

Oliver Allamby

From: Amy Silva
Sent: Thursday, January 8, 2026 8:30 AM
To: Cstaff
Subject: FW: CRMC 2025-07-044 Type 5 water compliance letter
Attachments: CRMC Response Letter with Exhibits.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Oliver

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From: Laura Miguel <lmiguel@crmc.ri.gov>
Sent: Wednesday, January 7, 2026 4:02 PM
To: Jeff Willis <jjwillis@crmc.ri.gov>; Rich Lucia <rlucia@crmc.ri.gov>; Amy Silva <asilva@crmc.ri.gov>
Subject: FW: CRMC 2025-07-044 Type 5 water compliance letter

FYI. This concerns the dock in Little Compton that has received many objections.

Laura Miguel, Deputy Director
Coastal Resources Management Council
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From: Christopher McNally <CMcNally@srt-law.com>
Sent: Wednesday, January 7, 2026 3:04 PM
To: Laura Miguel <lmiguel@crmc.ri.gov>; Anthony Sawaia <asawaia@crmc.ri.gov>
Cc: izzyce@gmail.com; Timothy H. Ehrlich <tehrlich@gunder.com>
Subject: CRMC 2025-07-044 Type 5 water compliance letter

Anthony and Laura,
Please find the requested Type 5 compliance response letter with additional Engineering Diagrams related to this assent request.
Kindly let me know should you need anything further from the applicant prior to making your decision on this assent.

Respectfully submitted,

Christopher J. McNally, Esq.
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**Applicant Advisory Memorandum to the Coastal Resources
Management Council**

CRMC File No. 2025-07-044

Property: 10 Minnesota Road, Plat 8 Lot 67, Little Compton, Rhode Island

Project: Residential Boating Facility (Pier-Gangway-Float)

January 7, 2026

I. Purpose of This Advisory

This Applicant Advisory Memorandum is submitted to assist the Coastal Resources Management Council in its review of the applicants' pending assent request for a Residential Boating Facility ("Dock") at their property located at 10 Minnesota Road in Little Compton, Rhode Island. This assent has drawn a surprising amount of local public interest and written commentary against the application, presumably in an attempt to dissuade the applicants from pursuing their application or prevent the Dock's assent application approval. Public comment has broadly focused on two recurring concerns: (1) alleged increases in non-resident use of Sakonnet Harbor, and (2) alleged storm damage or debris risk posed by the Dock. This memorandum addresses the concerns raised by residents of Little Compton as well as the request from CRMC staff to demonstrate the Dock's compliance with Type 5 waters in accordance with the Rhode Island Coastal Resources Management Program (the "Red Book" See, 650-RICR-20-00-1; also known as Red Book Section 300.4).

II. Regulatory Context and Applicable Red Book Standards

The project site is the applicants' waterfront home adjacent to Sakonnet Harbor, a body of water that CRMC classifies as Type 5 water - Commercial and Recreational Harbor Use. Type 5 waters are considered waters adjacent to waterfront areas that support a variety of tourist, recreational, and commercial activities. Development such as dredging and shoreline alterations is anticipated to support intensive use. (See Red Book section 200.5.A). CRMC's policy for Type 5 waters is, amongst other criteria, to accommodate a mix of commercial and recreational boating activities, including residential boating facilities, provided that navigation, public trust interests, and water quality are protected.

Red Book §300.4 requires applicants for new residential boating facilities to demonstrate compliance with the Red Book criteria for the designated water type at the applicants' property and demonstrate a compelling need where safe and reasonable access to navigable waters cannot be achieved without a modest access structure. This determination is site-specific and evaluates shoreline conditions, safety, and feasibility of alternatives.



A. Water-Dependent Use (§200.1, Type 5 Policies)

A residential pier–gangway–float is a water-dependent use that directly supports recreational boating, one of the primary uses contemplated for Type 5 waters. This project is a small Dock specifically serving residential upland property for the sole purpose of safely accessing the water adjacent to the property. This is exactly the type of residential /recreational boating activity intended for Type 5 waters.

B. Compelling Need and Physical Shoreline Constraints (§300.4)

The shoreline at 10 Minnesota Road in Little Compton consists of rocky, uneven intertidal terrain with significant tidal fluctuation. There is no beach or gradual slope capable of supporting safe vessel boarding. The applicants have made it clear, during multiple open meetings before the Little Compton Town Council and the Little Compton Harbor Commission, that their young children and elderly parents have struggled to safely access the water and kayak from the upland property. The conditions at the property preclude safe access to suitable water depth for swimming or launching a kayak or small boat absent a Dock such as the one proposed by the applicants. Accordingly, the applicants have satisfied the compelling need criteria of §300.4 in their request to wharf out from their coastal property.

C. Lack of Feasible Alternatives (§300.4)

Alternatives to the proposed/ requested Dock are not viable at this site given the topography and geology found here. As described above, the rocky shelf and rocky shoreline adjacent to the property precludes safe access to the water without the requested Dock. CRMC’s Red Book §300.4 does not require applicants to rely on unsafe or impractical access methods where a Red Book compliant structure can provide safe access.

III. Conformity with Type 5 Commercial and Recreational Harbor Policies.

Red Book policies governing Type 5 waters prioritize recreational boating access, berthing, and harbor use efficiency while safeguarding navigation and existing commercial activity.

Red Book §300.4 requires residential boating facilities to be designed to withstand coastal storm conditions and to be certified by a Rhode Island licensed Professional Engineer. All structural components of the proposed Dock have been designed for a minimum 50-year storm event, including wind, wave, and hydrodynamic loading, as required by §300.4 and standard CRMC engineering review practices.

The proposed design for the Dock, as provided by Northeast Engineers and submitted to CRMC with the application, is for a narrow-fixed pier kept low to the ground with designated stairs added by the applicants in direct response to public comments concerning lateral shoreline access, a 16-foot gangway, and a 6-by-12-foot (72 square

foot) float. These dimensions are substantially below the maximum terminal float size commonly allowed under §300.4 and represent the minimum facility necessary to meet the applicants' demonstrated need. Furthermore, the Dock is well inside the CRMC minimum setbacks from Federal Channels and established mooring fields and other design criteria listed in §300.4 for residential Boating facilities.

Navigation and Harbor Compatibility (§300.4(C))

This proposed Dock remains close to shore, extending only forty feet (40') seaward from MLW, terminates almost two hundred and forty feet (239') from the Sakonnet Harbor mooring field boundary, is sixty nine feet (69') from the nearest mooring (which is the applicants' mooring), terminates well short of recognized navigation channels in the harbor, and will not interfere with commercial fishing or municipal harbor operations. The Dock terminates well inside CRMC setback/ buffer requirements. See Exhibit A, Dock Plans S1 and S2.

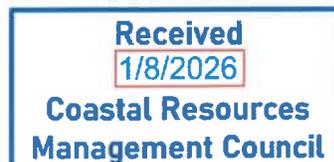
The Little Compton/ Sakonnet Harbor Management Plan does not list specific setbacks or buffer zones for Docks but rather contains six primary goals: 1. to fully protect the ecological and environmental resources of the harbor and the Sakonnet Point area; 2. to preserve fishing and recreational boating as viable traditional and compatible economic activities in Sakonnet Harbor; 3. to maximize the safety and efficiency of overall harbor activities; 4. to provide a system of dedicated funding from user fees to properly manage and properly maintain the public activities carried out at Sakonnet Harbor; 5. to provide adequate parking for residents, their guests and coastal visitors including parking for boat trailers; and 6. to maintain legally established public rights of way to provide all Little Compton town residents access to the water. (See, Sakonnet Harbor Management Plan). The Sakonnet Harbor Management Plan also incorporates, directly and by reference, the CRMC guidelines. Given that the Dock plans comply with the CRMC §300.4 requirements, the Dock plan should also be deemed compatible with the goals of the Sakonnet Harbor Management Plan.

IV. Response to Recurring Public Concerns

There has been significant public interest/comment regarding this proposed Dock that have spanned a wide array of concerns. Two primary recurring objections have been raised, namely increased non-resident utilization of the Sakonnet Harbor and storm damage risk. A third objection, interference with swimming, was also raised during public meetings. All of these objections are addressed below.

A. Use of Sakonnet Harbor

This application is consistent with Rhode Island's public trust doctrine, under which the State holds tidal waters in trust for public rights of navigation, fishing, and commerce, while permitting reasonable, regulated, water-dependent private uses that do not



substantially impair those rights. The Rhode Island Supreme Court has long recognized that the public trust doctrine does not prohibit private structures in tidal waters per se but instead requires that such uses remain subordinate to public trust purposes and subject to state regulation (*State v. Ibbison*, 448 A.2d 728 (R.I. 1982)).

The proposed residential recreational boating facility advances the core public trust purpose of navigation by providing safe, controlled access to navigable waters from the upland parcel in a harbor expressly designated for commercial and recreational boating. The applicants, as a coastal property owner (riparian property) abutting Type 5 waters, would typically be afforded the right to wharf out to access navigable water under this doctrine so long as doing so does not conflict with other uses also protected under the doctrine. The Dock, as proposed, does not exclude the public, obstruct navigation, displace moorings, or convert public waters to exclusive private use. Rather, it represents a limited, conscientiously designed, water-dependent access structure, appropriately scaled and fully subject to CRMC oversight and enforceable conditions. The applicants' residency and the objectors desire to impose restrictions on who may access and enjoy the State's waters and harbors are not approval criteria under the CRMC rules and guidelines. On the contrary, the CRMC's rules and guidelines are intended to preserve and promote access for all citizens. Sakonnet Harbor is not reserved for the residents of Little Compton; the public trust doctrine preserves the public's rights to access and enjoy the waters of the State of Rhode Island. The objectors stated concerns that non-residents will have access to "their harbor" are unfortunately misinformed as to whom the public trust doctrine applies and protects.

B. Storm Damage Risk

Storm damage risk is managed and controlled by the engineering standards and enforceable conditions imposed by CRMC. The design presented by Northeast Engineers comports with the CRMC design criteria for Recreational Boating Facilities. Public comments have been based upon speculation and suggestions from the community that the structure will become a hazard in the event of a significant weather event.

While there is significant northerly wind wave exposure in Sakonnet Harbor, the shoreline at 10 Minnesota Road faces generally West-Southwest across the protected basin of Sakonnet Harbor, with storm-wave exposure moderated by harbor geometry and the Sakonnet Harbor breakwater. This orientation means that nor'easter wind directions (NE-ENE), which objectors frequently cite, are largely offshore at this location and do not create the long, uninterrupted over-water wind corridor associated with "excessive fetch." Rhode Island's predominant wind direction is South-Southwest, meaning that the harbor breakwater provides substantial protection. While southerly-sector winds can generate waves in the harbor, the project's restrained, nearshore design—96' total length, terminating 40' seaward of MLW, with a 6'×12' (72 sq. ft.) float—keeps the facility

within the lower-energy nearshore margin rather than extending into deeper, higher-energy areas. Accordingly, wave exposure at this location is characteristic of a working Type 5 harbor and can be adequately addressed through standard CRMC engineering and assent conditions and does not constitute “excessive fetch.” See Exhibit B, Fetch Determination S-1.

C. Swimming

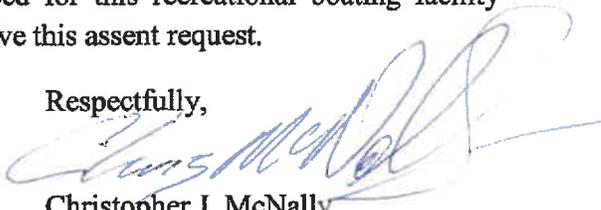
Some members of the Little Compton community expressed concerns that this project would interfere with their ability to swim in Sakonnet Harbor because the Dock would extend into the harbor and interfere with their swimming lanes. Examination of the engineering drawings provided in “Exhibit A” demonstrates the folly of this position. The Dock as designed does not extend into what could reasonably be considered “a swimming lane”, the waters immediately south of the Dock are shoal and replete with boulders extending significantly further west (into the Harbor) than the proposed 6’x12’ floating dock. The Dock is well inshore of the boulder field and will have no meaningful negative impact on members of the public who might choose to swim in this section of the harbor.

V. Summary

This Recreational Boating Facility Assent Application is for a small, conforming Dock located in Type 5 waters of Sakonnet Harbor in Little Compton, Rhode Island. The application is fully conforming and promotes the intended uses of CRMC Type 5 waters. It also supports the Sakonnet Harbor Management Plan’s priority uses of supporting recreational activity in the harbor. The Dock does not interfere with or displace commercial fishing or navigation, does not introduce any new sources of discharge, has no impact on wetlands or submerged aquatic vegetation (see SAV study included with this application) and maintains public and scenic values. Based on the foregoing, the applicable Red Book standards and the Dock’s engineering design, the applicants respectfully submit that a compelling need has been demonstrated under §300.4 and that the Dock conforms to the policies governing Type 5 waters. Approval of this application is consistent with the State’s public trust obligations as articulated in *Ibbison* because it facilitates lawful navigation and recreational boating while preserving the primacy of public rights in Sakonnet Harbor and the riparian rights of the applicants. Accordingly, since the proposed application is conforming with CRMC guidelines and policies and the applicants have demonstrated a compelling need for this recreational boating facility assent, we respectfully request the council approve this assent request.



Respectfully,


Christopher J. McNally

Received
1/8/2026
Coastal Resources
Management Council



Sayer Regan & Thayer, LLP
ATTORNEYS AND COUNSELLORS AT LAW

Exhibit A

**NORTHEAST ENGINEERS
& CONSULTANTS, INC.**

SITE/CIVIL
LAND PLANNING
WATERFRONT
SURVEYING
GEO-TECHNICAL
ENVIRONMENTAL
TRANSPORTATION
STRUCTURAL
MATERIALS TESTING



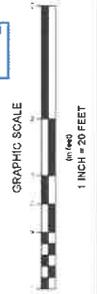
A KNOWLEDGE CORPORATION
6 VALLEY ROAD MIDDLETOWN, RHODE ISLAND 02842
PHONE (401) 846-2370 FAX (401) 846-4165
WWW.NORTHEASTENGINEERS.COM



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|---|--|------|------------|
| No. | Author | Date | App. |
| Designed By | Drawn by | AID | Checked by |
| Scale | 1"=10' | Date | 11-20-2002 |
| Project Title | A.P. 8, LOT 67 10 MINNESOTA ROAD LITTLE COMPTON, RI | | |
| Client/Owner | ISABELLA CALIFANO EHRICH 100 WASHINGTON STREET CAMBRIDGE, MA 02138 | | |
| Drawn for | CLIENT/OWNER | | |
| Drawn by | PROPOSED DOCK PLAN MOORING AERIAL VIEW | | |
| Drawing Number | S1 | | |
| Sheet | 1 of 2 | | |
| Project Number | 25039 | | |
| Survey Year | 10 - 8 - 67 | | |
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- NOTES
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Exhibit B

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**NORTHEAST ENGINEERS
& CONSULTANTS, INC.**

SITE/CIVIL
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| Designed By | AED | Checked By | DS |
| Scale | 1"=10' | DIN | 11-20-2005 |
| Printed Title | A.P. 8, LOT 67 10 MINNESOTA ROAD LITTLE COMPTON, RI | | |
| Client/Owner | ISABELLA LOUIS AND BERLICH 100 WASHINGTON STREET CAMBRIDGE, MA 02138 | | |
| Drawn for | CLIENT/OWNER | | |
| Drawn Title | PROPOSED DOCK PLAN EXCESSIVE FETCH DIST. | | |
| Drawing Number | S1 | | |
| Sheet | 1 of 1 | | |
| Project Number | 25039 | | |
| Sheet No. | 10 - 6 - 07 | | |
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