



Mark T. 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.

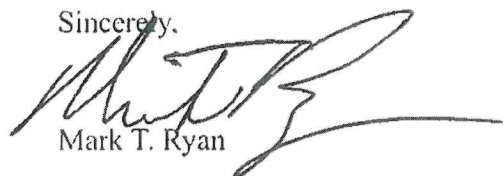
Many concerns were raised when this project was reviewed by the Bristol Harbor Commission by both community members and Commission members. Because of these concerns, a conditional advisory recommendation was submitted to the Town Council, stating that the application meets the criteria of the Bristol 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 compliant; 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". 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>