

2023-08-084

TOWN OF BRISTOL, RHODE ISLAND

TOWN COUNCIL

Nathan T. Calouro, *Chairman*

Mary A. Parella, *Vice Chairwoman*

Antonio A. Teixeira

Timothy E. Sweeney

Aaron J. Ley



Council Clerk
Melissa Cordeiro

August 7, 2024

Coastal Resources Management Council (CRMC)
4808 Tower Hill Road
Wakefield, RI 02879



Dear CRMC Members,

Subject: Communication of Concerns and Mixed Opinions on Joint Public Notice
CRMC/DEM re Thames Street Landing, TSL, LLC, 267 Thames Street

On behalf of the Bristol Town Council, I am writing to inform you about the diverse opinions and concerns within our council and community regarding the proposed Joint Public Notice CRMC/DEM re Thames Street Landing, TSL, LLC, 267 Thames Street.

During our recent Town Council meeting of July 31, 2024, a motion was passed to submit the recommendations made by the Bristol Harbor Commission, along with a copy of the Harbor Commission meeting minutes and the draft council meeting minutes of July 31, 2024, to reflect the various concerns addressed by members of the council and residents. The motion, made by Teixeira/Sweeney, was passed with the following votes:

- In favor: Chairman Calouro, Councilmen Teixeira, Sweeney, and Ley.
- Opposed: Vice Chairwoman Parella.

The council discussed the importance of effectively communicating to CRMC that there are diverse opinions within the council and the community regarding the project.

It was recommended that a cover letter, along with the council draft minutes, be provided to CRMC. This will clarify that the recommendations by the Harbor Commission do not specifically express the town or council's unanimous support or opposition.

Please find attached the following documents for your review:

1. Exhibit A- Recommendations made by the Bristol Harbor Commission.
2. Exhibit B- Minutes from the Harbor Commission meeting of July 1, 2024.
3. Exhibit C- Draft minutes from the Town Council meeting of July 31, 2024.

We believe it is important for CRMC to fully understand the range of opinions and concerns that exist within our community regarding this project. We trust that this information will be taken into consideration during your deliberations.

Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Cordeiro', with a stylized flourish extending from the end.

Melissa Cordeiro
Council Clerk

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MANAGEMENT COUNCIL

Exhibit A

TOWN OF BRISTOL, RHODE ISLAND

BRISTOL HARBOR COMMISSION



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

**CC: Town Administrator
Harbormaster**

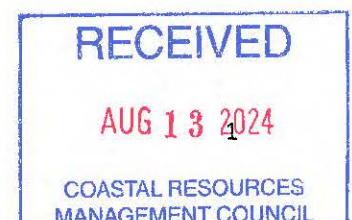
DATE: July 1, 2024

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:

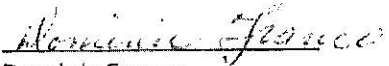
The Bristol Harbor Commission respectfully recommends to the Bristol Town Council that this Application meets the criteria of the Bristol Harbor Management Plan, in that it is completely within the riparian rights area of the applicant, does not cross the Harbor Line, and does not interfere with navigation 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

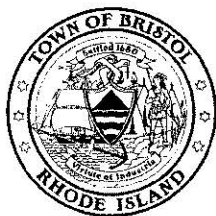
Chair, Bristol Harbor Commission

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

Planning Board Meeting February 09, 2023



EXHIBIT B



Town of Bristol, Rhode Island

10 Court Street
Bristol, RI 0280

Harbor Commission

Special Meeting Minutes: July 1, 2024

Harbor Commission: Dom Franco, Jim Dollins, John McDonald, Peter Silva, Steve Januario

Advisory Board: Pam Romano, Paul Hebert, Owen O'Rourke, Skip Castro, Michael Tamualites, George Burman <gsburman45@gmail.com>

Alternates: Wayne Gablinske, Bob Hamel

Harbormasters: Gregg Marsili, Jon Perry

1. Approval of June 17 Special Meeting Minutes – Held until Aug 5, 2024 Meeting.
2. Approval of July 1, 2024 Special Meeting Minutes – approval at Aug 5, 2024 Mtg.
3. CRMC – Application File #22023-08-084 dated May 14, 2024 for RI Assent(Pool Boat)
 - A. Meeting Held on 7/1/2024 With Approximately 2 Hours of Public Testimony and 30 minutes of Harbor Commission discussion.
 - B. The attached letter from Chairman Dom Franco explains the position of the Harbor Commission. This letter was sent to the Town Council which clearly states the position and recommendations of the Harbor Commission.
- 4.. Public Comment. None.

Adjournment

Attachment



BR Harbor Comm to
BR TC as signed.pdf



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

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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



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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.





State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-3767

June 21, 2024

Via Email

Conor MacDonald
Handy Law, LLC
42 Weybosset Street
Providence, RI 02903
conor@handlawllc.com

Re: Request for Joint Public Notice Extension
CRMC File No 2023-08-084 TSL, LLC – Installation of a berthing facility and expansion of existing marina for the mooring of a pool boat for recreational purposes.

Dear Mr. MacDonald:

CRMC and RIDEM is in receipt of the June 17th, 2024, request to extend the Joint Public Notice Period for the above referenced file for the purposes of review at both the Bristol Harbor Commission meeting and the Bristol Town Council meeting. The Joint Public Notice end date will be extended from July 15, 2024, to August 15, 2024.

If you require additional information, please do not hesitate to contact me. Thank you.

Sincerely,

Jeffrey M. Willis, Executive Director
Coastal Resources Management Council

/lat

cc: TSL, LLC
S. Handy, Esq., Handy Law
R. Blanchard, Site Engineering
N. Personeus, RIDEM
A. Teitz, Esq., AICP, Asst Town Solicitor, Bristol
M. Cordeiro, Bristol Council Clerk

