participation is essential to the review process of applications such as this. Letters in the Application file indicate that neighbors were aware of and supportive of this project as early as June 2023. However, CRMC applications for this proposal were pending much earlier than the Applicant was in contact with the Stone Harbour residents. Stone Harbour was not made aware of this Application until May 2024. Stone Harbour has never been supportive of this project. Any claims made to the Town Administrator and relied upon in his letter that neighbors were in full support of the expansion was not accurate. The Applicant's lack of transparency with regard to this project should cause pause.

Many of the above concerns, in addition to other concerns, were raised by both community members and Commission members when this project was reviewed by the Bristol Harbor Commission. Based on the totality these concerns, a conditional advisory recommendation was submitted to the Bristol Town Council, recommending conditions for this project including a written plan for treatment of pool water with no discharge into the harbor; a written storm action plan with specific contractors to pump out pool water and a specific facility to haul the pool boat out of the water; an engineer's certification that access to the pool boat will be ADA compliant; and that additional barriers are installed to prevent collisions between vessels and the pool boat. These are all important conditions that should be fully addressed before this Application can be considered. Leaving important conditions to be addressed in the future rather than completely addressing them now creates the opportunity for abutters and neighbors to again be left out of the process.

This application is an example of the unjustified and unjustifiable. The claimed "need" of a private, small (yet outspoken) desire neglects and diminishes the rights and



interests of the general public. This proposal will tarnish the coastal features that make the Town of Bristol a historic and renowned place. The proposed expansion, in our opinion, fails to enhance the coastal environment, and discounts the countless negative impacts described above. Furthermore, we respectfully request that the matter be referred to a subcommittee for a full hearing on the matter of TSL, LLC's proposed marina expansion and pool boat installation, and that this proposal be denied.

Respectfully,

A handwritten signature in black ink, which appears to read "Howard G. Sutton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Howard G. Sutton

President, Stone Harbour Condominium
Association