

AFFIDAVIT OF GREGG MARSILI

I, having been duly sworn, upon oath and of my own personal knowledge, do hereby make affidavit and say that:

1. I am the Harbormaster for the Town of Bristol, Rhode Island.
2. In this capacity, it is my duty to coordinate and administer all activities taking place in the harbors and waterways contingent to the coastal shoreline of the Town of Bristol and within the town's boundaries. These activities include patrolling of the harbors and waterways, enforcement of federal, state and local laws pertaining to activity on these waters, supervision of all moorings within town boundaries whether private or public, maintenance of all docks, wharfs, piers, marinas, moorings and similar structures owned by the town, maintenance of vessels and vehicles owned by the town to carry out these functions, and collection and management of fees for public use of these facilities.
3. I have served in this professional capacity since 2013.
4. I am a 21 year retired veteran of the United States Coast Guard.
5. I have met with representatives from TSL, LLC to discuss the proposal to dock a pool boat at the marina adjacent to their hotel located at 267 Thames Street in Bristol.
6. At that meeting I reviewed the plans and photographs of the proposed pool boat, attached to this affidavit as **Exhibit A**.



STEVEN CONTENTE  
Town Administrator

TOWN OF BRISTOL, RHODE ISLAND  
OFFICE OF TOWN ADMINISTRATOR

Exhibit 2

June 6, 2023

Coastal Resources Management Council  
4808 Tower Hill Road, Suite 116  
Wakefield, RI 02879-1900  
E-Mail [cstaff1@crmc.ri.gov](mailto:cstaff1@crmc.ri.gov)

**Re: 251-267 Thames Street & 539 Hope Street, Bristol, RI**

Dear Sir/Madam:

I serve as the Town Administrator for Bristol, RI. I write in support of TSL, LLC's application for assent to dock their proposed boat that will provide an important pool amenity at the Bristol Harbor Inn, 251-267 Thames Street in Bristol.

This proposed use serves a compelling public purpose that will benefit our public as a whole. The proposed pool is a water-dependent use that offers substantial public, economic gain to the state of Rhode Island. There is no viable, alternative location to construct a pool at the Inn, and the waterfront at this location is otherwise inaccessible for swimming given the marina use. This newfound capacity to swim in our summer heat is exactly the type of amenity that the families we seek to attract to Bristol value when on vacation. The proposed boat will also be an important feature and benefit to Bristol when competing to attract meeting and event business.

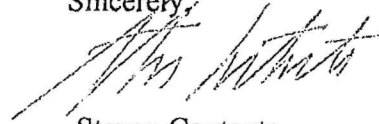
Our town officials have determined that the project is zoning and building code compliant. The proposed boat presents no use conflicts. It will not unreasonably interfere with public access to tidal waters or the shore since it will exist right alongside many other marine vessels. Nor will the boat negatively impact the historic significance of this area. Instead, it will stand as a symbol of Bristol's historic maritime leadership in innovative boat design, building, and use.

The applicant has kept its' residential neighbors updated as to the proposal and are committed to implementing controls that will protect the Town's interests at this location. For example, (i.) to minimize the risk of storm damage it has included a wave fence in it's design elements, (ii) all drinking and substance use will be specifically banned consistent with the intended family environment being created, (iii.) prohibit diving, (iv.) limit the hours of use to daytime hours, and (v.) regulate noise carefully.

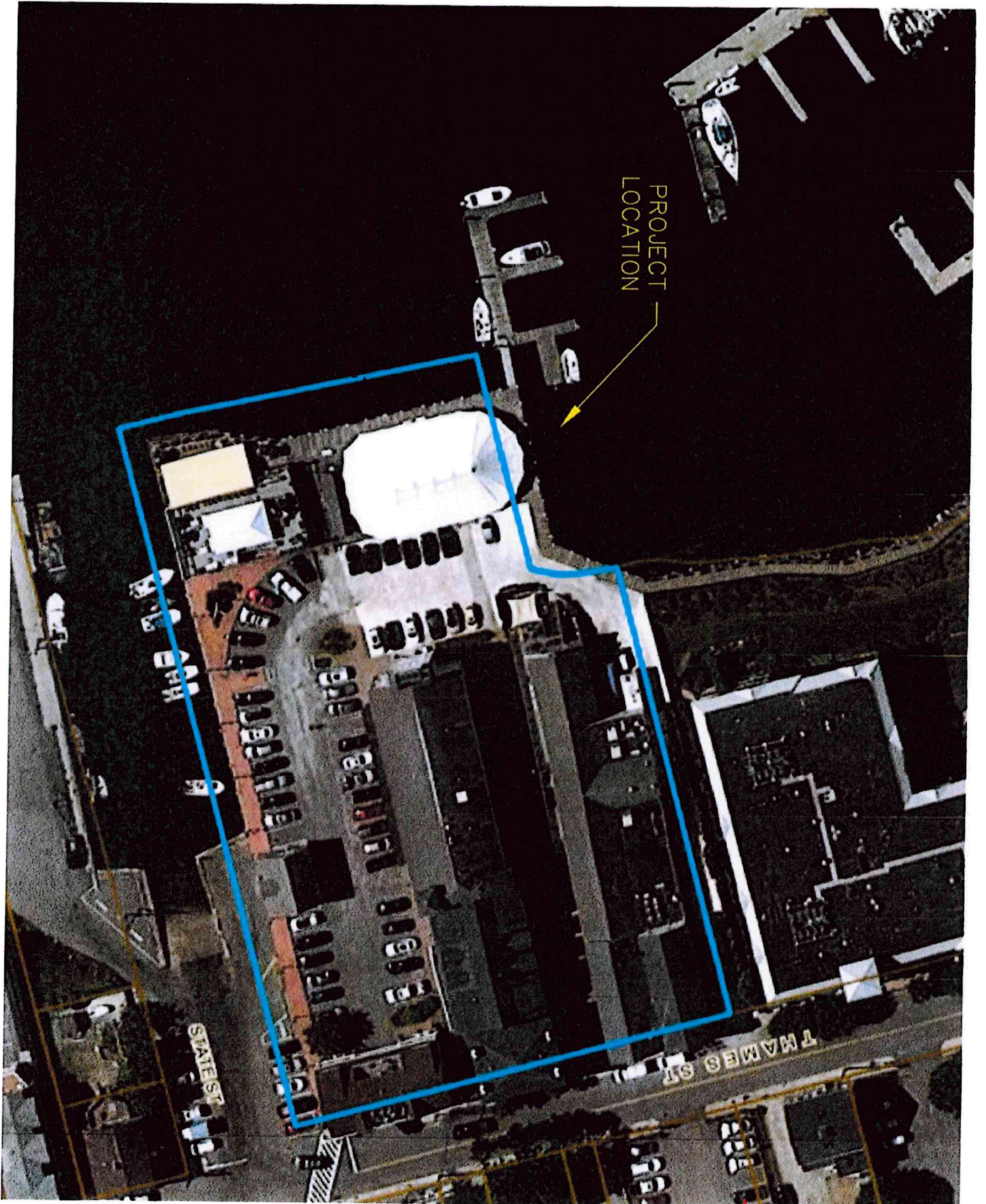
Bristol takes great pride in its beautiful waterfront. This proposed use will only enhance our Town's capacity to use our coastline beneficially for all. Therefore, we strongly support CRMC's assent.

Thank you for your consideration. Please call if you have any questions or would like to discuss the project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven Contente", written in a cursive style.

Steven Contente



PROJECT  
LOCATION

THAMES ST

STATE ST

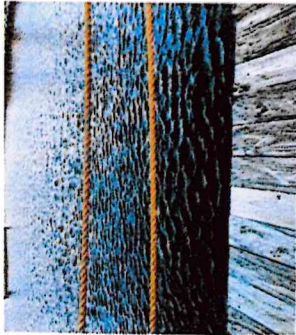


PHOTO #2



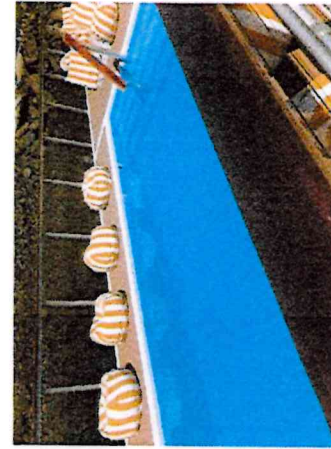
PHOTO #3



PHOTO #4



PHOTO #5

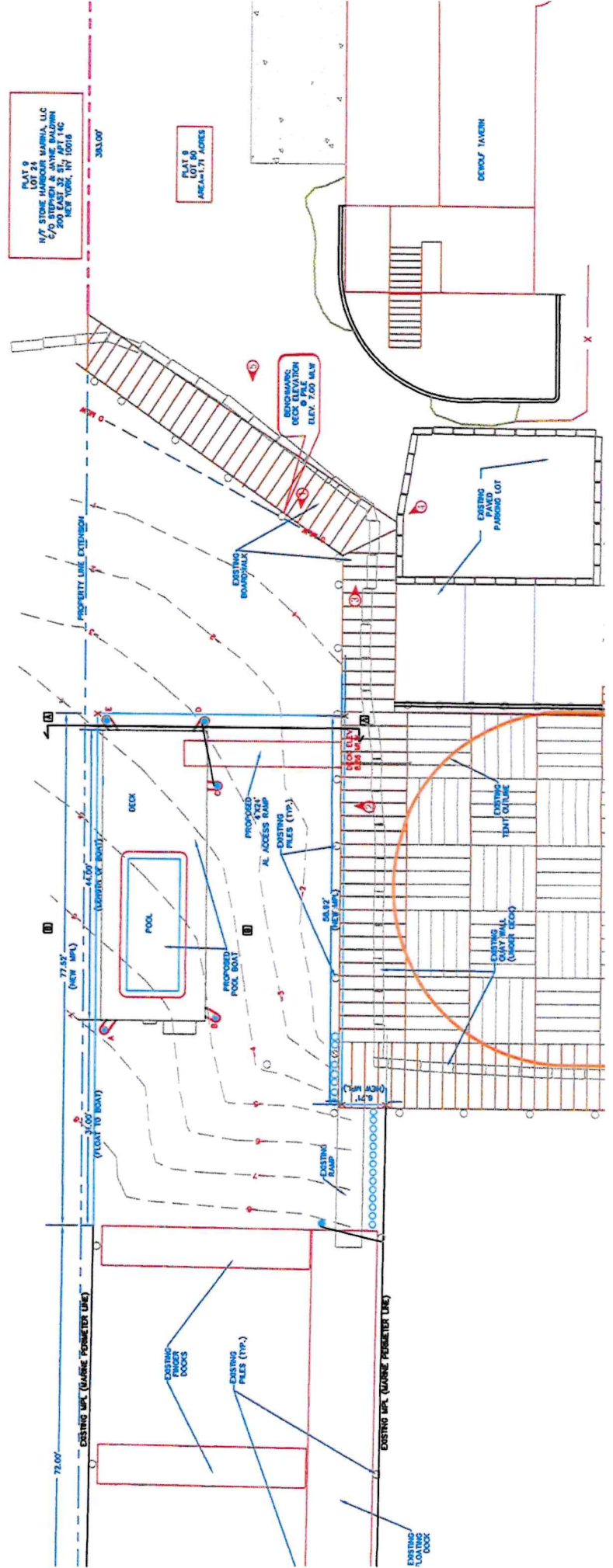


POOL BOAT

POOL BOAT

POOL BOAT

POOL BOAT PHOTOS ARE TYPICAL  
IS PROPOSED IN TERMS OF SIZE,  
CONFIGURATION. PHOTOS ARE FR  
EXISTING INSTALLATION AT ANOTH





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6/14/2024

Mr. Doug Cohen  
President  
Newport Hotel Group  
28 Jacome Way  
Middletown, RO 02842

Dear Doug,

It was good speaking with you the other day. I understand you are considering adding a pool boat amenity in Bristol Harbor similar to the SS Sundaze we built here in Kennebunkport, ME.

It has been 6 years since we launched her and have been very happy with the function of the pool boat and guest feedback. The hotel guests enjoy the passive activity especially during the inevitable heat wave days of summer. Since offering this amenity, we have seen an increase both in our family bookings and the hotel's overall guest satisfaction scores. You mentioned your Bristol neighbor's concerns around noise, raucous behavior and safety. I can share that we have not experienced any issues like that as we have on-site staff regularly check in at the pool and the limited hours keep the late-night crowd away.

I know new ideas can be initially met with concern and skepticism (as happened here in Maine). Now into our 6<sup>th</sup> season, the pool boat is a conversation starter and has become a mainstay of our marina. Let me know if you have any additional questions and good luck.

Kind Regards,



Justin Grimes  
Managing Director  
Yachtsman Hotel & Marina Club  
Kennebunkport Resort Collection



A

**Mark T. Ryan**  
mryan@marlawri.com

June 14, 2024

***Via Electronic Mail***  
Bristol Harbor Commission  
127 Thames St  
Bristol, RI 02809

Re: TSL, LLC Proposed Marina Expansion and Installation of a Pool Boat

Dear Commissioners,

We write to oppose TSL, LLC's proposed expansion to the Bristol Harbor Inn Marina and the installation of a moored pool boat. 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. The proposed marina expansion is significant in size and negatively impacts the Harbor and surrounding property owners, including the unit owners of the Condominium. We urge the Bristol Harbor Commission to oppose this proposal in consideration of the interests of users of the Bristol Harbor (the "Harbor").

Our office is deeply troubled that written support was submitted last year to the Coastal Resource Management Council ("CRMC") by Bristol's Town Administrator and Harbor Master (copies attached). The support documents were submitted without consultation from this Commission or the Town Council and without full investigation into the proposal's ramifications on the Town and the Harbor. The negative impacts of this proposal are being minimized and further investigation into the practicality and safety of this project is needed.

Safety, the proliferation of this use, environmental impact, and access to the marina from a public boardwalk are important considerations. The proposal's subject area often experiences rough water and waves, even at comparatively low wind levels, and this would create a serious safety concern for those on the pool boat and other boaters. Rough waters would create the risk for injury on the pool boat and access ramp, and also create the risk that the pool boat could detach from its moorings and become a hazard in the Harbor. The proposal discusses a wave attenuator, but no details have been provided on this device 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 pool boat is proposed for a location that directly abuts the navigation area for boats exiting the adjacent marina. The pool boat will not be continuously monitored, so there is a risk that

swimmers could enter the Harbor waters, either accidentally or purposefully. 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 unattended swimmers on a pool boat, waves and rough waters, and boats navigating through tight marina areas.

Further, if this proposal is approved, a proliferation of this use in the Harbor would 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 the Harbor.

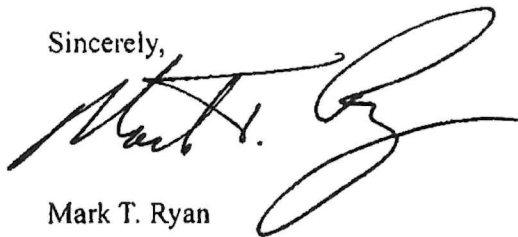
The project has a negative environmental impact because the soil in the proposal area is known to contain contaminants such as arsenic, lead, and PAHs. The proposal area is also subject to an environmental land use restriction (ELUR). The proposal's installation of five (5) additional piles will disturb contaminated soil and introduce hazardous materials into the Harbor's waters. Unnecessary driving of new piles into contaminated soil is a significant environmental risk.

One of the Harbor Commission's directives is to ensure public access to the Harbor waters (Bristol Ordinance Section 8-54 "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.

The risks and negative impacts of this proposal greatly outweigh any benefits and there is a clear question of necessity. This use does not need to be located in the Harbor and alternative locations could be considered for a pool at this property, particularly because the pool itself is only approximately twenty (20) feet by eight (8) feet (160 square feet) with a depth of less than four (4) feet.

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. The applicant has already tried to tip the scales in their favor by procuring support from the Harbor Master and the Town Administrator before neighbors were even aware of this proposal. We urge this Commission and the Town of Bristol to consider the numerous negative impacts on the Harbor and Town and oppose this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark T. Ryan", with a large, stylized flourish extending from the end of the signature.

Mark T. Ryan

AFFIDAVIT OF GREGG MARSILI

I, having been duly sworn, upon oath and of my own personal knowledge, do hereby make affidavit and say that:

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7. I consider the vessel depicted in **Exhibit A** to be a boat that would have to be properly registered and operated as a boat under applicable Rhode Island and Bristol legal requirements.
8. If and when properly registered and operated as a boat, I would allow such a boat to dock at a marina facility as long as it complies with any and all restrictions applicable to all boats docked at that marina.
9. I have not ever referred boats with recreational amenities on them, including but not limited to pontoon boats with jacuzzi tubs on their decks, for Coastal Resources Management Council permitting before docking at Bristol marinas, unless any such vessel might be considered a houseboat or a floating business.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY on this the

13<sup>th</sup> day of June, 2023.

  
\_\_\_\_\_  
Gregg Marsili





STEVEN CONTENTE  
Town Administrator

TOWN OF BRISTOL, RHODE ISLAND  
OFFICE OF TOWN ADMINISTRATOR

June 6, 2023

Coastal Resources Management Council  
4808 Tower Hill Road, Suite 116  
Wakefield, RI 02879-1900  
E-Mail [cstaff1@crmc.ri.gov](mailto:cstaff1@crmc.ri.gov)

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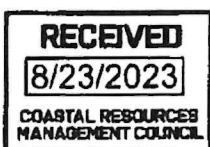
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Thank you for your consideration. Please call if you have any questions or would like to discuss the project.

Sincerely,



Steven Contente



June 17, 2024



Bristol Harbor Commission

I am addressing the Bristol Harbor Commission in my capacity as President of the Stone Harbour HOA. Our 135 residents have documented their collective concerns surrounding TSL LLC's proposal to CRMC to locate a floating pool boat abutting our property to the Bristol Town Council. We will do the same for CRMC.

We have two major issues that come under the purview of the Bristol Harbor Commission,

The first is safety.

We consider the pool boat to be the perfect definition of an "attractive nuisance". It is not a question of whether will someone get hurt mischievously attempting to access the boat after hours, but rather a question of when and how often. This will be just one of the unintended consequences of this proposal.

The CRMC request shows a 24-foot ramp to access the boat. Is that ADA-compliant? Are all the RI Department of Health regulations in compliance?

What is the environmental impact of driving five new piles into the Harbor?

Will the wave attenuator divert water toward our marina, making access and egress more difficult? The President of the Stone Harbour Marina will separately express his member's concerns.

The second concern is the precedent established if this is approved. It would be difficult to object to any additional pool request by a dock owner, whether private or business entities. Does Bristol want to be the catalyst for this possibility?

Concerns have been raised that our objection is "NIMBYism", the acronym for Not in my backyard. A fair accusation. Bristol Harbor is Stone Harbour's backyard. One could make the argument that the Harbor is the backyard for all Bristol residents and the greatest asset. Based on a recent report by U. S. Harbors, Bristol Harbor was recognized as the 5th best harbor in the United States.

We pride ourselves on being good neighbors. On January 26th we conveyed to Goldstein Properties that we had no objection to the Bristol Harbor Hotel's request for a zoning variance which would add 8 rooms. This now seems a curious request since they claim low occupancy as a primary driver for the pool boat. Coupled with the fact, that while we stated that the expansion was good for downtown Bristol, they had in their "back pocket" unbeknownst to us, a request to CRMC, a letter of support from the Town Administrator, and an affidavit from the Harbor Master regarding this "water dependent" vessel. Doesn't appear neighborly to me.

We live in a special town. The foresight of our forebears and the diligence of generations of Bristolians have created and maintained the East Bay

Bike Path, Colt State Park, Blithewold, Mt. Hope Farm, Linden Place, et al.  
Does a pool boat merit being included in this list?

As stewards of Bristol Harbor, we respectfully request that you register your concerns with the Town Council and ask them to withdraw their previous support and file a letter of objection with CRMC.

A handwritten signature in black ink, appearing to read "Howard G. Sutton". The signature is fluid and cursive, with a large initial "H" and "S".

Howard G. Sutton  
President  
Stone Harbour Condominium Association



Mario Barrenechea  
President  
Stone Harbour Marina Association  
345 Thames Street  
Unit 104 N  
Bristol, 02809  
[sh.marina@verizon.net](mailto:sh.marina@verizon.net)  
(774) 452 4007  
June 10, 2024

### **Bristol Harbor Commission**

Dear Bristol Harbour Commission:

Subject: Opposition to Docking Proposal of Pool Boat near Stone Harbour Marina

On behalf of the Stone Harbour (SH) Marina Association in my capacity as President of the Stone Harbour Marina Association, I am writing to express our unanimous opposition to TSL LLC's proposal to dock a pool boat near Stone Harbour Marina, due to safety concerns and perceived value to the Bristol community. The SH Marina Association represents 40 slip owners who pay additional Bristol taxes assessed on their boat slip. Our focus on this letter is on safety and the lack of due warning to perform due diligence studies on impact to the SH Marina infrastructure.

As recreational boaters we share a strong affinity for the rich maritime history and beautiful waterfront aesthetics Bristol offers. Working fishing boats share docks with multimillion dollar yachts and family watercraft along a waterfront populated with private homes, shops and restaurants. From our marina we often see boats from all around Narragansett Bay and nearby Massachusetts queuing up for space at the public docks for a chance to enjoy these cultural attractions. The proposed "pool boat" would do nothing to enhance this character and atmosphere and almost certainly detract from it.

The Stone Harbour Marina is situated in an area where winds, currents, and storm surges are common occurrences, posing a constant risk to boats and Marina infrastructure. The recent addition of the town marina has already caused increased wave deflection to this area and the introduction of a pool boat with an additional wave attenuator would exacerbate these risks considerably. The safety of our marina and its users is our top priority, and we believe that the proposed pool boat installation compromises this safety.

Our marina is already experiencing the damaging effects of the environment, and the introduction of the proposed pool boat and its wave attenuator will only amplify these issues. Without a proper study and safety analysis, we are all taking a huge gamble on detrimental repercussions to the area. Redirecting wave energy poses a significant threat to the structural integrity of the marina, potentially leading to increased maintenance costs and safety hazards.

We respectfully urge TSL LLC'S to reconsider this proposal considering the significant safety concerns and potential negative impacts on the marina. The wellbeing of our marina community and the preservation of our infrastructure are of paramount importance, and we believe that the proposed docking of a pool boat poses unacceptable risks.

Considered together with certain public-safety and marine navigational and accessibility concerns, we respectfully contend that the proposed "pool boat" has no place on the Bristol waterfront.

Thank you for your attention to this matter. We look forward to your understanding and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Mario Barrenechea", with a long horizontal flourish extending to the right.

Mario Barrenechea  
President

Stone Harbour Marina Association



THE SS SUNDAZE MOORED AT THE YACHTSMAN  
HOTEL & MARINA IN KENNEBUNKPORT, MAINE.

PROUDLY CONSTRUCTED IN THE FRONT YARD OF  
DWIGHT RAYMOND'S HOUSE.

THIS IS THE BRISTOL HARBOR INN PROTOTYPE.

