

Brittany Spurlock

From: Dean Wagner <dwagner@savagelawpartners.com>
Sent: Friday, November 21, 2025 3:09 PM
To: Cstaff
Cc: Jeff Willis; rcoia@crmc.ri.g; jlongo@crmc.ri.gov; Edward Pare III; Allison Charette
Subject: CRMC File No. 2025-07-044
Attachments: Town of Little Compton's Substantive Objection CRMC File No. 2025-07-044.pdf; Exhibit A_November 4, 2025 Letter to Town Council.pdf; Exhibit B_November 14, 2025 Letter from the Harbor Commission.pdf; Letter to CRMC re entries of appearance 11 21 2025.pdf; Entry of Appearance_DJW.pdf; Entry of Appearance_EDP.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Britt

Attached please find copies of the Town of Little Compton's Substantive Objection to the application of Timothy and Isabella Ehrlich for an assent to construct and maintain a residential boating facility, CRMC File No. 2025-07-044.

Attached please also find copies of our entries of appearance on behalf of the Town.

On behalf of the Town of Little Compton, we request that the application be deemed a contested case and scheduled for a public subcommittee hearing or a hearing before a hearing officer.

We also request to be notified of all proceedings relating to the application.

Please let me know if you require any additional information.

Thank you for your attention to this matter.

Dean

Dean Wagner, Esq. | Partner



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2025

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Best Lawyers

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November 21, 2025

Via Email and Regular Mail

Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Room 116
Wakefield, RI 02879
cstaff1@crmc.ri.gov

Re: CRMC File Number 2025-07-044
Substantive Objection of the Town of Little Compton

This firm represents the Town of Little Compton (the “Town”) in connection with the Town’s objection to the above-referenced application (the “Application”). Consistent with 650-RICR-20-00-1.1.6(G), this letter is intended to serve as the Town’s substantive objection to the Application and, pursuant to the respective provisions set forth in 650-RICR-10-00-1.1(B), 650-RICR-10-00-1.5.2, and 650-RICR-10-00-1.5.2, the Town’s request for a hearing before a duly appointed Subcommittee or hearing officer as a contested case. For the reasons set forth below, the Town respectfully, but vigorously, objects to this Application.

Through their application, the Applicants seek the CRMC’s approval to construct and maintain a residential boating facility (the “Dock”). This Dock, as proposed, consists of a 74.5’ fixed pier, 16’ aluminum gangway, and a 72 square foot float, and it will extend from the Applicants’ property (the “Property”) into Sakonnet Harbor. Although the majority of the Sakonnet Harbor has been designated as Type 5 Waters, it bears noting that Type 1 Waters begin just to the north of this Property, following the length of the Sakonnet River. *See* 650-RICR-20-00-1.6(X).

The CRMC’s Coastal Management Program (the “Red Book”), provides, in relevant part, that “[s]ubstantive objections are defined by one or more of the following:

- a. Threat of direct loss of property of the objector(s) at the site in question;
- b. Direct evidence that the proposed alteration or activity does not meet all of the policies, prerequisites, and standards contained in applicable sections of this document;

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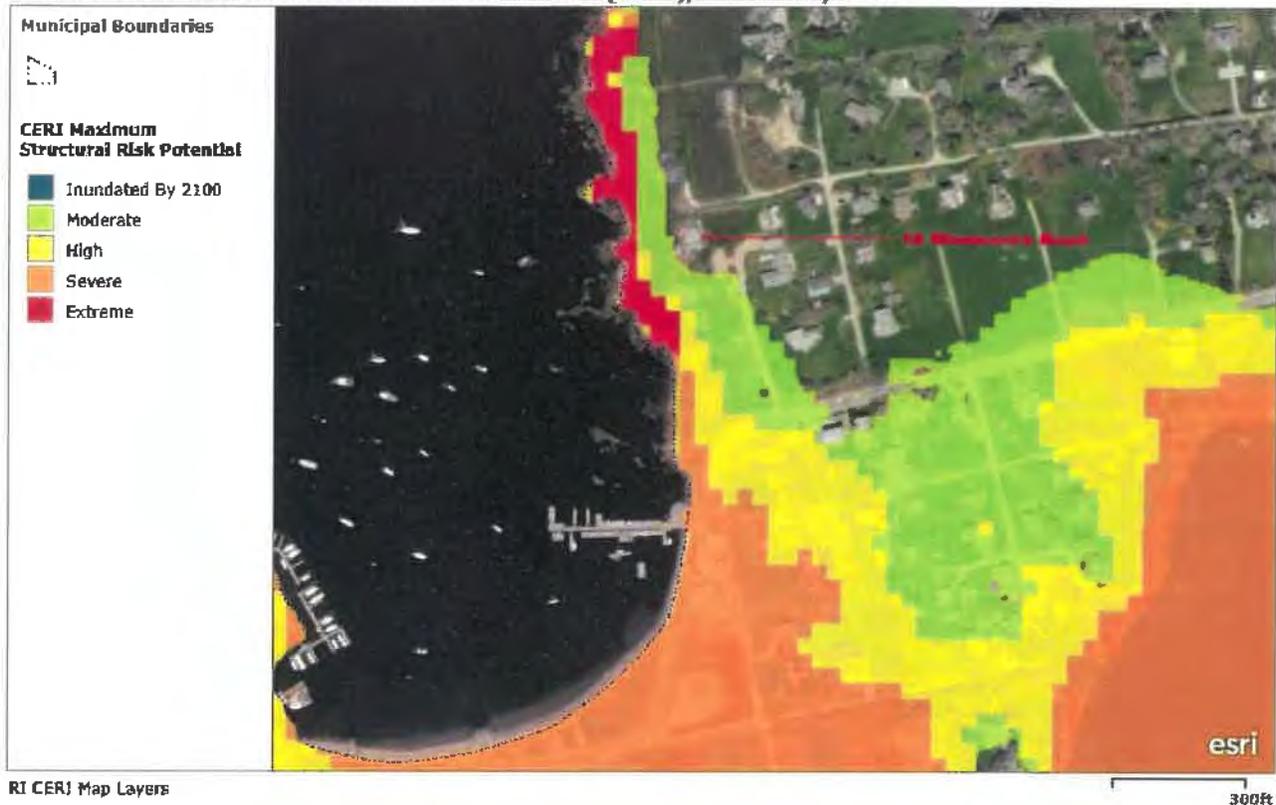
- c. Evidence is presented which demonstrates that the proposed activity or alteration has a potential for significant adverse impacts on one or more of the following descriptors of the coastal environment:
- (1) Circulation and/or flushing patterns;
 - (2) Sediment deposition and erosion;
 - (3) Biological communities, including vegetation, shellfish and finfish resources, and wildlife habitat;
 - (4) Areas of historic and archaeological significance;
 - (5) Scenic and/or recreation values;
 - (6) Water quality;
 - (7) Public access to and along the shore;
 - (8) Shoreline erosion and flood hazards; or
- d. Evidence that the proposed activity or alteration does not conform to state or duly adopted municipal development plans, ordinances, or regulations.”

650-RICR-20-00-1.1.6(G)(1). As the Rhode Island Superior Court recently concluded, in determining whether an objection is substantive for purposes of Section 1.1.6(G)(1)(c) of the Red Book, an objector does not need to prove its case at this stage. *See The Dumplings Ass'n, Inc. v. Coastal Resources Management Council*, No. PC-2021-00296, 2025 WL 348621, at *4 (R.I. Super. Jan. 22, 2025) (Lanphear, J.) (concluding that “[u]nder the regulations, [the objector] does not need to *prove* that harm will occur—it merely needs to demonstrate the *potential* for significant adverse impact”) (citing 650-RICR-20-00-1.1.6(G)(1)(c)). Indeed, as the Red Book provides—and as that Court explained—an objection containing a request for a hearing, without more, “is sufficient to elevate the matter to a contested case.” *Id.* (citing 650-RICR-10-00-1.1(B)); *see also* 650-RICR-10-00-1.1(B) (defining a “contested case” and stating that “[a] proceeding before the Council *shall* be considered contested when a substantive formal written objection and/or request for hearing is received by the Council from any interested party”) (emphasis added).

The first basis for the Town’s substantive objection concerns the threat of direct loss of property of the Town. *See* 650-RICR-20-00-1.1.6(G)(1)(a). Although this issue overlaps with others addressed below, the location of this Dock creates that very sort of threat. As a search of the STORMTOOLS Risk and Damage Assessment App (a/k/a the Coastal Environmental Risk Index (CERI) App) reveals, the Dock’s location is in an “extreme” area, falling squarely within the highest, and most dire, structural risk potential:



STORMTOOLS Coastal Environmental Risk Index (CERI), Statewide, SLR0



This, however, is not merely a hypothetical concern or one borne out of a 100-year storm. Less than two years ago—in December of 2023—a severe low pressure storm reached Sakonnet Harbor, resulting in seas in excess of fifteen feet. As a result of that storm, the dock at the Sakonnet Yacht Club—which sits just to the south of this proposed Dock—lost over twenty deck planks and lifted off the large deck connecting it to the road. Just four weeks later, yet another storm came through. Once the summer months conclude, the Sakonnet Harbor—even in the breakwater-protected area—is at risk, and, with it, the Town, through its Harbormaster, confronts the threat of responding to property damage in the harbor. Adding this Dock to that mix only increases that risk. And, here, the risk of damage is heightened because this Dock, unprotected by a northern breakwater, will face wind and waves that travel across the open ocean and build until they reach the Dock, unobstructed.

For additional evidence of this threat to property, the CRMC needs to look no further than the history of this Property. As the Applicants recounted in their November 3, 2025 letter to the Town Council, a dock was previously located at this Property “until it was washed away in a storm in the 1930s.” See November 3, 2025 Letter, a copy of which is attached hereto as **Exhibit A**. That is precisely why, as the Town’s Harbormaster explained at the Town’s Harbor Commission meeting on November 13, 2025, this is the last place to construct a dock. The Town’s Harbor Commission’s unanimous recommendation to the Town Council to oppose this Application highlights these issues, as well, and, in relevant part, indicates that “[t]he location is completely unsuitable for construction.” See November 14, 2025 Letter, a copy of which is attached hereto and incorporated herein as **Exhibit B**, at 1, § 2(A). To put it more bluntly, from those who know



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this harbor best, “the heavy northerly weather will *obliterate* the proposed structure.” *See id.* (“This CRMC guidance [referring to the STORMTOOLS application] is consistent with recommendations of our Harbormaster, Assistant Harbormaster, the commercial fisherman and the sporting sailors who have testified based on decades of local knowledge of the harbor that our heavy northerly weather will obliterate the proposed structure.”).

The second basis for the Town’s objection arises out of 650-RICR-20-00-1.1.6(G)(1)(b): “Direct evidence that the proposed alteration or activity does not meet all of the policies, prerequisites, and standards contained in applicable sections of this document.” To start, there are the policies set forth in Section 1.3.1(D)(3) of the Red Book. As that section declares, in relevant part:

- b. In order to limit the cumulative impacts of multiple individual residential and limited recreational boating facilities, the Council encourages the construction of facilities that service a number of users. It is the policy of the Council to manage the siting and construction of recreational and limited recreational boating facilities within the public tidal waters of the state to prevent congestion, and with due regard for the capability of coastal areas to support boating and the degree of compatibility with other existing uses of the state’s waters and ecological considerations.
- c. All recreational and limited recreational boating facilities shall be designed and constructed to adequately withstand appropriate environmental conditions present at the site and to minimize impacts to existing resources.
- d. All residential boating facilities shall be contiguous to a private residence, condominium, cooperative or other homeowner’s association property and shall not accommodate more than four (4) boats.

See 650-RICR-20-00-1.1.3(D)(3)(b), (c), and (d). This Application does not satisfy those policies.

First, as a number of objectors have already made clear, the Dock will impinge on the already dense—and spatially limited—existing uses of the Sakonnet Harbor, creating a conflict with the other existing uses, from commercial and recreational boating, swimming, paddling, and sailing, all of which requires safe access to the eastern channel in the harbor. *See* 650-RICR-20-00-1.1.3(D)(3)(b). Second, and related to the structural risks discussed above, it is not clear that this Dock can adequately withstand the high-fetch environmental conditions present at the site. *See* 650-RICR-20-00-1.1.3(D)(3)(c). And third, based on the evidence presented thus far, this Dock will be contiguous to a Property used for some portion of the year as a short term rental, through sites such as Airbnb. Aside from the additional safety concerns that the use of this Dock by short-term renters would present, this raises a question as to whether the Dock is, indeed, “contiguous to a private residence, condominium, cooperative or other homeowner’s association property[.]” *See* 650-RICR-20-00-1.1.3(D)(3)(d). In the Town’s view, the answer to that question is no. While a dwelling may be located on the Property, its use is not that of a purely private residence; it extends to hospitality or commercial use for short-term rentals. *Cf. Greco v. Tikoian*, No. C.A. PC/03-5868, 2006 WL 587569, at *6 (R.I. Super. Mar. 9, 2006) (Vogel, J.) (finding that



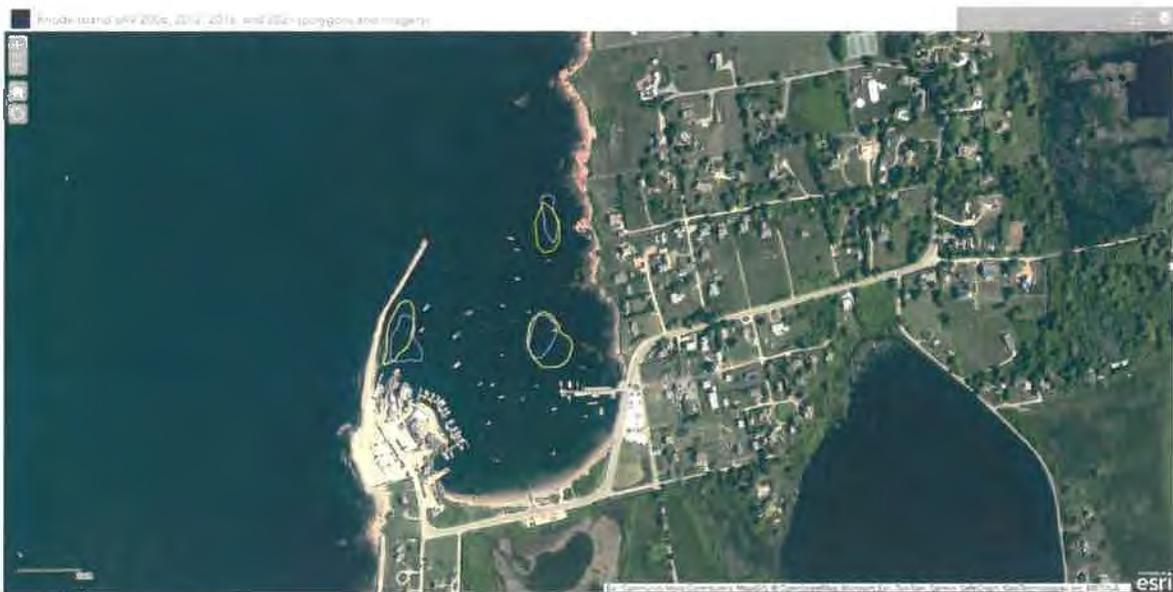
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the terms “‘private residence,’ ‘condominium,’ and ‘cooperative’” “share a common characteristic; namely, they are structures within which people reside” and that “considering that this whole proceeding either implicates or specifies that a residential boating facility is at issue, this Court clearly cannot disregard the crucial word “residential” from its statutory interpretation of this regulation”). And in that way, this Dock does not satisfy the policy articulated in Section 1.1.3(D)(3)(d) of the Red Book.

Next, there is the Application’s failure to satisfy Section 1.1.3(D)(8)(d) of the Red Book. In that section, the CRMC has articulated the following standard: “All new or significantly expanded recreational boating facilities shall comply with the policies and prohibitions of § 1.3.1(R) of this Part (Submerged aquatic vegetation and aquatic habitats of particular concern).” See 650-RICR-20-00-1.3.1(D)(8)(d); see also 650-RICR-20-00-1.3.1(D)(11)(w) (“In order to minimize impacts to existing areas of submerged aquatic vegetation (SAV) habitat, new residential boating facilities or modifications to existing residential boating facilities shall be designed in accordance with the guidelines and standards contained within § 1.3.1(R) of this Part, as most recently revised. Facilities shall be located along the shoreline so as to impact the minimal amount of habitat possible.”). “Submerged aquatic vegetation” or “SAV” is defined as “rooted, vascular, flowering plants that, except for some flowering structures, live and grow below the water surface in coastal and estuarine waters in large meadows or small disjunct beds.” 650-RICR-20-00-1.1.2(A)(157). And, as the Red Book further provides, “SAV species of concern include eelgrass[,]” “with eelgrass as the dominant SAV in Rhode Island waters.” *Id.* The Council is charged with assessing “the potential impacts to SAV”—including eelgrass—“and its habitat from proposed activities on a case-by-case basis[,]” and “[a]ll impacts to SAV and SAV habitat shall be avoided where possible and minimized to the extent practicable.” See 650-RICR-20-00-1.3.1(R)(1)(f), (g). But “[w]here impacts are substantial or cannot be avoided or minimized, the Council may deny the application.” See 650-RICR-20-00-1.3.1(R)(1)(g).

Here, as the CRMC’s Eelgrass Mapper shows, eelgrass has been reported in the Sakonnet Harbor, including in the area just beyond where this Dock is proposed:



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Moreover, as the Town’s Harbor Commission has explained,

The location is extremely complex to build within, and the environmental impacts are understated. The required Submerged Aquatic Vegetation (SAV) survey provided by the applicant’s engineering firm admits that the entire construction area is underlain with ledge. This would preclude pile driving and require drilling to set piles, greatly increasing the environmental jeopardy this project presents. We are concerned the SAV survey was conducted in late September when eelgrass has been subject to late summer heat and storms, and the majority of larval activity was long diminished. Additionally, limited and complex shoreside access may lead to a need for construction from a barge, in fair weather, further shadowing SAV and subjecting it to sedimentation during the most important time of the maritime lifecycle.

See **Exhibit B** at 1, § (2)(B). At a minimum, this requires additional study to determine whether this Dock—or even the work required to complete its construction—sufficiently avoids impacting eelgrass. And all this raises yet another issue with, and another basis for the Town’s substantive objection to, this Application. See, e.g., 650-RICR-20-00-1.1.6(G)(1)(c)(3).

“It is,” as the Red Book recounts, “the policy of the Council that SAV surveys shall be completed during peak biomass.” See 650-RICR-20-00-1.3.1(R)(1)(j); see also 650-RICR-20-00-1.3.1(R)(3)(d) (mandating that “SAV surveys shall be completed during peak biomass”). For eelgrass in the Sakonnet Harbor, peak biomass generally occurs in or about June. But, here, as reported in Northeast Engineers & Consultants, Inc’s September 24, 2025 letter submitted with the Application, their “survey crew . . . completed the bathymetric survey in the waters off the above referenced lot in *April* of 2025” and, later, an SAV survey, “with photos, on *September 23rd and 24th*” of 2025. (Emphasis added). That, too, is not consistent with policies, prerequisites, and standards applicable to this Dock. Nor is the intent to install a float or host long-term docking of renters, if eelgrass is present in the area. See 650-RICR-20-00-1.3.1(R)(2)(b) (stating that “[f]loats, and float and platform lifts (including grate-type structures) associated with residential docks are prohibited over SAV”); see also 650-RICR-20-00-1.3.1(R)(2)(d) (“The long-term docking of vessels at a recreational boating facility shall be prohibited over SAV.”).

The Town’s next series of substantive objections to this Application concern its failure to satisfy all the Category B requirements set forth in Section 1.3.1(A) of the Red Book. For this reason, too, the Dock and this Application do not “meet all of the policies, prerequisites, and standards contained” in the Red Book. See 650-RICR-20-00-1.1.6(G)(1)(b). Pursuant to Section 1.3.1(A)(1) of the Red Book, “[a]ll persons applying for a Category B Assent are required to[,]” among other things:

- a. Demonstrate the need for the proposed activity or alteration;
- ...
- e. Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life;



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- f. Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore;
- ...
- j. Demonstrate that the alteration or activity will not result in significant conflicts with water dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;”
- k. Demonstrate that measures have been taken to minimize any adverse scenic impact (see § 1.3.5 of this Part).

650-RICR-20-00-1.3.1(A)(1)(a), (e), (f), (j), and (k). On each of those fronts, however, the Applicants have not met their burden.

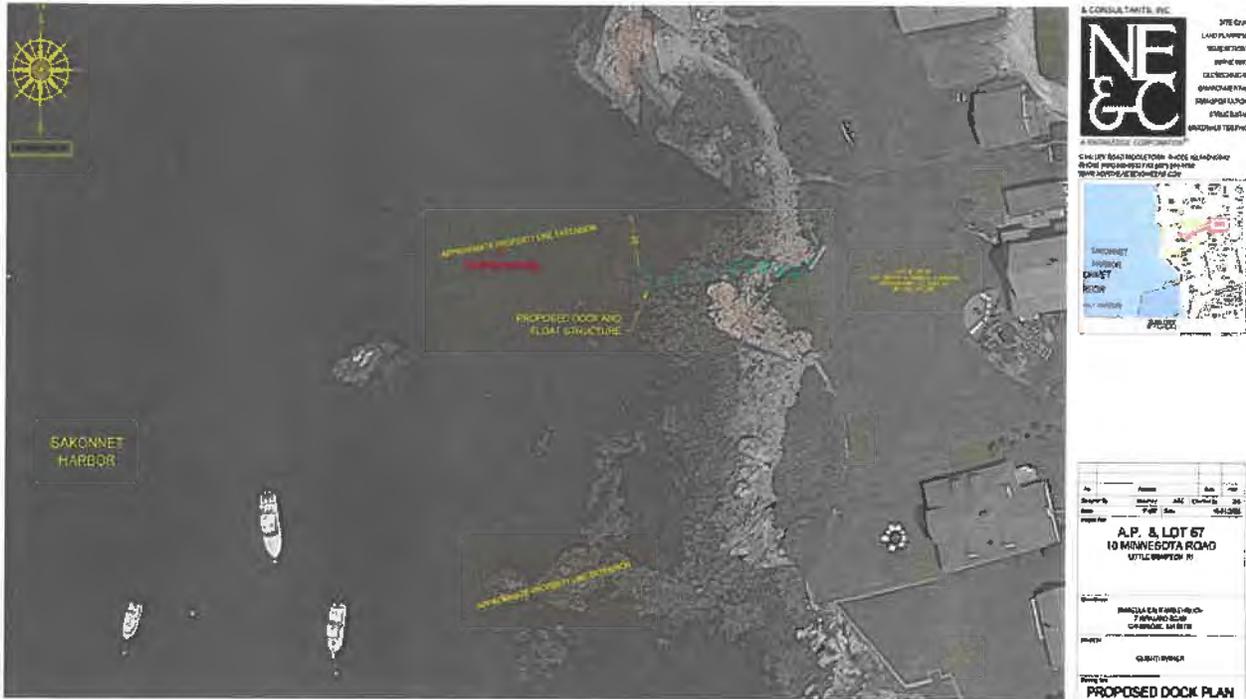
First, the Applicants have not demonstrated the need for this Dock. *See* 650-RICR-20-00-1.3.1(A)(1)(a). According to the Applicants, the purpose of the Dock is to access the water safely, namely to allow for swimming and fishing from a sea kayak. *See Exhibit A*. The safety concerns inherent with the Dock, including those raised by the Town’s Harbor Commission, have been noted above. *See also Exhibit B*. But with respect to the purported need, here, safe access to the Sakonnet Harbor is already well within the Applicants’ reach. For example, the Sakonnet Yacht Club already provides a safe, affordable, and accessible access point to the water, which, notably, is located just a short walk south from the Property. And even if the Applicants may not intend to allow renters to use the Dock—which remains unclear—there is no guarantee that a future owner will not expand its use. With access to the water already available to the Applicants, who are members of the Sakonnet Yacht Club, they have not carried their burden to demonstrate a need for the Dock. In this way, the Application does not meet the first of the Category B requirements.

Second, the Applicants have not demonstrated that the Dock “will not result in significant impacts on the abundance and diversity of plant and animal life[.]” *See* 650-RICR-20-00-1.3.1(A)(1)(e). As discussed above, the Dock itself—along with the work required to construct it and the potential use for docking boats—raises concern about the significant impacts to SAV in the area. *See also Exhibit B* at 1, § (2)(B). The absence of testing for eelgrass during peak biomass, coupled with the need to drill to construct the Dock, is evidence that the Application has not satisfied the Category B requirement set forth in Section 1.3.1(A)(1)(e) of the Red Book.

Third, the Applicants have not met their burden to demonstrate that the Dock “will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore[.]” *See* 650-RICR-20-00-1.3.1(A)(1)(f). It is well known that the members of the public—from divers and swimmers to sight-seers—traverse along the eastern shore of the Sakonnet Harbor. And that is not only consistent with their constitutional right to do so, but also the CRMC’s statutory and regulatory charge. *See* R.I. Const. art. 1, § 17 (“The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in



the sea and passage along the shore; and they shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values[.]”); *see also* R.I. Gen. Laws §§ 46-23-1(a)(1), (2); 650-RICR-20-00-1.3.6. This Dock, however, would completely obstruct that constitutionally guaranteed public access to and along the shore. The proposed plan for the Dock makes that abundantly clear, with a proposed structure intended to begin on the Property and extend outward across the public shore:



That, without more, is evidence that this Dock has more than just a potential for significant adverse impacts on public access to and along the shore, *see* 650-RICR-20-00-1.1.6(G)(1)(c)(7), and demonstrates that this Application has failed to meet another of the Category B requirements, *see* 650-RICR-20-00-1.3.1(A)(1)(f).

Fourth, the Applicants have failed to demonstrate that the Dock “will not result in significant conflicts with water dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce[.]” *See* 650-RICR-20-00-1.3.1(A)(1)(j). As the Town’s Harbor Management Plan observes, “Sakonnet Harbor is a focus of economic and recreational activity in the community. It is the sole location in the Town of Little Compton that provides facilities for commercial fishing and recreational boating and is one of two general locations for shellfishing.” *See* Harbor Management Plan of the Town of Little Compton at § I(a), *available at* <https://webgen1files1.revize.com/littlecomptonri/Documents/Department/Harbor/Harbor%20Management%20Plan%202010.pdf>. “Dock, moorings, commercial and recreational boating, water-oriented business, the yacht club, the point club, a public boat launching ramp, a State-protected tidal wetland, an undeveloped barrier beach, a scenic seacliff, clean waters, swimming, fishing, shellfishing and a variety of permanent and seasonal residences combine to make the harbor a center of local activity and an area of charm and natural beauty.” *Id.*; *see also* <https://www.littlecomptonri.org/departments/harbor.php> (noting that Sakonnet Harbor is also



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“home to the Sakonnet Yacht Club (SYC) with its very busy sailing school as well as the Sakonnet Point Club (SPC) with its marina and dry boat storage. There [are] well over one hundred private moorings along with two transient moorings that can accommodate vessels up to forty feet. Visiting mariners should be aware of local fish traps extending outward from shore many hundred feet and may pose to be a hazard at night or in foggy conditions”). In short, “Sakonnet Harbor is the site for a variety of water related activities, including recreational boating, commercial fishing, swimming, scuba diving, and sailboarding.” See Harbor Management Plan of the Town of Little Compton at § II(M).

Against that backdrop, and consistent with many of the objections that have been submitted, this Dock will only constrict an already dense area that is used for all sorts of uses, from boating, swimming, sailing, paddling boarding, and kayaking to navigation and commerce. For this reason, as well, the Application does not meet all the Category B requirements. See 650-RICR-20-00-1.3.1(A)(1)(j).

Finally, and on a related note, the Applicants have not demonstrated “that measures have been taken to minimize any adverse scenic impact[.]” See 650-RICR-20-00-1.3.1(A)(1)(k). Sakonnet Harbor “looks and feels like the quintessential New England harbor.” See <https://www.littlecomptonri.org/departments/harbor.php>. This Dock will detract from the careful planning that has long protected Sakonnet Harbor’s eastern shoreline, to the north of the Sakonnet Yacht Club. Out of a longstanding respect for that shoreline—and its scenic value—there are no private docks in this area. This should not be the first.

For those reasons, the Town respectfully lodges this substantive objection to the Application and requests that this matter be deemed a contested case and scheduled for a public hearing before a Subcommittee or hearing officer.

Respectfully Submitted By,
The Town of Little Compton,
By its Attorneys,

/s/ Dean J. Wagner

/s/ Edward D. Pare III

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ENTRY OF APPEARANCE

Before the Rhode Island Coastal Resources Management Council

IN THE MATTER OF:

FILE NO. 2025-07-044

Timothy & Isabella Ehrlich
 (Name of Applicant)

I, Dean J. Wagner, hereby enter my appearance as attorney of record on
 behalf of The Town of Little Compton.

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

/s/ Dean J. Wagner, Esq.
 (Signature)

Savage Law Partners, LLP
 (Business Address)
564 South Water Street

Providence, RI 02903

Date: November 21, 2025

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 (Phone Number)



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
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ENTRY OF APPEARANCE

Before the Rhode Island Coastal Resources Management Council

IN THE MATTER OF:

FILE NO. 2025-07-044

Timothy & Isabella Ehrlich

(Name of Applicant)

I, Edward D. Pare III, hereby enter my appearance as attorney of record on behalf of The Town of Little Compton.

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

/s/ Edward D. Pare III, Esq.

(Signature)

Savage Law Partners, LLP

(Business Address)

564 South Water Street

Providence, RI 02903

Date: November 21, 2025

401-238-8500

(Phone Number)

Exhibit A

Comm 41

TIMOTHY & ISABELLA EHRLICH

Little Compton Town Council
Attn: Patrick A. McHugh
40 Commons St
Little Compton, RI 02837

RECEIVED NOV 04 2025

VIA EMAIL

November 3, 2025

Dear Little Compton Town Council-

We are submitting this letter for your consideration in regards to our plans to install a dock on our property at 10 Minnesota Road in Little Compton. Certain individuals have questioned our motivation for installing the dock and we would like to clarify that.

Several years ago Isabella's 80 year old mother broke her sternum and her father had the first of two knee replacements. Her mother swims laps every day for exercise and her father fishes from a sea kayak. Getting into the water for them over the extended stretch of rocks in front of our home in Little Compton during the month of August that they reside there has become increasingly challenging and dangerous for both of them, as well as for our younger children who are still learning to swim. With the above in mind, we decided to consider installing a dock to assist our family in accessing the water in front of our home.

Having first confirmed with legal counsel that the right to install a dock would fall squarely within our riparian rights, we have worked diligently with Northeast Engineers over several months to develop a dock plan that would be as discrete as possible and which is designed to preserve the natural character of the waterfront, while still providing reasonable access to the water for our family members. We have also spent time and significant financial investment mapping the underwater systems (the results of which were submitted to CRMC as part of our application) to ensure limited disturbance of the local ecology. It is also worth noting that our proposed dock would be significantly shorter and less visible than the prior dock which existed on the property for decades until it was washed away in a storm in the 1930s. Evidence of the prior dock still remains on the rocks in front of our home and the scale of the dock is clearly visible in a 1981 Army Corps of Engineers Survey.

Again, the intention is to enable access to the water in front of our home, which is within our riparian rights, so that our family, friends and guests can enjoy it safely.

Thank you for your consideration.

Sincerely,

Tim and Isabella Ehrlich



Exhibit B

Town of Little Compton Harbor Commission

14 November, 2025

To: Little Compton Town Council
From: Little Compton Harbor Commission

Subject: Recommendation to Object to private dock presented in CRMC file 2025-07-044.

1. On Thursday 13 November the Harbor Commission examined the subject CRMC construction assent application. We heard testimony from a number of residents objecting to the project on a variety of grounds. In the interests of informing the Town Council vote a stenographer was present to capture details of the conversation. After receiving these inputs, allowing some summary discussion with the attorney of the applicants and discussing its own concerns, the Harbor Commission voted unanimously to recommend the Town Council Object to this application and request CRMC deny assent.
2. We recommend the Town Council consider the following factors in reaching your decision on this application
 - A. The location is completely unsuitable for construction. The CRMC has invested heavily in developing predictive models of coastal storm vulnerability and recommends them as a first step in construction planning. Their STORMTOOLS application provides the most dire Coastal Environmental Risk Index of Extreme Structural Risk Potential for the Eastern side of Sakonnet harbor where this project is proposed (figure enclosed). This CRMC guidance is consistent with recommendations of our Harbormaster, Assistant Harbormaster, the commercial fishermen and the sporting sailors who have testified based on decades of local knowledge of the harbor that our heavy northerly weather will obliterate the proposed structure. Given the Town's near term need to work closely with CRMC and the US Army Corps of Engineers to rework the breakwater, it would be particularly inappropriate for the Town to ignore the guidance on maritime construction risk CRMC provides.
 - B. The location is extremely complex to build within, and the environmental impacts are understated. The required Submerged Aquatic Vegetation (SAV) survey provided by the applicant's engineering firm admits that the entire construction area is underlain with ledge. This would preclude pile driving and require drilling to set piles, greatly increasing the environmental jeopardy this project presents. We are concerned the SAV survey was conducted in late September when eelgrass had been subject to late summer heat and storms, and the majority of larval activity was long diminished. Additionally, limited and complex shoreside access may lead to a need for construction from a barge, in fair weather, further shadowing SAV and subjecting it to sedimentation during the most important time of the maritime lifecycle.
 - C. The rental nature of this property greatly increases risk in the harbor. A majority of public input concerns risk to the harbor community from renters of this Short Term Rental property. The Harbormaster, the responding community of interest and Harbor Commission share a concern that exposed Sakonnet Harbor can be particularly deceptive in how quickly trouble can develop, and renters will be unprepared for the natural hazards as well as for the density of small craft and adolescent boaters in their immediate vicinity. The Harbor Commission and many letter writers have safety concerns over inexperienced renters in this uniquely crowded and challenging maritime environment. It appears the Counsel for the applicant misinterprets these concerns as simple bias against out-of-towners, which is not our position.

- D. We cannot see a compelling need for this dock. CRMC Category B Assent criteria have as a first step, establishing need. Testimony and letters from the applicants indicate they have no boat, and they did not intend the dock to be a rental feature. But future use by future owners needs consideration. Testimony from the Sakonnet Yacht Club reveals all the waterfront access and safety assurances sought by the applicant family can be met by the SYC. The town also welcomes all manner of small craft and waterfront access at the more protected harbor beach. We do not argue against the riparian rights. We simply cannot see a compelling need.
- E. A number of complex legal issues exist with this first non-professionally managed private dock that would enter the harbor environment. Public domain, harbormaster authorities overlap private property and riparian rights claims. We recommend the Town include in its response to CRMC that any assent would need to be accompanied with a substantial set of constraints imposed on the facility's operations, which the Town insists be developed in full with legal authorities established prior to CRMC assent.

3. The Harbor Commission has requested Attorney Dean Wagner prepare to support the Town Council in generating a formal reply to CRMC immediately following your vote on 20 November.

Respectfully

Harbor Commission
 Ben Gauthier, Chair
 Chris Brady
 Tom Grimes
 Margaret Manning
 Gary Mataronas Jr.
 Greg Mataronas
 Ian Parente

