

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Monday, April 1, 2013 at 5:15 p.m. in Conference Room A, Administration Building, One Capitol Hill, Providence, RI.

Members Present

Paul Lemont, Vice Chair
Raymond Coia
David Abedon
Donald Gomez
Jerry Sahagian
Tony Affigne
Guillaume deRamel
Michael Hudner
Robert Ballou, RIDEM

Staff Present

Grover Fugate, Executive Director
Kenneth Anderson, Spv Engineer
William Mosunic

Brian Goldman, Legal Counsel

1. CALL TO ORDER

Vice Chair Lemont called the meeting to order at 5:15 p.m.

Brian Goldman announced that he had received requested photographs from Attorney Prentiss and provided the members of the Council with a copy.

2. Application before the Full Council in accordance with Remand Order from the Rhode Island Superior Court:

2003-05-155 CHAMPLIN'S REALTY ASSOCIATION -- Expansion of existing marina facility consisting of an additional 2,990 linear feet of fixed pier, and 755 linear feet of floating docks, with corresponding expansion of existing marina perimeter limit (area) by approximately 4 acres, however, it should be noted that the requested marina perimeter limit ("MPL") seeks approximately 13 acres. The stated increase in marina capacity is 140 boats. Additionally, this matter was consolidated with the Town of New Shoreham's request for CRMC approval of its Harbor Management Plan. The Harbor Management Plan issues were limited to the location and size of Mooring Field E. Project to be located at plat 19; lots 5 and 6; West Shore Road, New Shoreham, RI.

Mr. Goldberg began by calling Mr. Grillo to clarify that Mr. Grillo was willing to accept the subcommittee's recommendation. This was objected to by opposing Counsel Prentiss and Elmer. Mr. Goldberg made an offer of proof that Mr. Grillo repeatedly confirmed that he would accept the subcommittee's recommendation of the five members which was a 170' expansion out into the pond with a 25' limitation beyond that. Mr. Goldman clarified that there was a subcommittee recommendation and a "finding of fact of the five members support" to the denial of the application which was recognized by the Supreme Court as only findings of fact. Mr. Elmer clarified his objection stating that the application was before the Council in remand from Superior Court looking at matters pertaining to equal protection and disparate treatment. Mr. Elmer clarified that he objected on the basis that Mr. Goldberg's statement was irrelevant to the remand criteria.

Mr. Goldberg called John Winsom as witness. Mr. Winsom was sworn in and identified himself for the record as the dockmaster at Champlin's Marina. Mr. Winsom clarified his job specifications and that he had been the dockmaster since 2005. Mr. Winsom testified to the: job specifications of a dock hand as being responsible for helping boats to get in and out quickly and safely; that he was familiar

with the Great Salt pond; that he was familiar with the operations at both Payne's and the Block Island Boat Basin and that they were competitors; to the means of communication with the boats and customers. Mr. Winsom answered questions about the locations of marina based on exhibit 11-16-3 in regards to boat traffic patterns. Mr. Winsom stated that there are times when the area gets congested because the boats need to go past Payne's to get to Champlin's. Mr. Goldberg questioned Mr. Winsom using Exhibit 2-26-4 full (photograph) regarding boat traffic patterns in relation to the mooring field. Mr. Winsome described the services of Champlin's and Payne's marinas which are similar except for shower and bathroom facilities and Payne's does not have a dinghy dock. Mr. Winsom answered questions regarding the testimony of the harbormaster and complaints about damage to vessels and operations in front of Champlin's. Mr. Winsom stated that he had not heard of any complaints or damage to vessels. Mr. Winsom testified that at times part of the fuel dock gets closed off for parking larger boats.

Mr. Prentiss cross examined Mr. Winsom regarding the operations of the marina, the work of the dock hands, their typical scheduling during a summer day and how he configures the boats that come in daily. Mr. Winsom testified that during the 10 weeks of summer, he spends the majority of his time at the end of the docks directing boats. Mr. Winsom confirmed that he did not spend as much time on the water as the harbormaster.

Mr. Packer cross-examined Mr. Winsom asking him if he prepared for the meeting by reading transcripts. Mr. Winsom stated that he had read Stephen Land's testimony. Mr. Winsom confirmed that he was the dock master when Chris Willi was the harbormaster. Mr. Winsom stated that the courtesy channel was seldom used and that the testimony of Chris Willi and Mr. Land was inaccurate when they stated that the courtesy channel was opened specifically for access to Champlin's so boats are kept away from the mooring field.

The briefing schedule was set up with Mr. Goldberg doing the first brief within forty days (May 10th) with the answering briefs within 30 days (June 10th), and then the reply from Champlin's on June 24th.

Vice Chair Lemont thanked the members of the Council for their patience in hearing the matter and the Counsel on both sides for a job well done.

3. ADJOURN

Vice Chair Lemont adjourned the meeting at 5:50 p.m.

Respectfully submitted,

Lisa A. Turner
Recording Secretary