



TOWN COUNCIL MEETING
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Monday, June 16, 2014
7:30 PM

The public is welcome to participate in this Town Council meeting. Open Forum offers citizens the opportunity to clarify an item on the agenda, address items not on the agenda, or comment on a communication or Consent Agenda item. Citizens are welcome to speak to the subject of a Public Hearing, and are allowed to speak at the discretion of the Council President or a majority of Councilors present, or at other times during the meeting, in particular during New or Unfinished Business.

Anyone wishing to speak should use the microphone at the front of the room, stating their name and address for the record; comments must be addressed to the Council, not the audience. It is the Town Council's hope that citizens and Councilors alike will be respectful of each other's right to speak, tolerant of different points of view, and mindful of everyone's time.

I. ROLL CALL

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS, RESOLUTIONS AND PROCLAMATIONS

A) Presentation

- 1) Citizens Police Academy Graduates: Presentation of Certificates by Police Chief Edward Mello and Town Administrator Andrew Nota

IV. PUBLIC HEARINGS, LICENSES AND PERMITS

All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance.

A) Council Sitting a Alcoholic Beverage Licensing Board

- 1) **NOTICE** is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said town, as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, that the following application has been received by the Town Council for an **EXPANSION OF USE** under said Act, for the period May 20, 2014 to November 30, 2014; duly advertised in the *Jamestown Press* April 24th and May 1st editions, **continued from May 19, 2014:**

CLASS B – TAVERN

Plantation Catering, Inc.
dba: Plantation At The Bay Voyage
150 Conanicus Avenue
Jamestown, RI 02835

B) Public Hearings

- 1) Proposed Amendment of the Jamestown Code of Ordinances, Chapter 78 Waterways Article II. Harbor Management Ordinance Sec. 78-21 through Sec. 78-27; duly advertised in the *Jamestown Press* June 5, 2014 edition; continued from May 5, 2014
 - a) Memorandum of Harbor Commission Chair Michael deAngeli
- 2) Proposed Amendment of the Jamestown Comprehensive Harbor Management Plan Chapter I Introduction, Chapter II Jamestown (Conanicut Island) Description, and Chapter III Issues and Implementation, for CRMC compliance; duly advertised in the *Jamestown Press* June 5, 2014 edition; continued from May 5, 2014

C) Licenses and Permits

- 1) One Day Event/Entertainment Licenses
 - a) Applicant: Sally Andreozzi
Event: Hebert-Rissler Wedding
Date: June 21, 2014
Location: Fort Getty Pavilion
 - b) Applicant: Jamestown School District
Event: Jamestown School Graduation Dance
Date: June 24, 2014
Location: Fort Getty Pavilion
 - c) Applicant: Greg Charest dba: Rocket Hogs
Event: Independence Day Fireworks
Date: July 5, 2014
Location: East Ferry
 - d) Applicant: David E. Dolce
Event: Fagan/Dolce Rehearsal Party
Date: July 19, 2014
Location: Fort Getty Pavilion
 - e) Applicant: Scott and Kim Ferguson
Event: Ferguson-Lingerfeit Wedding/Rehearsal
Date: August 28, 2014
Location: Fort Getty Pavilion

D) Affirmation of Licenses and Permits approved administratively

- 1) One Day Event/Entertainment Licenses
 - a) Applicant: Humane Society of Jamestown
Event: Memorial Day Parade annual sale
Date: May 26, 2014
Location: 29 Narragansett Avenue
 - b) Applicant: Conanicut Island Sailing Foundation
Event: Memorial Day Parade raffle ticket sale

- Date: May 26, 2014
- Location: JFD Museum
- c) Applicant: Ashley Finan
- Event: Finan-Pennington Wedding
- Date: May 31, 2014
- Location: Fort Getty Pavilion

V. OPEN FORUM

Please note that, under scheduled requests to address, if the topic of the address is available to be put on the agenda, the Council may discuss the issue.

- A) Scheduled to address
- B) Non-scheduled to address

VI. COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS

- A) Town Administrator's Report
 - 1) Date for Library Redesign Project Workshop
- B) Police Department Report: Chief Edward Mello

VII. UNFINISHED BUSINESS

- A) Discussion and possible action on Section 82-1105 of the Zoning Ordinance and the Temporary Moratorium impacting Lower Shoreby Hill

VIII. NEW BUSINESS

- A) Jamestown Philomenian Library: Capital Fund transfer
 - 1) Memorandum of Library Director Donna Fogarty to Town Administrator Nota
 - 2) Memorandum of Library Director Donna Fogarty to Town Council
- B) Agenda items for July 7, 2014 regular meeting

IX. ORDINANCES AND APPOINTMENTS

- A) Ordinances
 - 1) Amendment of the Jamestown Code of Ordinances, Chapter 70 Traffic and Vehicles, Sec. 70-87 Prohibited or restricted parking on specified streets and Sec. 70-52 Stop intersections; review, discussion, and possible vote to proceed to advertise in the *Jamestown Press* for public hearing on July 7, 2014 at 7:00 p.m.

X. CONSENT AGENDA

An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to approval of each item as if it had been acted upon separately.

- A) Adoption of Council Minutes
 - 1) May 19, 2014 (regular meeting)

- 2) May 19, 2014 (executive session)
- 3) June 2, 2014 (financial town meeting)
- 4) June 2, 2014 (work session)
- B) Minutes from Boards, Commissions and Committees
 - 1) Jamestown Harbor Commission (04/09/2014)
 - 2) Jamestown Harbor Commission (04/28/2014)
 - 3) Jamestown Philomenian Library Board of Trustees (05/13/2014)
 - 4) Jamestown Philomenian Library Board of Trustees (05/15/2014)
 - 5) Jamestown Planning Commission (04/02/2014)
 - 6) Jamestown Planning Commission (04/16/2014)
 - 7) Jamestown Planning Commission (05/07/2014)
 - 8) Jamestown Planning Commission (05/21/2014)
 - 9) Jamestown Traffic Committee (02/26/2014)
 - 10) Jamestown Tree Preservation & Protection Committee (04/15/2014)
 - 11) Jamestown Tree Preservation & Protection Committee (04/29/2014)
 - 12) Jamestown Zoning Board of Review (02/25/2014)
 - 13) Jamestown Zoning Board of Review (03/25/2014)
 - 14) Jamestown Zoning Board of Review (04/22/2014)
- C) Resolutions and Proclamations from other Rhode Island cities and towns
 - 1) Resolution of the Charlestown Town Council in Support of Bills H7178 and S2314 Plastic Waste Reduction Act
 - 2) Resolution of the Westerly Town Council in Support of Elimination of the Master Lever
 - 3) Resolution of the Newport City Council in Support of Bills H7593 and S2034 giving RI voters the choice to place RI Legislators under the jurisdiction of the RI Ethics Commission
 - 4) Resolution of the Warren Town Council in Support of Bills H7896 and S2397 to amend Article XII to make education the paramount duty of the General Assembly
 - 5) Resolution of the Warren Town Council in Support of the Municipal Road and Bridge Revolving Fund
 - 6) Resolution of the Barrington Town Council in Support of the Municipal Road and Bridge Revolving Fund
 - 7) Resolution from the South Kingstown Town Council requesting the General Assembly oppose any and all Binding Arbitration legislation
- D) Abatements/Addenda of Taxes
- E) Finance Director's Report

XI. COMMUNICATIONS AND PETITIONS

- A) Communications
 - 1) Email of Christine Tieri of North Road requesting the Planning Commission remove her home from the "buildings of value" list

- 2) Email of Roland and Barbara Parent of Standish Road declaring their home is historically significant and should be included on the “buildings of value” list
- 3) Letter of Susan and Andrew Roos of Hawthorne Road opposing the “Draft Preservation Guidelines for Village Special Development District” and asking that the Town and Planning Commission not impose such measures
- 4) Letter of Shelley Widoff of Standish Road objecting to the draft preservation guidelines for Village Special Development District and buildings of value concept
- 5) Letter of Gloria J. Kurz of Mansions & Manors Real Estate objecting to the lack of notice given the Draft Preservation Guidelines for Village Special Development District and Buildings of Value being considered by the Planning Commission
- 6) Letter of David B. and Linda M. Martin of Narragansett Avenue expressing dissatisfaction with the way the proposed zoning has transpired for “Buildings of Value” and their wish to opt out of the buildings of value list
- 7) Letter of Christopher DiOrio of Longfellow Road objecting to the Draft Preservation Guidelines for Village Special Development District and “Buildings of Value” and the lack of notice to affected property owners
- 8) Letter of Ginny Prichett of Island Realty and co-owner of properties identified as buildings of value opposing the Draft Preservation Guidelines for Village Special Development District and “Buildings of Value”
- 9) Email of Stephen Hollister of Narragansett Avenue objecting to the lack of notice for the Draft Preservation Guidelines for Village Special Development District and “Buildings of Value” that directly affects his property
- 10) Letter of Mary Lou Sanborn stating her continued opposition to a liquor license expansion of use for Plantation at the Bay Voyage

XII. EXECUTIVE SESSION

XIII. ADJOURNMENT

Pursuant to RIGL § 42-46-6(c) Notice of this meeting shall be posted on the Secretary of State’s website and at the Town Hall and the Jamestown Philomenian Library. In addition to the two above-mentioned locations, notice also may be posted, from time to time, at the following location: Jamestown Police Station; and on the Internet at www.jamestownri.net/council/council.html

ALL NOTE: This meeting location is accessible to the physically challenged. If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-1-800-745-5555, via facsimile to 401-423-7230, or email cfernstrom@jamestownri.net not less than three (3) business days prior to the meeting.

TOWN OF JAMESTOWN
TAX ASSESSOR
93 Narragansett Avenue
Jamestown, RI 02835

To: PRESIDENT, JAMESTOWN TOWN COUNCIL

From: JAMESTOWN TAX ASSESSOR

Subject: ABATEMENTS/ADDENDA OF TAXES FOR JUNE 16, 2014 MEETING

ABATEMENT TO 2012 TAX ROLL

#23-0089-75 Walk Right In Websites	Tangible Property - Business never in operation	\$46.75
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ABATEMENTS TO 2013 TAX ROLL

#07-0421-50 Girard, Mark E. & Jeanne L.	Plat 16, Lot 26 - Reduced assessment based on adjustment to square footage - New Value \$691,000	\$73.12
#23-0089-75 Walk Right In Websites	Tangible Property - Business never in operation	\$52.50

TOTAL ABATEMENTS	\$172.37
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RESPECTFULLY SUBMITTED,

Kenneth S. Gray

KENNETH S. GRAY,
TAX ASSESSOR

Cheryl Fernstrom

From: JamestownVillage [jamestownvillage16@gmail.com]
Sent: Tuesday, June 03, 2014 8:40 AM
To: cfernstrom@jamestownri.net
Subject: request to be removed from "buildings of value" list

RECEIVED
TOWN OF JAMESTOWN, RI
4 JUN - 3 AM 8: 57

Dear Cheryl,

My name is Christine Tieri and I am the owner of 16 North Road in Jamestown. I have recently learned that my building has been named a "building of value" and that as such, may have guidelines imposed upon it in the name of preservation. I respectfully request the planning board (and whichever organization was ultimately responsible for adding my building to the list), to remove my house from this list as it doesn't meet any of the criteria that describes a "building of value."

While I love my home in Jamestown, it is most definitely not a building "worthy of preservation." As it stands, it does not represent the early character of Jamestown. I purchased the home - which was a bank-owned property - in 2011. When we took ownership, the home was in great disrepair and did not have many original features left in the house. Additionally, in 2006, the previous owners had attached a huge boxy addition that did not conform to any architectural guidelines whatsoever and, in fact, is a aesthetic detriment with multiple sized windows, no symmetry, no style, and odd position on the lot and in relation to the original house. The current structure is comprised of approximately 1/4 modified original house and 3/4 new construction. Further, the new addition and renovations on the original house are of such poor quality that it would be a huge burden to repair and replace, never mind with the additional restrictions imposed by prohibitive guidelines. The majority of the square footage of the house and all the landscaping around it is less than 10 years old and thus, I don't see how it can qualify as a "building of value" or one that is "worthy of preservation."

Specifically, our building has:

- no architectural, historical, or landscape features -no character defining elements -no obvious style -no trim or ornament -no columns, railings, doorways, brackets, hoods, shutters, cupolas, etc.
- no original windows
- no front entryway (the only two doors are not original and are accessed from the side and back of the house), doors not original to house -no original fence, only a chain link fence that separates us from newly constructed properties that are NOT listed as buildings of value (on Swinburne Road) -no original and/or unaltered materials inside or outside -no original porch

I have grave concerns that I was not made officially aware that my house was on this list and have just learned about it through neighbors. As my main residence is in Massachusetts, I am unable to make the June 4th planning commission meeting, but I ask that you submit my request to be removed from the "buildings of value" list.

Additionally, I would like express my concerns about the proposed guidelines in general as I believe they place an undue hardship on homeowners, especially when their homes may not have any historical significance whatsoever, as is the case at 16 North Road. And it is unclear how this list of 96 houses was compiled, considering, I don't believe anyone actually could have looked at my property and deemed it worthy of being on this list.

I ask that you please confirm receipt of this letter, and I thank you in advance for forwarding my letter to the appropriate parties.

Christine Tieri
Jamestown Village, LLC
508-397-7312

Cheryl Fernstrom

From: rrpilot@aol.com
Sent: Wednesday, June 04, 2014 8:55 AM
To: cfernstrom@jamestownri.net
Subject: Buildings of Value report

Dear Ms. Fernstrom:

It has come to our attention that our home at 77 Standish Road has been left off the list of "Buildings of Value" created by the Town of Jamestown that was recently published in The Jamestown Press even though our home was used as two of the illustrations in the *Preservation Guidelines for the Village Special Development District*. The illustrations appear on pages 7 and 9 of the report. Our home was also featured in last summer's Jamestown Historical Society's exhibit on architectural styles.

Our home was built around 1914 and has remained unaltered through the years with the exception of part of the wrap around porch that we believe was removed after being damaged in the 1938 hurricane. We have owned the home for 23 years and have worked hard to retain every original and historically significant feature on the exterior intact.

Since much of the data in the list of buildings was taken from the "Purple Book" I should inform you that our home was incorrectly identified in that book as being located at 29 Whittier Road. In that book the home is known as the Kaiser Cottage. We are in fact the northern most house on Standish Road at the corner of Whittier. Even though the mail box is on Whittier for the convenience of USPS the front of the house is on Standish and the address has always been 77 Standish according to Kaiser family members. We feel that our home is more historically significant than some others that were included on the list and should be added.

For the record we will state that we were in favor of establishing the Shoreby Hill historic district and remain so. If you have any questions or would like to see our home please do not hesitate to call.

Sincerely,

Roland and Barbara Parent
423-2635

**Susan & Andrew Roos
18 Hawthorne Road
Jamestown, RI 02835**

June 4, 2014

VIA EMAIL

Jamestown Planning Commission
c/o Lisa Bryer, Town Planner

Jamestown Town Council
c/o Kristine Trocki, President

Town of Jamestown
93 Narragansett Avenue
Jamestown, Rhode Island 02835

RE: Draft Preservation Guidelines for Village Special Development District

Dear Ms. Bryer & Ms. Trocki,

Our family has owned and lived at our home at 18 Hawthorne Road for approximately 17 years after inheriting it from my late sister. We have spent our summers here, watched our children and their friends grow up and also use this home throughout the year. We love Jamestown, Shoreby Hill, and being part of this community. We also enjoy the bucolic surroundings and its authentic atmosphere. Our house was built around 1840 and has been identified as a “building of value”.

We never received notice from the Planning Commission or the Town that our property was being considered for such designation. As such, we never were given an opportunity to comment on and/or object to this designation being placed on our property. We are very concerned about this lack of notice given the Draft Preservation Guidelines for Village Special Development District (“Draft Guidelines”) now being considered/reviewed by the Planning Commission and, by extension, the Town Council. We understand these Guidelines would be imposed on our property as a Building of Value.

Over the years we have meticulously maintained and improved our home. We have also expanded and modernized it in a way most people think is tasteful and seamless. Shoreby Hill and in particular Lower Shoreby is comprised of families like our own that use our property as second homes and for others it is their primary and lifelong residence. In many cases, these homes are multigenerational and represent a significant portion of their family’s net worth. The area has thrived and remained relatively unchanged without the type of draconian regulations now proposed.

The original referendum to apply for designation as a “historic district” was very controversial, and contentious, with many not fully understanding the totality of the implications being proposed. While we believe most of the residents, like us, would like to maintain the existing feeling of the neighborhood, many of us are very upset and fearful of the financial and operational burdens the

proposed regulations would have to their property, along with the loss of control over their domain.

It is disingenuous, unfair and subjective to apply these Draft Guidelines only to some homes and not others. It also does not take into account new construction such as the recently built house (now for sale) at 14 Holmes Court, which was not regulated in the same way. It seems that an idea that may have started with the best of intentions may now cause deep divisions, both culturally and financially. The proposed regulations make it difficult, cumbersome and expensive to maintain and install the modern systems necessary to keep our homes both relevant and livable.

As owners of 'buildings of value', we would be governed by the "taste police," enforcing their subjective views regarding the appearance of our homes and property. Ultimately those not in a position to maintain or repair their homes in conformance with the regulations, could be left with few alternatives other than to sell their homes at a potentially reduced value due to the restrictions or take on additional debt in order to comply.

While unable to attend tonight's meeting, we wanted to strongly voice our objections to the proposed regulations, which appear to be nothing more than the result of a small but committed and vocal group of individuals trying to use the town to further their own agenda. Now that most of us are able to understand the significant and far reaching impact it could have on our homes and properties, it is highly unlikely that a majority of residents in Lower Shoreby or other residents who own 'buildings of value' would support these proposals.

Many of our neighbors have expressed their concerns, fears and opposition to us. Unfortunately, much of the public discussion has taken place at times when a lot of people can't be physically be present and whose voices haven't been heard. This has only emboldened the minority, which has persistently and vocally pushed its agenda forward. Our home is really important to us and we plan on maintaining it as a treasure, hopefully passing it on to our children. However, we shouldn't have to worry that every time we want to make a repair or modest improvement we will be subject to a needlessly cumbersome and more expensive process.

We oppose the "Draft Preservation Guidelines for Village Special Development District" and respectfully ask that the Planning Commission and Town not impose these measures.

Very truly yours,



Andrew and Susan Roos

cc: Jamestown Press
Jamestown Record

VIA EMAIL AND BY HAND

June 4, 2014

Jamestown Planning Commission
c/o Lisa Bryer, Town Planner

Jamestown Town Council
c/o Kristine Trocki, President

Town of Jamestown
93 Narragansett Avenue
Jamestown, Rhode Island 02835

**RE: Draft Preservation Guidelines for Village Special Development District
and 'Buildings of Value'**

Dear Planning Commission and Town Council

I strongly object to and oppose the Draft Guidelines, which I believe are unnecessary, unwarranted and arbitrary and will result in a substantial economic burden on owners whose properties are impacted.

If a homeowner would like to list their home as historic, they should be free to do that

I do not agree with the town, based upon recommendations from a minority of homeowners, making mandatory regulations that impede a property owner's ability to make changes to their property.

Developing "Guidelines" are preferable to town rules, regulations and ordinances which victimize a chosen few, by a vocal minority. It is time for a head count on this proposal to reveal the number of Jamestown citizens who are truly opposed to this "historic distric/Buildings of Value" concept.

Sincerely,

Shelley Widoff
27 Standish Road
Jamestown, RI 02835

VIA EMAIL AND BY HAND

June 4, 2014

Jamestown Planning Commission
c/o Lisa Bryer, Town Planner

Jamestown Town Council
c/o Kristine Trocki, President

Town of Jamestown
93 Narragansett Avenue
Jamestown, Rhode Island 02835

**RE: Draft Preservation Guidelines for Village Special Development District
and 'Buildings of Value'**

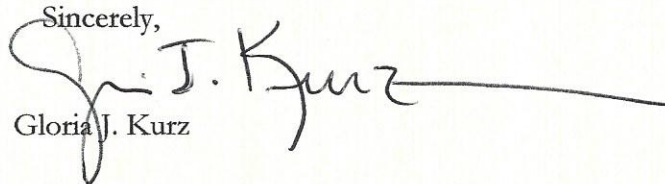
Dear Planning Commission and Town Council,

I am an owner of a property (7 Ferry Wharf) that has been identified as a "Building of Value" by you. I never received notice from the Planning Commission or the Town that the property was being considered for such designation. As such, I never was given an opportunity to comment on and/or object to this designation being placed on our property.

I am very concerned about this lack of notice given the Draft Preservation Guidelines for Village Special Development District ("Draft Guidelines") now being considered/reviewed by the Planning Commission and, by extension, the Town Council. I understand these Guidelines would be imposed on my property as a Building of Value. It appears these Guidelines create the equivalent of a historic district, even though the concept of a historic district was strongly opposed earlier this year.

I strongly object to and oppose the Draft Guidelines, which I believe are unnecessary, unwarranted and arbitrary and will result in a substantial economic burden on owners whose properties are impacted.

Sincerely,


Gloria J. Kurz

June 4, 2014

Members of the Planning Commission:

As owners of an identified "Building of Value", we would like to express our dissatisfaction with the way this proposed zoning has come about. We love our home, and appreciate its historical value. Any changes which we have made during the 37 years that we have owned it, are in keeping with the buildings historical significance.

In reading the draft of the proposal, we found it to be burdensome to the home owner. The current permitting process and the present zoning review board should be sufficient. We find it unacceptable that going forward a town board would tell us what, when, and where maintenance should be done to our property.

We would like to option to opt out of this "Building of Value".

Due to prior commitments, we are unable to attend the meeting on Wednesday, June 4, 2014, but wanted to voice our opinion.

Sincerely,

David B Martin
Linda M (Robbio) Martin
86 Narragansett Ave

CHRISTOPHER DIORIO
109 LONGFELLOW ROAD
JAMESTOWN, RHODE ISLAND 02835

VIA EMAIL AND BY HAND

June 4, 2014

Jamestown Planning Commission
c/o Lisa Bryer, Town Planner

Jamestown Town Council
c/o Kristine Trocki, President

Town of Jamestown
93 Narragansett Avenue
Jamestown, Rhode Island 02835

**RE: Draft Preservation Guidelines for Village Special Development District
and 'Buildings of Value'**

Dear Planning Commission and Town Council

My brother, Jonathan, and I are the owners of a property that we understand has been identified as a "Building of Value" by you. We never received notice from the Planning Commission or the Town that our property was being considered for such designation. As such, we never were given an opportunity to comment on and/or object to this designation being placed on our property.

We are very concerned about this lack of notice given the Draft Preservation Guidelines for Village Special Development District ("Draft Guidelines") now being considered/reviewed by the Planning Commission and, by extension, the Town Council. We understand these Guidelines would be imposed on our property as a Building of Value.

It appears these Guidelines create the equivalent of a historic district, even though the concept of a historic district was strongly opposed earlier this year.

As the owners of a 'historic' home, we have always been sensitive to the character of the home. We have engaged in renovations that have preserved and enhanced the home without the need for regulatory oversight by the Town.

We strongly object to and oppose the Draft Guidelines, which we believe are unnecessary, unwarranted and arbitrary and will result in a substantial economic burden on owners whose properties are impacted.

Sincerely,


Christopher DiOrio

CC: Jonathan DiOrio, Co-owner of 109 Longfellow Rd.

June 4, 2014

VIA EMAIL and Delivered

Jamestown Planning Commission

c/o Lisa Bryer, Town Planner

Jamestown Town Council

c/o Kristine Trocki, President

Town of Jamestown

91 Narragansett Avenue

Jamestown, R.I.

**RE: Draft Preservation Guidelines for Village Special Development District and
“Buildings of Value”**

Dear Planning Commission and Town Council:

I am a co -owner of 2 properties on East Ferry Wharf that have been identified as a “Building of Value by you. I was shocked that our building appeared on a list where, if passed, guidelines and limitations would be imposed.

As business owners, we have worked conscientiously to maintain our units and the building as a whole. This is an expensive undertaking in an older building and we make decisions based on the integrity of the building as well as to maintain the exterior charm.

I strongly oppose the Draft Guidelines, which I believe are unnecessary. We will continue to maintain our building treating our investment responsibly. Having restrictions would impact our ability to make decisions based on sound, current construction standards, and which could result in economic hardship. Our intention is to continue to keep our building maintained, neat and structurally intact. This is our responsibility as owners of property. We do not need “Guidelines” to carry this out.

Sincerely,

Ginny Prichett

Cheryl Fernstrom

From: Stephen M. Hollister [shollist@newavesys.com]
Sent: Wednesday, June 04, 2014 4:42 PM
To: cfernstrom@jamestownri.net
Subject: Buildings of Value Meeting

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 JUN -5 AM 11:56

Dear Ms. Fernstrom,

As an owner of a "building of value", please submit this letter to the planning commission.

Dear Planning Commission Members,

I am stunned by the lack of notice for changes that directly affect our "Building of Value" property at 79 Narragansett Ave., where we have lived for over 30 years. The rationale for these changes is based on a vague reference to surveys that indicate that residents want "to retain the rural nature and character of the town." Implementation of regulations for this vague goal, however, is placed in the hands of a few individuals with their own subjective ideas for what "preservation" of "structures and landscape vistas" means. This change comes down to taking away more control of our property and placing it in the hands of those who have no resident consensus for what preserving the character of Jamestown means. A few people, with their own agenda, have translated this goal into 67 vague and onerous regulations. Meanwhile, the owners of these properties get nothing in return. In fact, making changes to our house will take even more time, money, and require our submission to the sensibilities of others who may have little or no training or agreement for historic preservation. And, as usual in many zoning issues, failure to meet even one small requirement opens up the whole design to changes that have nothing to do with the regulations.

These regulations are fundamentally flawed. They make a huge leap from applying rules for all buildings in special historic areas to applying rules to individual buildings that could be next door to non-"buildings of value" that don't have the same restrictions. Where is the legal precedent for this? "Landscape vistas" applies to all buildings and changes to any building could be guided by these principles. However, in these regulations, only certain buildings are being singled out.

What does historic preservation mean - to return to the facade of the old Central Garage and Islander? More likely, it's a process of a few to pursue the pseudo-socialistic goals of New Urbanism, clearly a central focus of our last zoning changes. To claim that potential changes would be reviewed by the "Technical Review Committee" is misleading. There is nothing "technical" about this process. It is based solely on the sensibilities of those few who happen to be in control at the time of application.

We bought our property over 30 years ago because of the potential and value of commercial development. Will we now be locked into a residential facade that limits the future commercial use of our property?

Respectfully Submitted,
Stephen Hollister
79 Narragansett Ave.
Jamestown, RI

MSL

21 Bay View Drive
Jamestown, RI 02835

June 12, 2014

Ms. Kristine S. Trocki, Chair
Jamestown Town Council
93 Narragansett Avenue
Jamestown, RI 02835

RECEIVED
TOWN OF JAMESTOWN, R.I.
14 JUN 12 AM 9:31

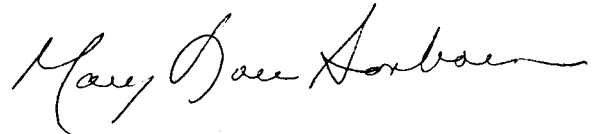
Dear Madam Chair and Town Council Members:

Unfortunately I will not be able to attend the meeting on June 16th, but wanted to express my continued opposition to the extension of use of a liquor license application requested by Plantation by the Bay. As I mentioned in my comments during the May 19th meeting, this facility has already been granted a liquor license where it allows them to serve alcohol indoors and outdoors. I do not see the need for alcohol to be served beyond these areas since this is primarily a residential neighborhood that is extremely busy in the summer. This facility is located at a very busy and quirky intersection where it is already very difficult at times to exit onto Canonicus Avenue from Bay View Drive. There are always many people and cars in the area and without being able to contain the "expanded" area, I do not think it warrants a safe environment for more alcohol to be served. I also feel that serving alcohol at poolside is not a good decision.

While I think it is important to support local businesses, I feel we must do this with good judgment for all, including the residents in the area.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mary Lou Sanborn". The signature is fluid and elegant, with a long, sweeping tail on the final letter.

Mary Lou Sanborn

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**PUBLIC HEARING
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on **Monday, June 16, 2014 at 7:30 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue** on the following proposed amendments to the Code of Ordinances regarding the Harbor Management Ordinance. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendments are under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendments are available for review and/or purchase at the Town Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and for review at Jamestownri.net, go to Clerkbases link on the Town's homepage.

The Town Council of the Town of Jamestown hereby ordains:

Section 1. The Jamestown Code of Ordinances is hereby amended by changing the text of the existing Harbor Management Ordinance, as follows:

NOTE: words set as ~~striketrough~~ are to be deleted from the Harbor Management Ordinance; words set in underline are to be added to the ordinance.

The Jamestown Harbor Management Ordinance is amended as set forth in the attached Exhibit A, or as may be amended during the course of the public hearing held pursuant to the proposed amendments.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to the Town of Jamestown's Code of Ordinances.

Section 3. This Ordinance shall take effect upon its passage.

ALL NOTE: This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call the Town Clerk at 401-423-7200 or by facsimile at 401-423-7230 not less than 3 business days prior to the meeting.

1 **Sec. 78-21. Goals.**

2 Whereas, the harbor and nonharbor tidal waters described herein within the corporate
3 boundaries of the Town of Jamestown are under the ownership and jurisdiction of the
4 state and are held in trust for all the citizens of the state; and whereas the state grants
5 the Town of Jamestown limited and specific uses of these waters; therefore the town
6 establishes the following goals for this article:

7
8 (1) To regulate uses and activities within the waters of the town, as described
9 herein; to protect the coastal environment; to minimize user conflicts; to maximize the
10 efficient use of both the water space and town-owned waterfront consistent with the
11 other goals expressed herein; and to maintain and improve public access to and from
12 the waters of the town for the benefit of all user groups, including residents and
13 nonresidents with or without boats, who seek to use town waters for passive and active
14 recreation.

15
16 (2) To distribute equitably the burdens and benefits of harbor management and
17 development among commercial mooring operators, private mooring owners, other
18 groups or individuals with special interests in the water and the waterfront, and the
19 town.

20
21 (3) To remain consistent with the authorities granted the town under G.L. 1956, §
22 46-4-6.9 and with the goals, policies, and regulations of the Jamestown Comprehensive
23 Community Plan, the Jamestown Comprehensive Harbor Management Plan, the Rhode
24 Island Coastal Resources Management Program, the Rhode Island Department of
25 Environmental Management, and the United States Army Corps of Engineers.

26
27 **Sec. 78-22. Definitions.**

28 The following words, terms, and phrases, when used in this article, shall have the
29 meanings ascribed to them in this section, except where the context clearly indicates a
30 different meaning:

31 *Abandoned Vessel:* A vessel that is inoperable and is left unattended for more
32 than seventy-two (72) hours, or a vessel that has remained illegally in the waters of
33 Jamestown for a period of more than three (3) days.

34 *Anchoring:* To secure a vessel temporarily to the bottom of a waterbody by
35 dropping an anchor or anchors or other ground tackle from a vessel.

1 *Beach(es)*: Area(s) of the shoreline designated by the harbor commission as
2 suitable for land storage of vessels capable of being removed from the water by
3 manpower alone.

4 *Beach permit*: A license authorized by the Town of Jamestown granting the
5 permittee the privilege of storing a specified vessel at a designated beach for a
6 specified season of April 1 until October 31 of each year.

7 *Channel*: Any water areas that are federally maintained and reserved for
8 unobstructed movement of vessels.

9 *Coastal waters*: All waters bordering the town from the shore to a distance of 500
10 feet seaward not included in the designation "harbor waters."

11 *Commercial mooring*: Any mooring that a marina, shipyard, yacht club, or other
12 organization has permission to lease or rent to others.

13 *Commercial vessel*: A vessel licensed and used primarily for any type of
14 commercial venture, including but not limited to, fishing, towage, salvage, and the
15 carriage of passengers for hire.

16 *Conservation zones*: Those harbor areas specially designated by the town for the
17 protection of water quality, wildlife, and plant habitat values. (Note: These zones may
18 differ from the type 1 "Conservation Areas" of the Rhode Island Coastal Resources
19 Management Council.)

20 *Developed riparian property*: Riparian property improved by the addition of a
21 permanent structure that has been approved by the building inspector of the town.

22 *Executive director*: The member of the town administration nominated by the
23 town administrator and appointed by the town council to supervise the harbor staff and
24 to administer the provisions of this article and any additional regulations subsequently
25 required for the implementation of the article.

26 *Fairway*: Any locally designated and/or maintained water areas, usually in
27 harbors or in mooring zones, reserved for the unobstructed movement of vessels.

28 *Guest mooring*: A private mooring of a riparian property owner reserved solely for
29 the use of guests.

30 *Harbor commission*: The local advisory and regulatory body authorized by the
31 town council to manage the coastal waters and harbor areas of the town.

1 *Harbormaster:* The individual, hired on approval of the town council by the town
2 administrator, who is primarily concerned with enforcement and activity on the waters of
3 the town. The harbormaster reports to the executive director.

4 *Harbor waters:* The waters in the three harbors of the town: East Harbor, West
5 (Dutch) Harbor, and South (Mackerel Cove) Harbor. The boundaries of these harbors
6 are defined in section 78-24 of this article.

7 *Headway speed:* the slowest speed at which a vessel can operate and maintain
8 steerage.

9 *Moor:* To secure a vessel to the bottom of a waterbody semi-permanently or
10 seasonally.

11 *Mooring:* All hardware or tackle used to moor a vessel. For the purposes of this
12 article, a mooring is considered either commercial or private.

13 *Mooring area:* A bounded area outside the harbor waters in which moorings may
14 be placed. Per CRMC regulation, more than four moorings (the maximum which
15 riparians may have) is considered a mooring area, and must be properly recognized in
16 the harbor ordinance.

17 ~~*Mooring inspector, qualified:* Any person or business approved as an inspector of~~
18 ~~moorings by the harbor commission upon recommendation of the harbormaster.~~

19 *Mooring permit:* A license authorized by the Town of Jamestown granting the
20 permittee the privilege of using an assigned mooring space in the waters of the town for
21 a specified season.

22 *Mooring space:* The specific space assigned by the harbormaster to the holder of
23 a valid mooring permit for the placement of a mooring.

24 *Mooring zones:* Those harbor areas designated by the town for the placement of
25 moorings, or for transient anchorage if space is available.

26 *Motorized Vessel:* Every description of a watercraft used, or capable of being
27 used, as a means of transportation on the water and which is propelled by or capable of
28 being propelled by a motor.

29 *Nonresident:* Any individual, business, corporation, or association that does not
30 meet the definition of "resident."

1 *Notice:* Notice in so far as the holder of a mooring permit is concerned shall be
2 defined as a registered and regular first class mail sent to the address of record on the
3 mooring permit from the harbor clerk.

4 *Occupation:* "Occupation" of a mooring or outhaul for a "day" as used in
5 subsection 78-26(m)(4) or (5), or 78-26(p)(1) hereof requires that the vessel be secured
6 thereto overnight.

7 *Outhaul:* A non-single-point anchoring device, for the purpose of securing a boat
8 in tidal waters and retrieving it from shore.

9 *Outhaul permit:* A license authorized by the Town of Jamestown granting the
10 permittee the privilege of storing a specified vessel on a specific outhaul for a specified
11 season.

12 *Personal watercraft:* A vessel which uses an inboard motor powering a water jet
13 pump as its primary source of motive power and which is designed to be operated by a
14 person sitting, standing, or kneeling on the vessel, rather than the conventional method
15 of sitting or standing inside the vessel.

16 *Private aid to navigation:* A buoy placed to mark a location in the water, other
17 than government marks. The location of such private aids in Jamestown waters must be
18 approved by the harbormaster. No fees will be charged for such private aids. The
19 parties placing such private aids are responsible for their proper maintenance and for
20 informing appropriate governmental authorities of their placement.

21 *Private mooring:* Any mooring that is not a commercial mooring.

22 *Qualified mooring inspector:* Any person or business approved as an inspector of
23 moorings by the harbor commission upon recommendation of the harbormaster.

24 *Rafting:* Two or more vessels, excluding dinghies or other tenders, attached to
25 each other while moored or at anchor.

26 *Recreational vessel:* Any vessel designed for self-propelled navigation on the
27 water and used primarily for pleasure.

28 *Resident:* Any real property taxpayer, full-time inhabitant, and/or registered voter
29 of the Town of Jamestown; any recognized nonprofit organization of the town.

30 *Right-of-way:* A legal right to use a path or corridor from a public or private
31 thoroughfare or facility that leads to the waters of Narragansett Bay.

1 *Riparian property*: A freehold estate of record in land within the town having
2 shorefront directly adjacent to waters bordering the town.

3 *Season*: ~~May~~ April 1 to October 4 31 of each year.

4 *Transient anchorage zones*: Those harbor areas designated by the town
5 exclusively for the short-term use of commercial and recreational vessels.

6 *Vessel*: Every description of watercraft used, or capable of being used, as a
7 means of transportation on water, with the exception of seaplanes, houseboats, and
8 floating businesses.

9 *Vessel in need of a mooring*: A vessel that will employ the permitted mooring as
10 the primary securing location of the vessel when not in use. A vessel that displaces less
11 than 150 pounds when empty is presumed not in need of a mooring. A person desiring
12 to apply for a mooring for a vessel that does not meet the foregoing criterion may apply
13 to the harbormaster for permission to do so.

14 *Waters of the town*: The harbor and coastal waters under town jurisdiction
15 described in sections 78-23 and 78-24 of this article.

16
17 **Sec. 78-23. Areas under jurisdiction.**

18 The Town of Jamestown hereby assumes management authority for the purposes of
19 this article consistent with the powers, duties, and authorities granted under G.L. 1956,
20 46-4-6.9 over the following waters:

21 (a) *Harbor waters*. The waters of the three harbors—East Harbor, West (Dutch) Harbor,
22 and South (Mackerel Cove) Harbor. The boundaries of these harbors are defined in
23 section 78-24 of this article.

24
25 (b) *Coastal waters*. All waters bordering the town from the shore to a distance of 500
26 feet seaward not included in the designation "harbor waters" and excluding the "mooring
27 areas" listed below, the boundaries of which are defined in section 78-24 below.

28
29 (c) *Mooring areas*. The waters within three areas defined in section 78-24 below and
30 referred to as Head's Beach, Park Dock, and Cranston Cove.

1 **Sec. 78-24. Harbor and mooring area boundaries.**

2 (See appendix A for a map of the harbor boundaries described below and for a table
3 giving Rhode Island State Plane Coordinates and lat/longs for each boundary point.)
4

5 (a) *East Harbor.* The northern boundary shall be a line extending 1,000 feet seaward
6 from the eastern extension of Weeden Lane. The eastern boundary shall be a line
7 extending 1,000 feet seaward of the shoreline. The southern boundary shall be a line
8 extending from the southern point of the Fort Wetherill Boat Basin to government
9 marker G "9" (Fort Wetherill Gong) thence to government marker G "11" (Bull Point
10 Bell). East Harbor waters are classified as follows:
11

12 (1) *Mooring zone.* All harbor waters from the Newport Bridge to a line extending
13 from: Bull Point to government marker G "11" as bounded and marked by existing
14 moorings of record;
15

16 (2) *Transient anchorage zone.* All harbor waters from the northern boundary to
17 the Newport Bridge in the band of water 500 to 1,000 feet from shore; and all harbor
18 waters south of a line extending from Bull Point to government marker G "11";
19

20 (3) *Conservation zone.* All harbor waters from the northern boundary to the
21 Newport Bridge in the band of water from the shore to 500 feet seaward.
22

23 (b) *West (Dutch) Harbor.* The northern boundary shall be a line extending 1,000 feet
24 seaward from the western extension of Orchard (Weeden) Lane. The western boundary
25 shall be a line extending from the westernmost end of the northern boundary to the pier
26 at Fort Getty. West (Dutch Island) Harbor Waters are classified as follows:
27

28 (1) *Mooring zone.* All harbor waters from a point on shore due east of the Dutch
29 Island pier ruins to the Fort Getty pier thence to a point at the southern terminus of
30 Maple Avenue;
31

32 (2) *Transient anchorage zone.* All harbor waters from Dutch Island pier ruins to a
33 point due east on shore thence to the Fort Getty pier;
34

35 (3) *North conservation zone.* All waters shoreward of a line extending from the
36 western extension of Orchard (Weeden) Lane to point R on the map provided as
37 appendix A-1 of the article, thence to point Q on that map;

1
2 (4) *South (Sheffield Cove) conservation zone*. All harbor waters south of a line
3 from the pier at Fort Getty to a point at the southern terminus of Maple Avenue.
4

5 (c) *Head's Beach mooring area*. The waters within the quadrangle defined by the
6 following points:

- 7 (1) 41⁰ 32. 276N 71⁰ 23. 233W
- 8 (2) 41⁰ 32. 293N 71⁰ 23. 391W
- 9 (3) 41⁰ 32. 457N 71⁰ 23. 333W
- 10 (4) 41⁰ 32. 449N 71⁰ 23. 216W

11
12 (d) *Park Dock mooring area*. The waters within the quadrangle defined by the following
13 points:

- 14 (1) 41⁰ 33. 805N 71⁰ 21. 671W
- 15 (2) 41⁰ 33. 799N 71⁰ 21. 602W
- 16 (3) 41⁰ 33. 962N 71⁰ 21. 648W
- 17 (4) 41⁰ 33. 962N 71⁰ 21. 725W

18
19 (e) *Cranston Cove mooring area*. The waters within the quadrangle defined by the
20 following points:

- 21 (1) 41⁰ 32. 228N 71⁰ 21. 811W
- 22 (2) 41⁰ 32. 222N 71⁰ 21. 743W
- 23 (3) 41⁰ 32. 516N 71⁰ 21. 686W
- 24 (4) 41⁰ 32. 472N 71⁰ 21. 835W

25
26 (f) *Setbacks*. No moorings shall be placed less than 100 feet from the mean low water
27 mark on shore, nor within 50 feet or three times the control depth of water, whichever is
28 greater, from all federal navigation channels, navigation fairways, shellfish management
29 areas, or shoreside structures.
30

31 **Sec. 78-25. Rights-of-way to the water.**

32 (a) No person shall block, barricade, or in any way impede the public use of or access
33 to designated public rights-of-way to the water as defined by the Rhode Island Coastal
34 Resources Management Council ("RICRMC") or the town of Jamestown.
35

36 (b) No person shall park or store a vessel, vehicle, or structure on a designated public
37 right-of-way to the water as defined by the RICRMC or the Town of Jamestown. Vessels

1 may be stored on the ground at designated beaches or in racks on town property
2 constructed with permission of the harbor commission. The harbor clerk shall issue
3 permits for doing so at fees to be set by the harbor commission and shall maintain
4 waiting lists for these privileges if appropriate.
5

6 (c) Any person in violation of this section of the ordinance after due notice shall be
7 subject to a fine in accordance with section 78-27 of this article ("regulated activities").
8 After due notice town personnel may clear a right-of-way at the violator's expense.
9

10 **Sec. 78-26. Mooring and outhaul regulations.**

11 (a) *Permitting.* No mooring or outhaul shall be located or maintained in the harbor or
12 coastal waters of Jamestown until a permit has been issued for the use of such mooring
13 or outhaul by the harbormaster. No mooring or outhaul shall be permitted until the
14 harbormaster has determined that it conforms to the specifications set forth in this
15 article and in any other conditions established by the state or town. The harbormaster is
16 responsible for the precise location of every mooring or outhaul, with due regard to
17 space available, to the maximizing of available space, and to the safety of the vessel.
18 Individuals holding a permit may renew it annually upon payment of the appropriate fee
19 subject to compliance with all of the conditions of this section. A mooring or outhaul
20 permit may, upon notice, be revoked at any time for failure to comply with conditions
21 established by this article or by any applicable state or town regulations.
22

23 (b) *Mooring density and allocation.*

24
25 (1) Harbor waters. The limit of moorings in the east harbor and west harbor
26 mooring zones shall be based on available space and the provision of adequate
27 landside facilities. No additional commercial mooring permits shall be assigned in
28 either the east or west harbor mooring zones until private mooring permits constitute
29 60 percent of the zone's total number of permits. The precise location of each
30 mooring, commercial or private, within the mooring zones shall be made by the
31 harbormaster, who shall, with the harbor commission, establish appropriate
32 fairways within the zones.
33

34 (2) Coastal waters. No mooring shall be permitted more than 500 feet from the
35 shore in coastal waters. No commercial moorings are permitted in coastal waters.
36 The precise location of each private mooring shall be made by the harbormaster.
37

1 (3) Mooring areas. Private moorings may be established in mooring areas. No
2 commercial moorings are permitted in mooring areas. The density and placement of
3 such moorings shall be established by the harbormaster.
4

5 (4) No moorings shall be established in conservation zones.
6

7 (c) *Priority for private mooring permits.* The harbor commission shall maintain a
8 chronological list of all applicants requesting a private mooring permit. The list shall be
9 updated at least twice a year and shall be available to the public at all times for
10 inspection. Within the space available, requests shall be treated in accordance with the
11 following priority guidelines:
12

13 *Class 1: Riparian.*

14 a. Owners of riparian property, including individual owners and the owners
15 or directors of profit or nonprofit associations, partnerships, corporations or such other
16 legal entities owning riparian property, are entitled to apply, with priority over other
17 mooring permit classes, for up to two moorings per property parcel directly adjacent to
18 the shorefront property parcel. They may apply for additional class 1 moorings, up to
19 four in total, without priority over other mooring permit classes. In both cases
20 applications are subject, as determined by the harbormaster, to the availability of space
21 and to state and local regulations. Contiguous lots under the same ownership shall be
22 considered as one property parcel. An individual owner may designate only immediate
23 family members (the owner or the owner's spouse, children, or parents) or the current
24 lessee of the owner's riparian property as holders of the permitted moorings. An
25 association, partnership, or corporation may designate any of its members in good
26 standing as holders of its permitted moorings. With the approval of the harbormaster,
27 mooring privileges in this category may be granted to owners whose riparian property is
28 adjacent to a town conservation zone.

29 Guest moorings: Only owners of riparian property may have guest moorings. Only one
30 of the two moorings permitted class 1a permit holders may be a guest mooring, except
31 that nonfamily associations, partnerships, or corporations owning developed riparian
32 property may designate as guest moorings one or both of their permitted moorings.
33 Guest moorings may not be rented or leased. The harbormaster may on application
34 permit a single vessel to occupy a guest mooring on a seasonal basis. Applications for
35 private guest moorings must specify the length of the largest vessel able to occupy the
36 mooring under normal conditions.
37

38 b. On coastal waters, property owners holding a freehold estate of record
39 with a deeded right of access to riparian property owned by a nonprofit association,

1 partnership, or corporation of which they are members in good standing are entitled to
2 apply for a single mooring permit per property directly adjacent to that riparian property.
3 The privilege of a mooring permit in this category is subject to the reasonable availability
4 of mooring space as determined by the harbormaster. ~~Moorings shall be limited to the~~
5 ~~area created by a parallel extension of the boundaries of the riparian water frontage into~~
6 ~~the coastal waters.~~ This category of riparian mooring is not permitted in harbor waters,
7 ~~is dependent on available parking,~~ may not be placed in a town conservation zone, and
8 may not be a guest mooring. All moorings in this category shall be counted toward
9 complying with the CRMC no greater than 3:1 resident to non-resident mooring
10 allocation requirement. ~~If the This area is delineated as a mooring area and where~~
11 ~~public access is available members of the general public shall be entitled to apply for a~~
12 ~~mooring permit there.~~

13
14 This area is delineated as a mooring area and is available to members of the general
15 public.

16
17 The Town shall provide delineation of each such mooring areas to contain all Class 1b
18 moorings; Class 1b moorings existing as of April 22, 2014 shall be considered
19 “grandfathered”. Each such mooring area is available to members of the general public.
20 This does not imply any right to trespass on private property.

21
22 ~~If more than four moorings are so permitted, the area must be delimited as a mooring~~
23 ~~area, and, where public access is available, members of the general public shall be~~
24 ~~entitled to apply for mooring permits therein.~~

25
26 *Class 2: Rights-of-way.*

27
28 ~~Existing Class 2a and 2b areas should be considered grandfathered and no similar~~
29 ~~parallel extensions of ROW boundaries onto coastal waters should be established to~~
30 ~~create mooring sites for non-riparian property owners in either of these classes.~~

31
32 The Town shall provide delineation of each such mooring areas to contain all Class 2a
33 and 2b moorings; Class 2 a and 2b moorings existing as of April 22, 2014 shall be
34 considered “grandfathered”. Each such mooring area is available to members of the
35 general public. This does not imply any right to trespass on private property.

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37
38 a. Nonriparian property owners holding a freehold estate of record with a
39 deeded private right-of-way or easement to coastal waters granted in an original

1 property subdivision are entitled to apply, per property, for a single mooring permit
2 directly adjacent to that right-of-way or easement. The privilege of a mooring permit in
3 this category is subject to the reasonable availability of space as determined by the
4 harbormaster. ~~Moorings shall be limited to the area created by a parallel extension of~~
5 ~~the boundaries of the right-of-way into the coastal waters.~~ This category of mooring is
6 not permitted in harbor waters, ~~is dependent on available parking,~~ may not be placed in
7 a town conservation zone, and may not be a guest mooring. All moorings in this
8 category shall be counted toward complying with the CRMC no greater than 3:1
9 resident to non-resident mooring allocation requirement. ~~If the area is delineated as a~~
10 ~~mooring area and where public access is available members of the general public shall~~
11 ~~be entitled to apply for a mooring permit there.~~

12
13 ~~This area is delineated as a mooring area and is available to members of the general~~
14 ~~public.~~

15
16 The Town shall provide delineation of each such mooring area. Each such mooring area
17 is available to members of the general public. This does not imply any right to trespass
18 on private property.

19
20 b. Nonriparian property owners holding a freehold estate of record within
21 1,000 feet of a public right-of-way to coastal waters are entitled to apply, per property,
22 for a single mooring permit per property directly adjacent to that right-of-way. The
23 privilege of a mooring permit in this category is subject to the reasonable availability of
24 space as determined by the harbormaster. ~~Moorings shall be limited to the area created~~
25 ~~by a parallel extension of the boundaries of the right-of-way into the coastal waters.~~ This
26 category of mooring is not permitted in harbor waters, ~~is dependent on available~~
27 ~~parking,~~ may not be placed in a town conservation zone, and may not be a guest
28 mooring. All moorings in this category shall be counted toward complying with the
29 CRMC no greater than 3:1 resident to non-resident mooring allocation requirement
30 Where there are four or more such moorings adjacent to a given right-of-way no new
31 moorings shall be permitted. ~~If the area is delineated as a mooring area and where~~
32 ~~public access is available members of the general public shall be entitled to apply for a~~
33 ~~mooring permit there.~~

34
35 ~~This area is delineated as a mooring area and is available to members of the general~~
36 ~~public.~~

37

1 The Town shall provide delineation of each such mooring area. Each such mooring area
2 is available to members of the general public. This does not imply any right to trespass
3 on private property.
4
5

6 *Class 3: General.* All other applications for moorings, resident and nonresident,
7 will be considered in the order in which they are received. Notwithstanding, when a ratio
8 of no greater than 3:1 of resident holders of private mooring permits to non-resident
9 holders of mooring permits (riparian and commercial permits excluded) is attained, the
10 Jamestown Harbor Commission shall establish guidelines to maintain the ratio at that
11 level. ~~the ratio of nonresident holders of private mooring permits to resident holders of~~
12 ~~mooring permits (riparian and commercial permits excluded) reaches 1:3 harbor~~
13 ~~commission shall establish guidelines to maintain the ratio at that level.~~

14 All new class 3 private moorings must be located within a mooring area or harbor
15 waters as specified herein. Moorings outside such mooring areas that were permitted
16 prior to the adoption of this amendment of this article by the town council on June 17,
17 2004, shall be renewed as long as the application therefor is made in the name of the
18 then owner, a spouse, sibling, or children.

19
20 (d) *Mooring area siting standards.* All designated mooring areas sited within the coastal
21 waters and harbor areas of the town shall be setback as follows:

22
23 (1) From riparian moorings and shoreline rights-of-way, a distance sufficient to
24 allow ingress and egress and to prevent interference with the exercise of private and
25 public rights.

26
27 (2) Fifty feet from all residential or commercial docks, piers, floats and public
28 launching ramps.

29
30 (3) Public mooring areas shall be setback from federal navigation projects at
31 least three times the U.S. Army corps of Engineers authorized project depth from
32 federal navigational projects.

33
34 (4) All moorings shall be prohibited in federal navigation projects.

35
36 (5) All new and significantly expanded mooring areas shall be sited to ensure that
37 tides and currents aid in flushing the mooring area.
38

1 (6) All new and significantly expanded mooring areas shall be sited to avoid
2 adverse effects on water quality.

3
4 (7) Mooring areas shall be sited so as to not substantially interfere with
5 designated shellfish management areas, traditional fishing grounds, public recreational
6 areas and conservation areas.

7
8 (8) Mooring areas shall be sited so as to not significantly affect finfish and or
9 shellfish resources, wetlands, submerged aquatic vegetation and aquatic habitat.

10
11 (9) Moorings areas shall be adequately serviced and pump out stations shall be
12 accessible and operationally maintained.

13
14 (10) The Army Corps of Engineers (ACOE)"open to all" policy supersedes any
15 Town or State regulation, policy, ordinance, or statute.

16
17 (11) All moorings and boats shall be located within the mooring areas, except for
18 riparian moorings, and moorings permitted through a Right-of-Way (ROW), where no
19 more than four (4) moorings are permitted via each ROW.

20
21 (e) *Private mooring application procedures.*

22
23 (1) *New mooring or outhaul applications.* Every applicant, riparian and
24 nonriparian, for a new private mooring or outhaul permit shall submit a mooring permit
25 waiting list application form. This form shall contain the name, mailing address, resident
26 status, and relevant telephone numbers of the applicant and the desired location of, and
27 point of access to, the proposed mooring or outhaul. The harbormaster or executive
28 director shall notify the applicant and the harbor clerk in writing within five days whether,
29 given the availability of space, the applicant may apply on the same schedule and on
30 the same application form as renewal applicants or must be placed on a waiting list. To
31 be placed and kept on the waiting list, applicants must, on an annual basis, fill out and
32 return a brief waiting-list renewal application sent to the applicant by the harbor clerk
33 and pay any waiting list fees requested. If the renewal application and fee are not
34 received by a date set in the renewal application, a second notice will be sent; if there is
35 no response within 30 days, the applicant will be deleted from the waiting list.

36
37 (2) *Renewal permit applications.* Mooring or outhaul permits must be renewed
38 annually. Every applicant for a private mooring or outhaul permit must show ownership
39 of a vessel in need of a mooring, except for the guest moorings of owners of riparian

1 property as granted in subsection 78-26(c), above. The harbor clerk shall mail renewal
2 permit applications in March to existing individual permit holders with a return deadline
3 of May 15. The completed application forms shall contain at least the following
4 information: i) the name, summer and winter mailing address, [and] resident status, and
5 relevant telephone numbers of the applicant; ii) the type of vessel and whether it is
6 recreational or commercial; iii) the length, beam, draft, displacement, type of sanitation
7 system, and name of the vessel; iv) a copy of the vessel's registration or documentation
8 certificate in the name of the applicant or a person to whom the permit may be
9 transferred under [subsection] 78-26(h)(2); v) the size, type, proof of inspection, and
10 precise location of the existing mooring; vi) the point of access to the mooring or
11 outhaul; vii) if applicable, the storage location of the dinghy; and viii) the date the vessel
12 is expected to be on the mooring or outhaul. With the approval of the harbor
13 commission and upon public notice to all applicants the harbor clerk may from time to
14 time amend the mooring permit application.

15
16 a. *Leased vessels.* An applicant may apply for a mooring based upon a lease of
17 a vessel providing the applicant the exclusive use of the vessel for at least the period of
18 the season. Such applicants may not permit the actual owner or another third party to
19 use the leased vessel on a regular basis. The harbormaster is directed to regularly
20 monitor usage of any such leased vessel to ensure compliance with this section.

21
22 (3) *General.* A private mooring or outhaul permit may not be held by more than
23 one individual or by more than one association, partnership, or corporation, or any other
24 legal entity at a time. All applications must be accompanied by the appropriate fee and
25 shall be received at the harbor office. No private mooring or outhaul permit shall be
26 granted for any vessel that has another private mooring or outhaul in the harbor waters,
27 mooring zones or coastal waters of Jamestown. Nonresident yacht clubs or other
28 organizations applying for private moorings to be used by more than one vessel during
29 a season must list the names of all vessels eligible to use the mooring and shall be
30 charged an appropriately higher fee.

31
32 (f) *Commercial mooring application procedures.*

33
34 (1) *New permit applications.* New applications for commercial mooring permits in
35 harbor waters must be approved by the Rhode Island Coastal Resources Management
36 Council, the Army Corps of Engineers, and the harbor commission. They must conform
37 to the percentage limitations for harbor waters stated in subsection 78-26(b), above.

1 (2) *Renewal permit applications.* Commercial mooring operators who have
2 approved permits from the Rhode Island Coastal Resources Management Council and
3 the Army Corps of Engineers will be considered to have made renewal applications for
4 the purposes of this article. For vessels on moorings to be leased seasonally
5 commercial mooring operators must provide the harbor office by July 15 with the
6 registration number, name and length of each vessel and the name of each owner. For
7 moorings leased seasonally after July 15 they must provide the information as soon as
8 reasonably practicable. Commercial operators shall provide inspection reports tri-
9 annually of their existing moorings, providing the same information required in
10 subsection 78-26(l)(3) below of inspection reports of private moorings. The inspection
11 reports provided by commercial operators may be provided in spreadsheet format.
12 Commercial mooring operators shall reach a mutually satisfactory arrangement with the
13 harbor commission for the deadlines for payment of the appropriate fees.
14

15 (3) *General.* Commercial moorings are prohibited in coastal waters. In harbor
16 waters commercial mooring operators must fulfill the requirements of Section 300.4.E.1
17 (a) and (b) of the Rhode Island Coastal Resources Management Program as they relate
18 to the provision of sanitary facilities and parking. They must also fulfill any additional
19 requirements of the harbor commission and this article, or any amendments thereof.
20

21 (g) *Relocation of existing permitted mooring.*
22

23 (1) All requests for relocation of existing permitted moorings must be submitted in
24 a written request to the harbormaster. Information for such a request must meet the
25 requirements for a mooring permit application, as well as show proof of a valid mooring
26 permit issued for the previous or current year. The reasons for a mooring relocation
27 must be clearly stated in the request. To be placed and kept on the relocation list,
28 applicants must, on an annual basis, fill out a brief relocation-list renewal form and pay
29 any waiting-list fees requested.
30

31 (2) Action on the relocation request will be taken by the harbormaster based
32 upon policies—written and fully available to the public—established by the harbor
33 commission, the availability of space, the requirements of this article, and the type and
34 size characteristics of the vessel. The harbor commission shall maintain a chronological
35 list of all applicants requesting a mooring relocation. The list shall be updated at least
36 twice a year and shall be available to the public at all times.
37

1 (3) Any request received by the harbormaster that is not complete shall be
2 returned to the applicant and no action will be taken on the matter until a completed
3 form is returned.

4
5 (h) *Occupancy; transfer.*

6
7 (1) Private mooring permits and permits for outhauls on Town owned property
8 ~~outhaul permits on town property~~ : occupancy. Private permit holders may not allow any
9 vessel other than that described in the application to use the mooring or outhaul
10 permitted for more than seven consecutive days; provided, however, that i) the
11 harbormaster may permit the temporary use of a mooring or outhaul by another vessel
12 upon the written request of the mooring permit holder and ii) the harbor commission, if it
13 deems the action appropriate, may waive the restriction more generally and for a longer
14 period. Private permit holders are prohibited from charging a fee for the temporary use
15 of their moorings or outhaul. The harbormaster shall have the authority to move or
16 cause to be moved any vessel violating the provisions of these regulations, at the
17 expense and risk of the vessel owner. The vessel and/or owner of the vessel granted
18 the temporary use of a mooring may only request the temporary use of a mooring for
19 one season. In subsequent years, the vessel and/or vessel owner may not be the
20 recipient of another temporary use exemption, except by order of the harbor
21 commission.

22
23 (2) Private mooring permits, permits for outhauls on Town owned property and
24 wait list position transfer: No private mooring holder permit, outhaul space assignment
25 or wait list position, shall be sold, assigned or transferred (unless it falls under Section
26 78-26(m), below) except on a one time only basis to an immediate family member-
27 limited to sibling, parent, spouse, children or grandchildren. The immediate family
28 member to whom the permit was transferred may, under no circumstances,
29 subsequently transfer the permit. ~~Private mooring and outhaul permits: transfer. No~~
30 ~~private mooring or outhaul space assignment shall be sold, assigned, or transferred by~~
31 ~~a mooring or outhaul permit holder, except that on written notice to the harbor~~
32 ~~commission a permit holder or a person on the waiting list may transfer a mooring or~~
33 ~~outhaul permit (unless it falls under subsection 78-26(n), below) or a place on the~~
34 ~~waiting list to a spouse, sibling, or child on a one-time only basis. Any assigned mooring~~
35 ~~or outhaul space given up by a permit holder reverts to the harbor commission for~~
36 ~~assignment, by the harbormaster, to the next person on the relocation or waiting list~~
37 ~~whose vessel fits the mooring or outhaul space, the appropriate mooring or outhaul~~
38 ~~class involved, and the relevant shoreside requirements. In exceptional cases permit~~
39 ~~holders may apply to the harbor commission for relief from this provision.~~

1
2 (3) Commercial mooring ~~permits~~ and ~~outhaul permits~~ permits for outhauls on
3 Town owned property may be leased or transferred to other businesses subject to
4 review and approval by the harbor commission. The standard for review shall be the
5 ability of the proposed transferee to comply with all the provisions of [subsection] 78-
6 26(f) as a commercial operator.

7
8 (i) *Fees.* The harbor commission shall annually recommend to the town council a
9 proposed schedule of fees as part of the annual operating and capital budget; and the
10 town council shall establish such rates not later than March 15 each year. The
11 commission may charge fees for all mooring permits; for dock, storage rack, outhaul,
12 and beach permits on town-owned property; for outhauls on riparian property, and for
13 waiting and relocation list applicants. Higher fees may be charged for nonresident and
14 commercial moorings and for other special situations. The commission may assess late
15 penalty fees provided these are indicated on, or enclosed with, the appropriate
16 application forms. For billing purposes the harbor clerk may establish informal
17 classification codes for moorings grouped by different levels of fee.

18
19 (j) *Marking.* The holder of a mooring permit shall mark the mooring buoy with the current
20 mooring number thereto in letters no less than three inches high. After 14 days' notice of
21 delinquency the harbormaster may fine the owner \$5.00 a day for any mooring not
22 properly marked.

23
24 (k) *Mooring specifications.*

25
26 (1) *Responsibility for moorings.* Although the town sets the following minimum
27 standards for moorings and mooring inspections for all moorings in the waters of the
28 town, owners of moorings shall be solely responsible for the safety and reliability of their
29 moorings. Heavier tackle and more frequent inspections than the required minimum are
30 strongly recommended in all cases. This is especially so where moorings are in
31 exposed locations or are holding vessels of greater than average displacement.

32
33 (2) *Anchors.* Mushroom anchors (in mud or soft sandy bottoms) or concrete or
34 granite blocks shall be used for moorings in the waters of the town, unless otherwise
35 authorized by the harbormaster or mandated by state or federal agencies. Authorization
36 must be in writing; and the harbor office will maintain records of any mooring anchor
37 deviations authorized in accordance with this provision.

38

1 The approximate shape of block anchors shall be square, both top and bottom,
 2 with tapered sides (trapezoidal). The block shall not be allowed to become a hazard.
 3 The link shall be of material not less than one inch in diameter and shall be securely
 4 imbedded in the block. All shackles shall be one size heavier than the chain. All
 5 shackles shall be load-rated, properly seized, and shall be forged (not cast).

6
 7 (3) *Length and type of chain.* Total minimum length of chain (both bottom and
 8 top) shall be determined as follows: Depth of water at mean high tide, plus five feet for
 9 storm surge, times two. Normally, a minimum of 50 percent of the total length of chain
 10 shall be heavy chain, with the remainder being light chain, as indicated in the table
 11 below. (Where appropriate, a rode of nylon may be substituted for the light chain.) A
 12 higher percentage of heavy chain is recommended in exposed areas of relatively
 13 shallow depth. Use of greater scope is strongly recommended, especially in exposed
 14 areas and where there is sufficient space for vessels to swing without endangering each
 15 other. Excessive scope, as determined by the harbormaster, will not be allowed. A lower
 16 percentage of heavy chain may be appropriate for moorings of greater scope.

17
 18 (4) *Mooring float/buoy.* The mooring float carrying the weight of the mooring
 19 chain (or chain and rode) must be of sufficient size and buoyancy so that at least 50
 20 percent of it is visible above the surface of the water.

21
 22 (5) *Pennants.* Pennant length shall be determined as follows: take the distance
 23 from the chock to the waterline, multiply this distance by two and add the distance from
 24 the bow chock to the bow cleat. The result is the minimum pennant length.

25
 26 (6) *Chafeguards.* All pennant lines running through a chock or any other object
 27 where chafing may occur shall have adequate chafeguards.

28
 29 (7) Minimum tackle specifications for the waters of the town.
 30

Boat Length (feet)	Mushroom anchor (pounds)	Block anchor (pounds)	Bottom Chain (inches)	Top		Pennant (inches)
				Chain or Rode (inches)		
Up to 16	150	500	½	3/8	5/8	½

<u>16</u> to 18	200	800	½	3/8	5/8	½
<u>19</u> to 21	250	1,500	5/8	3/8	5/8	½ × 2
<u>22</u> to 24	300	1,500	5/8	3/8	5/8	½ × 2
25 to 29	400	2,000	5/8	½	5/8	½ × 2
<u>30</u> to 34	500	2,000	5/8	½	¾	5/8 × 2
35 to 39	600	3,000 or 2 × 1,500	¾	½	¾	¾ × 2
40 to 49	800	4,000 or 2 × 2,000	¾	½	7/8	¾ × 2
<u>50</u> to 59	1,000	4,000 or 2 × 2,000	1	½	1	1¼ × 2

1
2 The above sizes are minimums. Use of at least one size larger for all components is
3 strongly recommended for greater safety. On written application, the harbormaster may
4 permit or require variances from these mooring tackle specifications in individual cases
5 and, more generally, in specific areas, if the stated specifications seem clearly
6 inappropriate for the area in which a mooring will be located.

7
8 (8) *Elastomeric mooring tackle.* The harbormaster is directed to encourage the
9 use of mooring tackle including elastomeric members in lieu of chain where appropriate
10 in view of the lesser scope required for such systems, with appropriate attention to be
11 paid to the requirement of corresponding anchors to be employed.

12
13 (l) *Mooring inspections.*

14

1 (1) *New moorings.* All new moorings in the waters of the town shall be inspected
2 and approved by the harbormaster or the harbormaster's designee prior to setting the
3 mooring.
4

5 (2) *Maintenance of existing moorings.* All permit holders shall be required to
6 maintain their moorings in safe condition. Any chain, shackle, swivel, or other tackle that
7 has become warped or has become worn by one-third its original diameter shall be
8 replaced. Failure to maintain a safe mooring shall be cause for revocation of the
9 mooring permit and shall be deemed a violation of this article. The harbormaster or the
10 harbormaster's designee may inspect any moorings at any time to determine
11 compliance with this section of the ordinance. Any mooring washed ashore or having
12 moved so as to endanger another vessel shall be inspected by the harbormaster or the
13 harbormaster's designee before it is reset.
14

15 (3) *Schedule of inspections.* All moorings shall be inspected by a qualified
16 mooring inspector on behalf of the applicant at least once every three years and the
17 results of such inspection certified by the inspector and reported to the harbor office by
18 15 June of the year of inspection. The inspection process is to be carried out using the
19 "Guidelines for Establishing a Verified Mooring Location" procedure approved by the
20 Jamestown Harbor Commission on February 8, 2005. This inspection shall determine
21 compliance with the minimum mooring and tackle standards of this article. Inspections
22 may be made either by raising the mooring or by underwater inspection. The harbor
23 clerk shall establish a schedule for each mooring and indicate it clearly on the mooring
24 application. The harbor clerk shall provide a form on which information pertaining to the
25 inspection shall be provided, and such form shall be submitted by the applicant together
26 with the application and fee. The information to be reported shall include the following:
27 water depth, size and type of mooring buoy, adequacy of length, diameter and number
28 of pennant(s), adequacy of chafe guard(s), type, size and number of anchor(s), length
29 and size of bottom and top chains or top rode, number and size of shackles, the location
30 of the anchor, and the general condition of the mooring. The location of the anchor is to
31 be reported in decimal degrees, e.g., 41.234567 N, 71.456789 W. The inspection report
32 shall be signed and dated by the inspector. Commercial operators may submit multiple
33 inspection reports in spreadsheet form, but they must include all information specified
34 above.
35

36 (4) *Compliance.* Any mooring or component of a mooring reported not in
37 compliance with this section of the ordinance shall be replaced by the owner within 30
38 days of such notice. Within 45 days after the noncompliance is reported a second
39 mooring inspection must be completed to determine if the violation has been corrected.

1 The results of this second mooring inspection shall be reported to the harbormaster.
2 Failure to correct the violation within that period shall cause the mooring to be deemed
3 unsafe and, as a violation of this article, shall be cause for revocation of the mooring
4 permit and removal of the mooring from the waters of the town at the risk and expense
5 of the mooring owner. When the harbormaster deems it necessary, for the safety of a
6 vessel or of vessels nearby, to remove a vessel immediately from a noncomplying
7 mooring, and the owner is unable or unwilling to do so, the harbormaster or the
8 harbormaster's designee may remove the vessel at the owner's risk.

9
10 (5) *Costs.* All costs of any mooring inspection, of any relocation of vessels as a
11 result of noncompliance, or of any repairs or replacements required under the
12 provisions of this article shall be the responsibility of the mooring owner.

13
14 (m) *Forfeiture of mooring space.* Any holder of a mooring or outhaul permit for a
15 mooring located in the coastal or harbor waters, or in a mooring area of the town shall
16 be subject to forfeiture of that permit or the right to renew the permit by reason of any
17 the following:

18
19 (1) Failure to comply with any of the requirements of this article.

20
21 (2) Failure to respond to the harbormaster's and/or harbor commission's notice
22 that i) the mooring does not comply with the mooring specifications herein set forth, or ii)
23 that the mooring has been displaced or moved from its permitted location.

24
25 (3) Failure to resurface, repair, or replace mooring tackle within 60 days after
26 being advised to do so by the harbormaster.

27
28 (4) Occupying a mooring or outhaul with the vessel permitted for that mooring for
29 a total of fewer than 20 days during the course of a calendar year. If the vessel occupies
30 the mooring or outhaul exclusively outside the period of the season it shall be the
31 responsibility of the mooring or outhaul holder to establish to the satisfaction of the
32 harbormaster or harbor commission that the mooring or outhaul has been occupied for
33 at least 20 days.

34
35 (5) Any holder of a mooring or outhaul permit for a mooring located in the coastal
36 or harbor waters of the town shall be fined \$100.00 per month for: a) failure to renew an
37 existing valid mooring or outhaul permit by June 15 of any year; b) failure to commission
38 a mooring or outhaul by July 1; c) failure to occupy the mooring or outhaul for a least 20

1 days during the year. If the holder takes no action to comply with these requirements,
2 the permit will be deemed forfeited on October 1 and will not be subsequently renewed.

3
4 On written request the harbormaster may grant exceptions to clauses (3), (4), and (5),
5 above.

6
7 No mooring or outhaul will be deemed forfeited until notice of the violation has been first
8 mailed to the holder of the permit by registered mail, return receipt requested and
9 regular first class mail. If an appeal is not made within 30 days of the receipt of the
10 notice, the harbormaster will issue an order requiring that the mooring or outhaul be
11 removed at the owner's expense. If the owner fails to remove the mooring or outhaul
12 within 30 days upon order of the harbormaster, the owner will be billed for the cost of
13 the mooring or outhaul removal. If a vessel is tied to the mooring or outhaul, the vessel
14 will be removed and stored at the owner's expense.

15
16 *(n) Implementation of changes in mooring space assignments.*

17
18 (1) All private mooring permits and applications permitted prior to initial adoption
19 of the Harbor Management Ordinance by the town council on June 17, 2004, shall be
20 reclassified according to the criteria established in subsection 78-26(c) (above).

21
22 (2) All regulations concerning mooring permits and applications shall be applied
23 on the basis of the above reclassification.

24
25 (3) All mooring permits disallowed under this article shall be deemed permitted
26 nonconforming moorings. Rights to such moorings and use in accordance with the
27 ordinance and town rules and regulations may continue by the present owner only
28 unless the mooring is surrendered or revoked.

29
30 *(o) Implementation of changes in mooring tackle requirements.*

31
32 (1) All new moorings shall meet the minimum standards.

33
34 (2) All moorings in place shall meet the new minimum standards on the regular
35 schedule of mooring inspections required by the harbor commission.

36
37 *(p) Outhauls.*

1 (1) *On town property.* Outhauls may be established on town property where
2 recommended as appropriate by the harbor commission and approved by the town
3 council. Outhauls in existence as of the adoption of this article shall be deemed
4 conforming. Permits for the use of outhauls shall be issued by the harbor office in
5 accordance with a waiting list. If an outhaul is not occupied for a minimum of 20 days
6 during the course of the year the permit shall be deemed forfeited and will not be
7 renewed. No outhaul will be deemed forfeited until notice of the violation has been first
8 mailed to the holder of the permit by registered mail, return receipt requested and
9 regular first class mail. If an appeal is not made within 30 days of the receipt of the
10 notice, any vessel secured thereto will be removed and stored at the owner's expense.

11
12 (2) *On private property.* Up to two outhauls may be installed per riparian property.
13 Outhauls on private property may not exist in conjunction with a residential boating
14 facility on the same property. CRMC reserves the right to revoke any outhaul permit
15 that is not issued according to RICRMP. Outhauls shall be grandfathered in their
16 current location upon annual harbormaster documentation that such outhauls have
17 been in continuous use at such location since 2004, and, the contiguous property
18 owner(s) agree in writing to such, however, such "grandfathering" is extinguished
19 whenever a recreational boating facility is approved at the location.

20
21 (3) *In general.* The harbormaster shall have the power to direct that outhauls
22 deemed inadequate or unsafe be repaired or replaced. Placement of anchors for
23 outhauls is subject to approval by the harbormaster. The outhaul cabling system for all
24 riparian outhauls shall be removed between November 15 and April 15.

25
26 (g) *Miscellaneous.* Water-borne structures and anchors not specifically addressed
27 herein, such as but not limited to anchors for breast lines, are subject to approval of the
28 harbormaster.

29
30 **Sec. 78-27. Regulated activities.**

31 (a) *General.* The purpose of this section is to regulate the speed, management, and
32 control of vessels and the use of all anchorages, moorings, and town-owned waterfront
33 facilities within the jurisdiction of the Town of Jamestown as stated in section 78-23 and
34 as authorized by G.L. 1956, 46-4-6.9.

35
36 (b) *Management and control of vessels.*

37
38 (1) *Vessel operation.* Every person operating a vessel within the waters of the
39 town shall navigate in a careful and prudent manner, so as not to endanger the life,

1 limb, or property of another and not to interfere with or damage other vessels or
2 property.

3
4 (2) *Failure to stop.* It shall be a violation of this article for any person to refuse to
5 move, slow to headway speed, or stop when directed by the harbormaster or any other
6 duly authorized enforcement officer.

7
8 (3) *Prohibited areas.* No person shall operate or cause to be operated a vessel
9 within any area marked prohibited on the harbor map, except as otherwise provided for
10 in the article.

11
12 (c) *Vessel speed and operation.*

13
14 (1) Operators of vessels within the coastal and harbor waters of the Town of
15 Jamestown shall comply with all state and local laws and regulations on vessel speeds
16 and wakes that establish a maximum speed for vessels of five miles per hour, no wake
17 (G.L. 1956, 46-22-9) in the mooring zones of harbor waters.

18
19 (2) Vessel operation, mooring, or anchorage within 200 feet of the shore where
20 marked on the harbor map or by buoys is prohibited, except when a vessel is directly
21 approaching or leaving the shore, a town-approved launching ramp, or beach storage
22 area for dinghies when the sole purpose is to begin or end such activity.

23
24 (3) In all designated channels, fairways, and mooring zones of harbor waters,
25 paragliding, parasailing, windsurfing, water skiing, jet skiing, tubing, knee boarding, and
26 similar activities are limited to a five miles per hour maximum speed. In coastal waters
27 and in the transient and conservation zones of harbor waters, the named activities are
28 prohibited within 200 feet of the shore and within 100 feet of any vessels moored or
29 anchored. Any person who violates these regulations, inclusive of G.L. 1956, 46-27-2,
30 shall be subject to penalties under this article.

31
32 (4) Seaplanes and other airborne watercraft are prohibited from surface
33 operation within mooring zones or within 200 feet of the shore; they are prohibited from
34 taking off or landing in the waters under town jurisdiction as stated in section 78-24 of
35 this article.

36
37 (5) No vessel shall be moored or anchored so as to interfere with the free and
38 unobstructed use of channels, fairways, or berthing spaces within the areas under town
39 jurisdiction as defined in section 78-24 of this article.

1
2 (6) Where significant shallow water habitat is identified, boating activities shall
3 be restricted as necessary to decrease turbidity and physical destruction of such
4 habitat.

5
6 (d) *Prohibited discharges.*

7
8 (1) *Discharge of refuse.* The discharge of any waste, refuse, garbage, plastic,
9 chemicals, petroleum products or by-products, paint, varnish, dead animals, or any
10 other debris or litter into the waters of the town is prohibited under this article. The town
11 adopts G.L. 1956, 46-12-39 as part of its ordinance. Any person who violates this
12 provision shall be subject to penalties provided by G.L. 1956, 46-12-40.

13
14 (2) *Discharge of sewage.* No person shall cause or permit to pass or to be
15 discharged into the waters of the town any untreated sewage or other waste matter or
16 contaminant of any kind. The town shall monitor and report annually to the department
17 of environmental management on the effectiveness of its pumpout operations.

18
19 (e) *Other activities.*

20
21 (1) *Swimming, diving and fishing.* Swimming, diving, or fishing off town-owned
22 piers, floating docks, wharfs, and jetties is prohibited unless otherwise authorized and
23 posted by the town council. Water skiing is prohibited in harbor waters and in mooring
24 areas. Swimming and diving are prohibited in mooring areas and mooring zones more
25 than 150 feet from shore from sunset to sunrise or in periods of impaired visibility,
26 except in the immediate vicinity of a moored or anchored vessel, when accompanied by
27 an escort vessel, as part of a sanctioned swimming event, or as necessary to perform
28 service or maintenance to a vessel or mooring.

29
30 (2) *Property damage.* It shall be unlawful to destroy, damage, disturb or interfere
31 with, willfully or carelessly, any public or private property in the waters or waterfront
32 areas of Jamestown.

33
34 (3) *Litter.* Littering is prohibited on town property. Any person who violates this
35 law shall be subject to penalties under this article as provided for by local and state law.

36
37 (f) *Abandoned vessels and structures.* When, in the opinion of the harbormaster, a
38 vessel or structure has been abandoned in the waters of the town, the harbormaster
39 may take custody and control of such vessel and remove it, store it, or otherwise

1 dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of
2 such disposal shall be publicly given. The harbormaster shall assume all of the duties
3 and powers of the commissioner of wrecks and shipwrecked goods as delineated in the
4 G.L. 1956, 46-10-1 to [46-10-]13.

5
6 (g) *Anchoring.* Vessels shall not anchor or raft in a location that interferes with a moored
7 vessel. The harbormaster may direct a vessel to move or relocate.

8
9 (1) Overnight anchoring is permitted in all town waters, except conservation
10 zones, on a space available basis. The crew may go ashore, but shall not leave the
11 area. They shall be available to tend to the vessel in the event of heavy weather. It shall
12 be the anchored vessel's responsibility to remain clear of all moored vessels. No vessel
13 shall be anchored more than three days without the permission of the harbormaster. No
14 anchoring of any kind is permitted in Conservation Zones.

15
16 (2) Rafting. Vessels are permitted to raft on a mooring or at anchor provided that
17 the rafted vessels do not endanger any other moored or anchored vessels and that they
18 do not intrude into any channel or thoroughfare. Each rafted vessel must be manned at
19 all times. Rafting is not permitted when Coast Guard small craft advisories or other
20 severe weather warnings are in effect; rafted vessels must separate when these
21 conditions are announced or at the request of the harbormaster.

22
23 (h) *Use of vessels as abodes.* In accordance with the Rhode Island Coastal Resources
24 Management Program, Section 300.5, houseboats or floating businesses, as defined
25 therein, are prohibited from mooring or anchoring unless within the boundaries of a
26 marina. Houseboats or floating businesses shall tie into fixed marina pumpout facilities.
27 Applicants for floating businesses shall fulfill the additional Category "B" requirements of
28 Section 300.5. Applicants for either houseboats or floating businesses shall meet all the
29 pertinent standards given in "Recreational Boating Facilities" (Section 300.4) under
30 standards for residential docks, piers, and floats.

31
32 (i) *Penalties; fines.* Pursuant to this article and the powers granted in the enabling
33 legislation, G.L. 1956, 46-4-6.9 and the general laws of the State of Rhode Island, a
34 person who violates any law as stated therein shall be subject to penalties and fines as
35 set forth in the attached appendix B, unless otherwise established by the General Laws
36 of the State of Rhode Island. Each day a violation continues shall be deemed a
37 separate offense subject to an additional penalty. The district court of the State of
38 Rhode Island, or such other courts as are designated in the summons, shall have
39 jurisdiction for the enforcement of regulated activities.

1
2 (j) *Informal procedure for the payment of boating fines.*

3
4 (1) *Payment without personal appearance.* The harbormaster or any other duly
5 authorized enforcement officer who charges any person with an offense under this
6 article, in addition to issuing a summons for the offense, may provide the offender with a
7 form that shall allow the offender to dispose of the charge without the necessity of
8 appearing before the district court; provided that any offender who has been guilty of a
9 third or subsequent violation within 12 months of the first offense must appear before
10 the court on the date specified on the summons, and may not dispose of the third or
11 subsequent offense administratively.

12
13 (2) *Method of payment.* An offender electing to dispose of the charge without
14 personally appearing before the district, or other, court shall execute the form indicated
15 and return it to the Jamestown police station not later than 14 days from the date of the
16 summons either by mailing or delivering the form and summons accompanied by a
17 check or money order in the amount indicated by the schedule of fines on the form. The
18 fine shall be doubled if not paid within 14 days and tripled if not paid within thirty (30) 24
19 days.

20
21 (3) *Failure to answer.* An individual who fails to answer within thirty (30) 24 days
22 shall have waived the right to dispose of the summons without personal appearance
23 and must appear before the district court on the date specified on the summons.

24
25 (k) *Enforcement.* The primary responsibility for enforcement of regulated activities,
26 including ~~detention, arrest, and~~ the issuance of summonses for violations is delegated
27 to the harbormaster and the Jamestown Police Department. Police officers and the
28 harbormaster of the Town of Jamestown shall have the power and authority to enforce
29 the rules and regulations of this article and of the General Laws of the State of Rhode
30 Island.

31
32 **Sec. 78-28. Harbor commission.**

33
34 (a) *Authority, powers, and duties.* The harbor commission shall be the local advisory
35 and regulatory body authorized by the town council to manage the coastal waters and
36 harbor areas of the town through the implementation of the comprehensive harbor
37 management plan and subsequent ordinances. The harbor commission shall enforce
38 the provisions and ordinances of the harbor management plan as well as adopt
39 additional policies, rules, and regulations for the implementation of the harbor

1 management plan and such ordinances, subject to the approval of the town council and
2 the Rhode Island Coastal Resources Management Council.

3
4 The harbor commission shall adopt rules of procedure and operation for its meetings
5 and, among its powers and duties, is authorized to:

6
7 (1) Recommend to the town council the adoption of rules, regulations, fees,
8 penalties and other amendments to the comprehensive harbor management plan and
9 its subsequent ordinances that may be necessary to fulfill the goals and objectives of
10 that plan and meet the requirements of its ordinances.

11 (2) Recommend additional authorities and duties for the harbor staff, herein
12 detailed, with the approval of the executive director and the town council.

13
14 (3) Assist in the preparation of the annual budgets in accordance with the
15 provisions of the town and this article to expend monies in the harbor funds.

16
17 (4) Sit as a board of appeals to hear any person aggrieved by any decision, act,
18 or failure to act of the executive director or harbor staff in the enforcement and
19 implementation of this article, with the exception of section 78-27 of this article
20 ("regulated activities").

21
22 (5) Review and revise as necessary the comprehensive harbor management
23 plan and its subsequent ordinances for the town council and the Rhode Island Coastal
24 Resources Management Council approval. The comprehensive harbor management
25 plan shall be reviewed and revised at least once every five years.

26
27 (6) Prepare the Harbor Commission's Asset Inventory List (Approved by the
28 Commission on 02.12. 2014 and the Town Council on 04.07.2014). Monitor the
29 condition of town-owned waterfront facilities generally and develop with the town
30 engineer an annual and five year capital maintenance, replacement and improvement
31 plan. The plans will include maintenance, repair, and improvement of town-owned
32 waterfront structures, such as docks, bulkheads, and boat ramps. No budget will be
33 approved without the capital improvement plan.

34
35 (b) *Composition.* The harbor commission shall consist of seven qualified electors and
36 residents of the town, appointed by the town council, chosen from a list of interested
37 parties maintained by the town administrator, after duly advertising the availability of
38 these positions. To achieve diversity, preference shall may be given to representatives
39 of each of the following groups:

- 1
- 2 (1) The nonriparian recreational boating community; (two persons)
- 3 ~~(2) The nonriparian recreational boating community;~~
- 4 (3) (2) Riparian property residents (harbor waters);
- 5 ~~(4) (3) Riparian property residents (coastal waters);~~
- 6 ~~(5) (4) The commercial fishing industry;~~
- 7 ~~(6) (5) The commercial mooring operators;~~
- 8 (7) (6) A nonboating resident.
- 9

10 The commission shall have, among its members, representatives of both East
11 and West Harbors.

12
13 *Ex-officio member:* The executive director shall be an ex-officio, nonvoting
14 member of the commission, and shall not count as part of the quorum.

15 *Liaisons:* The town council, the conservation commission, and the planning
16 commission shall may each appoint one liaison to the harbor commission. Liaisons may
17 sit with the commission, and may participate in all discussions, but may not vote and do
18 not count as part of the quorum.

19 (c) *Terms.* Commission members shall be appointed for overlapping three-year terms
20 so that approximately one-third of the membership terms will expire each year. In the
21 event of a vacancy during a term, the town council shall appoint a new member from the
22 same category of member, if feasible, to fill the remainder of the term.

23
24 (d) *Organization.* A chair and vice-chair of the commission shall be chosen annually
25 from the membership by vote of the commission. The chair shall be responsible for
26 calling and conducting all meetings of the commission. In the absence of the chair, the
27 vice-chair shall assume those responsibilities. A quorum shall be defined as four voting
28 members.

29
30 (e) *Finances; budget.* The executive director and the commission, in collaboration with
31 the town administrator, shall be responsible for the preparation of the annual harbor
32 operating and capital facilities budgets to be submitted to the town council for approval.
33 All revenues from harbor operations, including but not limited to mooring, and outhaul
34 fees and harbor management fines and penalties, shall be held in a harbor enterprise
35 fund maintained by the town finance department. The harbor enterprise fund shall be
36 maintained exclusively for the management and development of harbor programs and
37 maintenance and expansion of capital infrastructure. Nonbudgetary expenditures from
38 the harbor management account, including additional staff support, must be authorized

1 by the executive director with agreement of the commission and must be approved by
2 the town administrator and the town council. Annual lease revenue from taxpayer-
3 owned property at East Ferry, West Ferry, and Fort Wetherill may be used to fund
4 maintenance, repair, or improvements to harbor and waterfront capital facilities.

5 At the end of the fiscal year, unexpended harbor operating and capital budget
6 appropriations shall be placed in a harbor and waterfront capital reserve account.

7 The executive director and the commission, in collaboration with the town administrator,
8 shall be responsible for the preparation of the annual harbor/waterfront capital facilities
9 budget to be submitted to the town council for approval.

10

11

12

13 (f) *Compensation.* Commission members shall serve without pay, but may be
14 compensated for expenses incurred in the performance of their duties.

15

16 **Sec. 78-29. Administration.**

17 (a) *Executive director.* An executive director may be appointed by the town council to
18 supervise the harbor staff and to administer the provisions of this article and any
19 additional regulations subsequently required for the implementation of the article.

20

21 (b) *Harbor administrative staff.* The harbor administrative staff shall consist of a
22 harbormaster, a harbor clerk, and additional personnel as needed who are hired on
23 approval of the town council by the town administrator.

24

25 The responsibilities of the harbor staff under the supervision of the executive director
26 include the following:

27

28 (1) Administering and enforcing the provisions of the harbor management plan
29 and its ordinances;

30

31 (2) Processing applications for the issuance of mooring permits and assigning
32 placements of moorings in accordance with this article;

33

34 (3) Keeping proper records of all mooring application information, including the
35 locations of moorings, mooring owners and vessel usage of moorings, types of vessels
36 using moorings, etc;

37

1 (4) Preparing, keeping current, and making available a waiting list for mooring
2 permits in accordance with the provisions of this article when the demand for available
3 mooring permits is greater than the number of available mooring locations in any given
4 year, and maintaining a waiting list with respect to outhauls on town property;

5
6 (5) Keeping current and making available waiting lists for dinghy dock space and
7 outhauls on town property operated by commercial operators;

8
9 (6) Inspecting moorings and outhauls in accordance with the provisions of
10 section 78-26 of this article;

11
12 (7) Monitoring moorings and outhauls in accordance with the provisions of
13 subsections 78-26(h), (m), and (p) of this article.

14
15 (8) Carrying out all other powers and duties authorized to the harbormaster under
16 various state and federal marine laws, including but not limited to marine sanitation
17 device (MSD) inspection and discharge responsibilities afforded through the U.S. Coast
18 Guard, MARPOL Annex V, Section 312 of the Clean Water Act, G.L. 1956, tit.[ch.] 46-
19 22, and future laws yet to be enacted.

20
21 (9) Any other duties specified by the harbor commission or executive director.

22
23 (c) *Conflicts of interest.* All members of the harbor administrative staff shall adhere to
24 the requirements of the Rhode Island Code of Ethics, set forth at G.L. 1956, tit. 36, ch.
25 14, as amended, and all regulations promulgated by the Rhode Island Ethics
26 Commission.

27
28 **Sec. 78-30. Appeals.**

29 In matters other than violations of section 78-27, the harbor commission shall sit
30 as the board of appeals to hear any person aggrieved by a decision of the executive
31 director or the harbormaster. The aggrieved party shall file a written appeal with the
32 harbor clerk within 30 days following the notice of the decision. Upon receipt of the
33 appeal, the harbor clerk shall schedule a hearing at the next regularly scheduled
34 commission meeting, with written notice given to the appellant of not less than 14 days.

35 The harbor commission may hear an appeal filed out of time provided the
36 appellant demonstrates:

1 1) The matter from which the appeal is taken occurred within the past 180 days;
2 and

3
4 2) For just reasons, failure to timely file the appeal was due to mistake,
5 inadvertence, excusable neglect; or

6
7 3) Would result in a substantial injustice to the appellant rights as provided for
8 under this article.

9 Any party aggrieved by a decision of the harbor commission may make a final
10 appeal to the town council. Notice of appeal shall be made in writing and filed with the
11 town clerk within 20 days of the mailing date of the decision. The town clerk shall obtain
12 the record of the commission's proceedings and schedule a hearing with notice to the
13 appellant.

14 **Sec. 78-31. Liability.**

15 Persons using the waters of the town shall assume all risk of personal injury and
16 damage or loss to their property. The town assumes no risk on account of accident, fire,
17 theft, vandalism or acts of God.

18 **Sec. 78-32. Severability.**

19 If any provisions of this chapter are held invalid or inoperative, the remainder
20 shall continue in full force and effect as though such invalid or inoperative provisions
21 had not been made.

22 **Sec. 78-33. Effective date.**

23 This chapter shall take effect upon its passage by the town council with respect
24 to provisions that do not require approval of the coastal resource management
25 commission.

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**PUBLIC HEARING
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on **June 16, 2014 at 7:30 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue** on the following proposed amendments to the Code of Ordinances regarding the Harbor Management Plan. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendments are under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendments are available for review and/or purchase at the Town Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and for review at Jamestownri.net, go to Clerkbases link on the Town's homepage.

The Town Council of the Town of Jamestown hereby ordains:

Section 1. The Jamestown Code of Ordinances is hereby amended by changing the text of the existing Harbor Management Plan, as follows:

NOTE: words set as ~~strikethrough~~ are to be deleted from the Harbor Management Plan; words set in underline are to be added to the ordinance.

The Jamestown Harbor Management Plan is amended as set forth in the attached Exhibit A, or as may be amended during the course of the public hearing held pursuant to the proposed amendments.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to the Town of Jamestown's Code of Ordinances.

Section 3. This Ordinance shall take effect upon its passage.

ALL NOTE: This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call the Town Clerk at 401-423-7200 or by facsimile at 401-423-7230 not less than 3 business days prior to the meeting.

1 **EXHIBIT A**

2
3 **JAMESTOWN COMPREHENSIVE HARBOR MANAGEMENT PLAN**

4
5
6 **I. INTRODUCTION**

7
8 **A. THE PURPOSE OF THE PLAN**

9
10 The broad goal of the Comprehensive Harbor Management Plan is to help achieve--
11 consistent with the requirements of the appropriate state and federal regulatory agencies--
12 the most desirable use of the waters surrounding Jamestown for recreational,
13 environmental, commercial, aesthetic, and other purposes. More particularly the plan is
14 intended to serve as a guide for managing Jamestown's harbors and waters; for providing
15 the maximum benefit for the public use of the water and the waterfront; for protecting the
16 coastal environment; for resolving user conflicts; and for ensuring public access to the
17 shoreline. Creating such a guide involves evaluating harbor resources, activities, issues
18 and problems; establishing clear objectives; and recommending specific policies for the
19 use, development and preservation of Jamestown's harbors and waters.
20

21 The plan is designed to be consistent with the goals of the Jamestown
22 Comprehensive Community Plan and the relevant state and federal authorities. Its
23 preparation has included the active participation of the public in an effort to insure that all
24 interested parties have been represented in the planning process.
25

26 **B. THE HISTORY OF THE PLANNING PROCESS**

27
28 Title 46, Section 4 of the Rhode Island General Laws, 1956, Amended, provided
29 the authority for Rhode Island communities to enact harbor ordinances and to develop
30 regulations governing the tidal areas within their communities.
31

32 In 1964 the Rhode Island General Assembly approved legislation creating the
33 Jamestown Waterfront Authority. It directed that authority to make a comprehensive study
34 of the existing waterfront facilities, including their management and their physical
35 condition; to estimate the cost of repairing or replacing inadequate facilities, or of
36 constructing new ones; to study the economic potential of the Jamestown waterfront for
37 commercial and recreational purposes; and to make recommendations to the General
38 Assembly and the town for the optimal use and maintenance of the waterfront.
39

40 The establishment of the Rhode Island Coastal Resources Management Council
41 (CRMC) in 1971 brought further impetus and direction to Jamestown's waterfront
42 planning. By 1976 the town had published regulations governing the use of marine
43 activities under its jurisdiction, which at that time extended over the East Ferry, West
44 Ferry, and Dumplings areas.
45

1 Various attempts were made in the 1980s to draft an ordinance that would
2 supersede the regulations of the 1970s. Regulatory requirements had increased in
3 complexity over the years, and it was widely perceived throughout the state that they
4 would be even more demanding in the future. In 1988 the state directed each coastal
5 community to prepare a harbor management ordinance and a harbor management plan.
6

7 The Jamestown town council adopted a harbor management ordinance in August,
8 1988, that was conditionally approved by the CRMC in 1990, subject to the completion of
9 a suitable comprehensive harbor management plan. In 1995 the town council approved the
10 plan; and in 1996 the CRMC approved both the plan and the ordinance for a period of five
11 years.

12 C. FEDERAL AND STATE AUTHORITIES

13

14 Many higher levels of government have authority over various aspects of local
15 harbor management. The three authorities most directly involved are:

16 1. The United States Army Corps of Engineers (ACE)

17

18 The Army Corps of Engineers is responsible for the regulation of the navigable
19 waters of the United States and for the maintenance of navigable channels. In this role the
20 ACE may require permits for any work seaward of the mean high water line--for structures
21 or obstructions, for dredging and filling projects, and for certain private and municipal
22 improvements such as public boat ramps, docks, or commercial moorings.
23

24 The ACE is concerned with the environmental impact of projects it may undertake or
25 permit. It also seeks to maintain unobstructed access to harbor channels and requires harbors
26 dredged or maintained with federal funds by the ACE ("federal navigation projects") to be "open
27 to all on a fair and equitable basis." Should Jamestown ever have any such projects, they would
28 be subject to this requirement.
29

30 2. The Rhode Island Coastal Resources Management Council (CRMC)

31

32 The CRMC is the State of Rhode Island's primary agency for planning and
33 managing coastal resources and the uses made of tidal waters. Its purpose is to protect the
34 rights of the public with respect to the state's submerged lands, coastal resources, and tidal
35 waters, and to produce the maximum benefit for society. Its jurisdiction extends over all
36 activities taking place in the tidal waters of the state and along the coastline--generally
37 extending 200 feet inland from the inland border of designated shoreline features. The
38 various regulations, procedures, and policies of the CRMC are contained in its Coastal
39 Resources Management Program (also known as the "Red Book") which is kept up-to-date
40 by revisions. *A copy of the "Red Book" is available for public inspection at the Jamestown*
41 *Harbor Office, or online at: www.crmc.ri.gov.*
42

43 The CRMC establishes goals, policies and regulatory standards for the different
44 categories of water use it has defined throughout the state. It also provides assistance to
45

1 local governments making or revising harbor management plans or ordinances. It reviews
2 and either rejects or approves (or conditionally approves) those plans or ordinances.

3
4 3. Rhode Island Department of Environmental Management (DEM)

5
6 The DEM has the primary responsibility, delegated to it by the U. S. Environmental
7 Protection Agency, for implementing the Federal Clean Water Act within the state, for
8 managing the living resources of the state's waters, and for overseeing the federal and state
9 open space and land acquisition programs. More specifically, under the Federal Clean
10 Water Act DEM issues Water Quality Certifications for most water-related development
11 projects. The DEM has several regulatory divisions that are responsible for different
12 aspects of environmental management. Its Division of Water Resources regulates activities
13 that affect the water quality of the state, including salt water, groundwater, and freshwater
14 wetlands. Its Division of Fish and Wildlife, among other responsibilities, manages the
15 state-owned land on Dutch and Gould Islands as Wildlife Management Areas and, in
16 conjunction with the Marine Fisheries Council, the finfish and shellfish fisheries, and also
17 reviews and comments on all Water Quality Certification applications for possible impact
18 on fish and wildlife resources.

19
20 The DEM has established a number of regulations to further its purposes, including
21 an "anti-degradation" clause stating that there can be no degradation of classified waters
22 due to a proposed activity. It issues permits for various coastal and deep water activities;
23 and it coordinates with the CRMC to advance their overlapping objectives. *A copy of the*
24 *DEM's Water Quality Regulations is available for public inspection at the Jamestown*
25 *Harbor Office, or at: www.dem.ri.gov.*

26
27 D. LOCAL AUTHORITIES

28
29 1. The Jamestown Planning Commission

30
31 The Jamestown Planning Commission, established under the town charter, advises
32 the town administrator and the town council on all matters of planning that affect the
33 general health, safety, and well-being of the town's inhabitants. One of its major
34 responsibilities is to revise, on a regular basis, Jamestown's long-range comprehensive
35 community plan. The town council approved the latest revision of this plan in June 2002.

36
37 The text of the 2002 revision makes several recommendations relating to harbor
38 management: for example, that in East Harbor the "currently established ceiling for
39 moorings and slips be maintained" by both the town and the CRMC; that the harbor
40 commission "manage the harbor to that number"; and that future expansion be allowed
41 "only if adequate additional landside support, parking, public access, sanitary facilities,
42 etc., are provided" (p. 156). More generally the plan recommends that "mushrooming" of
43 neighborhood mooring fields should be curtailed and that "expansion of mooring fields
44 should be limited to areas where there are adequate landside facilities" (p. 135).

1 In its implementation section, the plan assigns various specific responsibilities to
2 the harbor commission. In three areas the commission is to "initiate" action: 1) to
3 "continue [the] effort to encourage transient boaters to visit and spend time on the island";
4 2) to "ensure that the number of moorings, slips, both private and commercial, are
5 supported by adequate landside facilities"; and 3) to "investigate methods for maintaining
6 the commercial fishing industry in the community" (pp. 266-68). In other areas, where to
7 avoid administrative redundancy the planning commission has deemed it appropriate to
8 assign initiation action to other agencies (conservation commission, parking committee,
9 recreation department, etc.), the harbor commission is a cooperating partner. These areas
10 include public access, parking, aquaculture, improvements at Fort Getty, development and
11 management plans for the harbor waterfronts, and matters affecting Narragansett Bay as a
12 whole (pp. 246, 261, 264, 266-70).

13 14 2. The Jamestown Harbor Commission

15
16 Authority: The General Laws of Rhode Island R.I.G.L. 46-4-6.9 delegate to coastal
17 municipalities responsibility for three main categories of activities in municipal waters:
18 managing vessel operation; managing moorings and anchorages; and managing activities
19 such as water-skiing, skin-diving, marine parades and regattas. The coastal municipalities
20 have the authority to enact ordinances to regulate these activities and to impose penalties
21 for violations.

22
23 The Jamestown Harbor Commission, established in 1989 as the Jamestown
24 Harbor Management Commission, has the primary responsibility under the authority of
25 the town council and the Jamestown harbor management ordinance for regulating and
26 managing the waters of the town of Jamestown--which includes Dutch, Gould, and
27 Conanicut Islands. (It should be noted that while the ownership of all the land on both
28 Dutch and Gould Islands is at present divided between the federal and the state
29 governments, the jurisdiction of the Jamestown harbor commission extends to those two
30 islands as it does to state or federal land on Conanicut Island itself. Because the landside
31 responsibilities of the commission are effectively curtailed for those two islands,
32 however, *in this document the terms "Jamestown" , "town", and "island" will refer to*
33 *Conanicut Island alone, except when specifically stated otherwise.*)

34
35 Background: Throughout the 1990s the harbor commission exercised unusually
36 wide-ranging responsibility. Most notably, it had, effectively, direct responsibility for
37 overseeing the maintenance and repair of town-owned waterfront structures and facilities.
38 From its general income it created a substantial development fund to be used for these
39 purposes. The arrangement was apparently successful and faced little objection so long
40 as maintenance and other costs were low.

41
42 In the late 1990's, however, it became clear not only that a rapidly increasing
43 burden of long-deferred maintenance was going to require extraordinary financial and
44 administrative measures, but also that the commission faced severe constraints on its
45 ability to increase its income. The commission's mooring fees were fixed by the 1988/90
46 ordinance; its proposals to apply for significant federal funds were turned down for

1 policy reasons by two successive town councils; and lease agreements for its waterfront
2 facilities had been signed in 1995 and 1997 for ten-year periods. After extensive
3 commission, town-council, and public debate, the town council--as an ad hoc solution to
4 the immediate infrastructure crisis--amended the ordinance to permit the annual
5 fluctuation of mooring fees and, in addition, contributed to the harbor commission budget
6 a substantial sum of money from the general funds.

7
8 During 2000 and 2001 the town and the commission looked for a permanent
9 resolution to the commission's administrative, jurisdictional, and financial uncertainty. In
10 2000 the commission asked the town to take more direct administrative responsibility.
11 The town council decided, with the commission's agreement, that the chief of police,
12 rather than a volunteer chair, should oversee and execute commission policy. The
13 commission decided to give up its direct management oversight of infrastructure
14 maintenance and repair with the intention of becoming advisory with respect to those
15 matters. In 2002 it established an internal budgeting process that now clearly divides
16 both income and expenditure between harbor management and infrastructure
17 development. These broad changes have laid a solid basis for the commission's activities
18 in the future.

19
20 Administration: An executive director may be appointed by the town council to
21 supervise the harbor staff and reports both to the commission and to the town
22 administrator. The harbor staff consists of a harbormaster, a harbor clerk, and additional
23 personnel as needed. The executive director is nominated by the town administrator and
24 appointed by the town council. The harbormaster is nominated by the town administrator
25 and appointed by the Town Council. The harbormaster reports to the executive director
26 and under the executive director's supervision, enforces the policy guidance of the harbor
27 management ordinance and of the commission. The harbor clerk also reports to the
28 executive director.

29
30 Responsibilities: Under the harbor management ordinance adopted in 2011, the
31 harbor commission, in addition to its responsibilities under GLRI Sec. 46-4-6.9, shall be
32 advisory and assist in the planning for the maintenance and repair of town-owned harbor
33 facilities, such as docks, bulkheads, and boat ramps. It is responsible for monitoring the
34 condition of harbor infrastructure generally; for bringing necessary repair, maintenance,
35 and improvement projects to the attention of the town administrator; and for working
36 with the town authorities in developing multi-year plans and cost estimates for the repair
37 and maintenance of harbor facilities.

38
39 Funding: Funding for the harbor commission operating budget is currently
40 provided by: 1) private and commercial mooring fees, town-owned dockage, and outhaul
41 fees; 2) beach permits; 3) leases of town-owned waterfront property; 4) investment
42 income; 5) fines; 6) occasional specific or non-specific grants or subsidies from the town
43 and from other public and private funding sources. ~~Under the 2011 ordinance,~~
44 ~~commission revenues are divided between harbor management and capital facilities~~
45 ~~improvement, with the latter account going into the town's capital facilities accounts~~
46 ~~fund.~~ Presently the commission develops and submits its budget recommendations to

1 the town council for council approval. Under the 2011 ordinance the executive director,
2 with input from the commission, develops the harbor commission budget and submits it
3 to the town administrator for approval by the town council. ~~The capital facilities
4 improvement account eventually goes, via the town council, to the annual financial town
5 meeting.~~

6
7 3. Conservation Commission

8
9 The charge of the Jamestown Conservation Commission is to promote and
10 develop the natural resources, to protect the watershed resources and preserve natural
11 esthetic areas within the town. From time to time its activities overlap those of the
12 harbor commission and the Conservation Commission normally delegates one of its
13 members to attend the harbor commission’s monthly meeting and liaise between the two.
14

15 E. GOALS FOR THE FUTURE

16
17 Jamestown recognizes the economic, recreational, and aesthetic importance of the
18 coastal resources under its jurisdiction. Its 1988/90 harbor management ordinance served
19 as a model for many other waterfront municipalities throughout the state. Policies of the
20 Jamestown comprehensive community plan relating to coastal resources include
21 encouraging town acquisition of unique, fragile and scenic coastal areas; encouraging land
22 management that provides opportunities for public waterfront access; and protecting water
23 quality in the salt marshes and coastal waters of Jamestown (p.245).
24

25 The goals of the Harbor Commission are:

26
27 1. To regulate uses and activities within the waters of the town, as described herein;
28 to protect the coastal environment; to minimize user conflicts; to maximize the efficient use
29 of both the water space and town-owned waterfront consistent with the other goals
30 expressed herein; and to maintain and improve public access to the waters of the town for
31 the benefit of all user groups, including residents and non-residents with or without boats,
32 who seek to use town waters for passive and active recreation.
33

34 2. To distribute equitably the burdens and benefits of harbor management and
35 development among commercial mooring operators, private mooring owners, other groups
36 or individuals with special interests in the water and the waterfront, and the town.
37

38 3. To remain consistent with the authorities granted the town under Sec. 46-4-6.9
39 of the General Laws of Rhode Island and with the goals, policies, and regulations of the
40 Jamestown Comprehensive Community Plan, the Jamestown Comprehensive Harbor
41 Management Plan, the Rhode Island Coastal Resources Management Council, the Rhode
42 Island Department of Environmental Management, and the United States Army Corps of
43 Engineers.
44

45 II. JAMESTOWN (CONANICUT ISLAND) DESCRIPTION

1 A. HISTORICAL BACKGROUND

2
3 The Narragansett Indians were early inhabitants of Conanicut Island, and the
4 English colonists named the island for Canonicus, an important seventeenth-century
5 Narragansett sachem. In 1966 archaeological excavations in the West Ferry area
6 uncovered graves from the 1600s as well as cremation burials from 3,000 years earlier.
7 Additional excavations in 1988 revealed the largest documented Native American burial
8 ground in New England, consisting of more than 200 separate graves.

9
10 In 1524 the Italian explorer Giovanni Verrazzano sailed into what was probably
11 Narragansett Bay. He recorded seeing many people, villages, and cultivated farms along
12 the coasts. Europeans were soon trading in the area. After Roger Williams settled in
13 Rhode Island in 1636, he helped other settlers purchase Aquidneck Island (in 1637) and
14 Conanicut, Dutch, and Gould Islands (in 1657) from the Narragansetts. The Town of
15 Jamestown, incorporated in 1678, embraced all of Conanicut, Dutch, and Gould Islands.

16
17 Over the next two centuries Jamestown experienced economic prosperity
18 followed by economic decline. Island residents in the colonial period were mainly
19 commercial farmers and graziers. They were linked by sailboat ferries both to Newport
20 (where they sold the bulk of their produce) and to the mainland. This period of relative
21 prosperity came to an end with the Revolutionary War and its aftermath. The destructive
22 British occupation of Newport (which also resulted in significant population loss in
23 Jamestown) was followed by a general post-war movement of regional trade and
24 economic prosperity up the bay. Both Newport and Jamestown suffered a long period of
25 economic stagnation as the mills and other industries in the northern part of the state,
26 later easily served by rail, became the driving forces of the regional economy.
27 Jamestown remained relatively isolated economically for almost a century. Its population
28 declined further, and those families remaining turned largely to self-sufficient farming.

29
30 In 1873 regular steam ferryboat service began between Jamestown and Newport
31 and, in 1888, between Jamestown and Saunderstown. At last the small population of 500
32 residents had a reliable means of transportation to Newport and the mainland. With this
33 accessibility a summer resort business quickly grew--at first as an offshoot of the older
34 and larger summer colony in Newport. Families, many from Philadelphia and St. Louis,
35 began coming to Jamestown for the entire summer, finding its relative quiet and
36 unpretentiousness preferable to Newport's increasingly hectic and expensive scene. They
37 reached Jamestown via the Fall River Line from New York to Newport, or by other ship
38 lines, and by train. Although the small year-round resident population grew slowly, by
39 the early 1900s there were available for long-term summer visitors over 1,000 rooms in
40 large residential hotels, small boarding houses, and private summer homes.

41
42 At the beginning of the twentieth century the Navy and War Departments also
43 developed a significant presence in the area. The Navy Department expanded its
44 facilities and sent a substantial part of its Atlantic fleet to spend summers stationed in
45 Narragansett Bay. To help protect the East and West Passages in case of wartime attack
46 the War Department built Forts Wetherill and Getty on Conanicut Island as part of a

1 chain of forts built for that purpose. The combined military presence was to last until
2 well after World War II.

3
4 The period between the two World Wars brought significant changes to
5 Jamestown's economy. The decade of the 1920s saw the decline of the hotel era and
6 long-term summer visitors as automobiles began to replace steamboats and trains for
7 family travel and the greater flexibility provided by automobiles encouraged shorter
8 vacation visits to more places. In the 1930s the severe economic conditions of the great
9 depression limited summer vacation travel of any type for most families. With such
10 changes taking place, the possibility of having a bridge over the West Passage became a
11 serious consideration. Easier automobile access to the island might attract more visitors
12 and year-round residents, and thereby increase land values and contribute to prosperity.

13
14 The precipitating event for the construction of a bridge--and by far the most
15 important maritime event of the 1930s--was the great 1938 hurricane. Coming after
16 many years of quiet that engendered careless boating practices and overextended
17 waterfront facilities, and catching Rhode Island (indeed, all of New England) almost
18 totally by surprise, the hurricane caused enormous destruction and loss of life. In
19 Jamestown it destroyed and damaged piers, waterfront homes, and commercial buildings;
20 it sank boats or hurled them on the shore; it led to the deaths of seven schoolchildren at
21 the head of Mackerel Cove; and, by severely damaging the ferries and both ferry docks, it
22 isolated Jamestown for two weeks from the mainland and from Newport.

23
24 Construction of a bridge over the West Passage began in December, 1938, only
25 three months after the disaster of the hurricane, and concluded about eighteen months
26 later, in July, 1940. Ferry service from Saunterstown to Jamestown immediately ended.
27 By 1988, the original prediction of 177,000 bridge crossings annually occurred every 11
28 days.

29
30 After World War II began in Europe, the Army, in 1940, modernized Forts Getty
31 and Wetherill and developed a new fort, Fort Burnside, at Beavertail to help protect the
32 growing naval installations in the area. It stretched submarine nets across both the East
33 and the West Passages, established underwater mines that could be detonated from shore,
34 and constructed sites for radar and various underwater detection devices. While the
35 military presence dominated Jamestown's activities during the War, and the coastal forts
36 remained in government hands for many years thereafter, ultimately the forts were to
37 become waterfront parks of great value to the Jamestown community and to the state.

38
39 Talk of a bridge between Jamestown and Newport began almost immediately
40 after the Jamestown Bridge opened in 1940, but plans were held up for many years--due
41 in part to military concern that the bridge's possible destruction in wartime might impede
42 naval passage on the Bay. Eventually the four-lane Newport Bridge opened in June,
43 1969, and regular ferry service to Newport ended. Soon thereafter the Route 4 connector
44 to Route 95 opened, greatly reducing driving time to Providence. As a result of these
45 developments Jamestown's population grew rapidly--doubling between 1970 and 1990 to
46 almost 5000 people. In a short period of time the old, two-lane roadbed of the Jamestown

1 Bridge became functionally obsolete. Motorists, residents, and town officials were
2 increasingly concerned about traffic safety and delays. These concerns resulted in plans
3 to replace the bridge with a four-lane span and to build a cross-island four-lane highway
4 connecting the two bridges.

5
6 Construction of the new Jamestown-Verrazzano Bridge over the West Passage
7 began in 1985. The four-lane 7,350 foot concrete span opened in October 1992; the John
8 Eldred Parkway connecting it to the Newport Bridge opened in 1994. The state let the
9 original Jamestown Bridge of 1940 stay in place pending plans for the most efficient way
10 to remove it. The result was both a potential future asset and a jurisdictional and
11 maintenance problem: the old bridge was attractive to fishermen but as of 2002 was not
12 adequately maintained or managed either for fishermen or for the adjacent community.
13 The old bridge was finally demolished and removed in 2006, apart from a short section
14 extending from the Saunderstown shore; the remaining section was removed in 2010.

15
16 Jamestown's population not only grew rapidly after 1969 but changed in
17 character. Over the decades the island became effectively a suburban community, with
18 residents typically employed on the mainland or in Newport. It also became a popular
19 retirement community. There were many new private homes and upscale housing
20 developments, and the "downtown" commercial area prospered. The farmland familiar a
21 century before was increasingly diminished in area even as residents tried to maintain the
22 island's rural character.

23
24 Easily reached in a period of unusual national prosperity, the coastal waters
25 surrounding Jamestown saw a marked increase in recreational use. Boaters were
26 attracted both by the island's intrinsic natural appeal and by its easy access to southern
27 Narragansett Bay and Rhode Island Sound. The once tranquil harbors became
28 increasingly crowded, and they bustled with new (and occasionally excessive) activity.
29 By 2002, marinas, boatyards, yacht clubs, and private moorings provided services for
30 more than 1200 private and commercial vessels moored or berthed around the island--
31 more vessels than Jamestown had residents a century before.

32 33 B. ADMINISTRATIVE DIVISIONS: WATERS OF JAMESTOWN

34
35 The waters of Jamestown are divided administratively into three major categories:
36 harbor waters, coastal waters, and mooring areas.

37 38 1. Harbor waters/boundaries

39
40 Harbor waters are divided into one or more of three "zones": a) **mooring zones**
41 (designated primarily for the placement of moorings or for transient anchorage if space is
42 available); b) **transient anchorage zones** (designated exclusively for the short-term use
43 of commercial and recreational vessels); and c) **conservation zones** (specifically
44 designated for the protection of water quality, wildlife, and plant habitat values).

1 Following are the designated boundaries of Jamestown's three separate harbor
2 areas: *For specific detail on the following boundary points see the map and the table of*
3 *Rhode Island State Plane Coordinates and latitudes and longitudes in Appendix A-1.*
4

5 East Harbor waters (411 acres): The northern boundary shall be a line extending
6 easterly one thousand (1,000) feet seaward from the eastern extension of Weeden Lane.
7 The eastern boundary shall be a line extending one thousand (1,000) feet seaward of the
8 shoreline. The southern boundary shall be a line extending easterly from the southern
9 point of the Fort Wetherill boat basin to government marker G "9" (Fort Wetherill Gong)
10 thence to government marker G "11" (Bull Point Bell). East Harbor waters are classified
11 as follows:

12
13 *Mooring zone* (276.7 acres). All harbor waters from the Newport Bridge to a line
14 extending from Bull Point to government marker G "11" less a 50-foot setback
15 from the mean low water mark;

16
17 *Transient anchorage zone* (82.3 acres). All harbor waters from the northern
18 boundary to the Newport Bridge in the band of water five hundred (500) to one
19 thousand (1,000) feet from shore; and all harbor waters south of a line extending
20 from Bull Point to government marker G "11" less a 50-foot setback from the mean
21 low water mark;

22
23 *Conservation zone* (52.0 acres). All harbor waters from the northern boundary to
24 the Newport Bridge in the band of water from the shore to five hundred (500) feet
25 seaward.

26
27 West (Dutch) Harbor Waters (658.8 acres): The northern boundary shall be a line
28 extending westerly one thousand (1,000) feet seaward from the western extension
29 of Orchard Avenue (Weeden Lane). The western boundary shall be a line
30 extending from the westernmost end of the northern boundary to the pier at Fort
31 Getty. West (Dutch) Harbor waters are classified as follows:

32
33 *Mooring zone* (114.8 acres). All harbor waters from a point on shore due east of
34 the Dutch Island pier to the Fort Getty pier ~~ruins~~ thence to a point at the southern
35 terminus of Maple Avenue less a 50-foot setback band extending seaward from
36 the mean low water mark;

37
38 *Transient anchorage zone* (160.0 acres). All harbor waters from the Dutch Island
39 pier ruins to a point due east on shore thence to the pier at Fort Getty less a 50-
40 foot setback band extending seaward from the mean low water mark;

41
42 *North conservation zone* (287 acres).

43 ~~All harbor waters from the westernmost point of the northern boundary to a line~~
44 ~~extending from the Dutch Island pier ruins to a point due east on shore;~~
45
46

1 All waters shoreward of a line extending from the western extension of Orchard
2 (Weeden) Lane to point R on the map provided as appendix A of the
3 Jamestown Harbor Management Ordinance, thence to point Q on that map;
4

5 *South (Sheffield Cove) conservation zone* (96.6 acres). All harbor waters south of
6 a line from the pier at Fort Getty to a point at the southern terminus of Maple
7 Avenue.
8

9 South (Mackerel Cove) Harbor Waters (27.9 acres): From the swimming beach
10 to a straight line one thousand (1,000) feet seaward from the southernmost
11 extremities of the Mackerel Cove swimming beach. South (Mackerel Cove)
12 Harbor waters are classified as a conservation zone.
13

14 2. Coastal waters/boundaries

15

16 Coastal waters consist of all waters bordering the town from the shore to a
17 distance of five hundred (500) feet seaward that are not included in the designation
18 "harbor waters", excluding mooring areas as defined below.
19

20 3. Mooring areas

21

22 Mooring areas are areas located within the water otherwise classed as coastal
23 waters, in which a group of private non-riparian moorings are permitted. Three areas,
24 known as Head's Beach, Park Dock, and Cranston Cove, were identified by the CRMC in
25 2006 as non-conforming mooring areas, that is, as having a sufficiently dense group of
26 moorings that formal recognition as mooring areas is required.
27

28 Mooring area siting standards. All designated mooring areas sited within the coastal
29 waters and harbor areas of the town shall be setback as follows:
30

- 31 (1) From riparian moorings and shoreline rights of ways, a distance sufficient to
32 allow ingress and egress and to prevent interference with the exercise of
33 private and public rights.
34
- 35 (2) Fifty (50) feet from all residential or commercial docks, piers, floats and
36 public launching ramps.
37
- 38 (3) Public mooring areas shall be setback from Federal Navigation projects at
39 least three times the U.S. Army Corps of Engineers authorized project depth
40 from federal navigational projects.
41
- 42 (4) All moorings shall be prohibited in Federal Navigation Projects.
43
- 44 (5) All new and significantly expanded mooring areas shall be sited to ensure
45 that tides and currents aid in flushing the mooring area.
46

- 1 (6) All new and significantly expanded mooring areas shall be sited to avoid
2 adverse effects on water quality
3
- 4 (7) Mooring areas shall be sited so as to not substantially interfere with
5 designated shellfish management areas, traditional fishing grounds, public
6 recreational areas and conservation areas.
7
- 8 (8) Mooring areas shall be sited so as to not significantly affect finfish and or
9 shellfish resources, wetlands, submerged aquatic vegetation and aquatic
10 habitat.
11
- 12 (9) Moorings areas shall be adequately serviced and pump out stations shall be
13 accessible and operationally maintained
14
- 15 (10) The Army Corps of Engineers (ACOE) “open to all” policy supersedes any
16 Town or State regulation, policy, ordinance, or statute.
17
- 18 (11) All moorings and boats shall be located within the mooring areas, except for
19 riparian moorings.
20
21

22 4. Federal Exclusion Zone

23
24 In August 2008, the Town became aware that by Federal regulation (33 CFR
25 §334.80, originally dated March 13, 1968), the US Navy has established an exclusion
26 zone within which all activities such as anchoring and fishing are prohibited. This
27 exclusion zone includes a portion of the coastal waters of the northeast Jamestown
28 shoreline, including the Park Dock area mentioned above. Historically, Jamestown has
29 permitted not only these activities but also mooring in this zone, and there are also a
30 number of docks attached to riparian properties in this zone. Navy representatives have
31 assured Jamestown representatives that the existing uses may continue.
32

33 C. PHYSICAL SETTING AND NATURAL RESOURCES

34 35 1. Physical Setting

36
37 Geography; Geology: Conanicut Island is at the entrance to Narragansett Bay,
38 dividing the Bay into East and West Passages. The island, running north and south, is
39 about 9 miles long and 1.5 miles wide at its widest point. It has about 23 miles of
40 shoreline and a land area of 9.2 square miles. (Dutch and Gould Islands add another 0.2
41 square miles.) Despite its small size, the island is divided into two almost separate
42 sections: the smaller Beavertail section in the south is connected to the rest of the island
43 only by a strip of beach at the head of Mackerel Cove. (The main part of the island itself
44 is less clearly divided by the "Great Creek" complex that runs almost across the island
45 just east of the Pell [Newport] Bridge toll plaza).
46

1
2 The underlying geography of Conanicut Island's shoreline--and of the island as a
3 whole--results largely from the action of the last period of glaciers. It consists of granite
4 and shale bedrock, sometimes exposed, but for the most part overlaid with decomposing
5 glacial till. While the shoreline contains areas of rocky cliffs, sandy beaches, and a small
6 amount of estuarine emergent wetland, it is made up primarily of rocky unconsolidated
7 material that, at the water's edge, now forms shallow beaches of mixed pebbles and sand
8 backed by low banks and vegetation. Rocky cliffs predominate along the southern
9 coastline. From the scattered islets (known as the "Dumplings") in the southern part of
10 East Harbor, and around Fort Wetherill to the mouth of Mackerel Cove, there are granite
11 cliffs with bold promontories up to fifty feet high. On the west side of Mackerel Cove,
12 and extending around Beavertail Point to Austin Hollow, there are somewhat lower cliffs
13 of shale and slate, interspersed by occasional small beaches. The only extensive sandy
14 beach is at the head of Mackerel Cove, although there are smaller ones, public and
15 private, at various points around the island.
16

17 Winds; Flood Zones: The summer months have prevailing south/southwesterly
18 winds. Winds are more variable in the winter. Storms come usually either from the
19 northeast or the southeast. The combination of wind, velocity, direction, fetch, and
20 duration creates wave action on both sides of the island, with the west side generally
21 being more active.
22

23 Parts of the island are particularly subject to storm surge, flooding, and/or velocity
24 waves during coastal storms. Along the south coast the high cliffs reduce the risk of
25 flood damage; but the island has a generally low elevation--its highest point is about 140
26 feet above sea level and most of it is well under 100 feet. Both the East and West Harbor
27 areas have the possibility of flood zones of class A (flood elevation 10.2 feet above mean
28 sea level) and V (areas subject to velocity waves that reach 15 feet above sea level).
29 Beavertail is occasionally shut off from the rest of the island temporarily as storm
30 damage blocks the road across the head of Mackerel Cove; and the Great Creek and
31 Sheffield Cove areas are especially susceptible to coastal flooding. The specific location
32 of the island's flood zones are noted on the Federal Emergency Management Agency's
33 flood insurance maps. (Appendix A-2)
34

35 Water Depths; Navigational Hazards: Conanicut Island is surrounded by water of
36 considerable depth, especially along the southern part of its eastern coast, where readings
37 of more than forty, and occasionally sixty, feet may be found within 500 feet of the shore.
38 Water near the shoreline is shallower in Mackerel Cove and to the north (especially in
39 Dutch Harbor and north of the Jamestown-Verrazzano Bridge). Specific water depths of
40 various locations around the island are indicated on NOAA charts #13223 and #13221.
41

42 Navigation to, from, and around the island is generally straightforward. Some
43 unmarked dangers to navigation do exist. There are occasional submerged or semi-
44 submerged boulders situated around the island very near the shore. There are a few
45 submerged ledges in deeper water, notably near Kettle Bottom Rock and in the

1 Dumplings area. Otherwise, as the charts indicate, navigation around the island and into
2 the harbors from any direction is well-marked and direct.

3
4 Federal Dredging and Navigation Channels: At present Jamestown has no federal
5 dredging or navigation project and no federally maintained navigation channels, turning
6 basins, anchorages, or special anchorage areas.

7 8 2. Natural Resources

9
10 **Finfish and Shellfish:** With its diversity of coastal habitats, location within
11 Narragansett Bay and its proximity to the Atlantic Ocean, Conanicut Island is provided
12 with a rich diversity of marine life. Both finfish and shellfish can be found in abundance
13 in the marine and estuarine waters around the island. Recreational and commercial
14 fisherman catch striped bass, bluefish, tautog, scup, fluke, squeteague, winter flounder,
15 mackerel, bonito and squid. Lobster, hard clams (quahogs) and mussels are also
16 harvested around the island. There are ongoing efforts to re-establish the once abundant
17 oyster and bay scallop populations.

18
19 **Eelgrass:** Probably the most important habitat found around the island are the
20 lush eelgrass beds. These areas provide spawning and nursery habitat for many marine
21 species. Recent mapping of eelgrass show the waters around Conanicut Island have the
22 most extensive eelgrass beds in Narragansett Bay. (Maps showing the location of eelgrass
23 beds are available from the Town's GIS Department.) Of the 466 acres mapped in 2007,
24 approximately 163 acres were found around Conanicut Island. Most are found on the
25 east side of the island. Every effort should be made to protect this important habitat.

26
27 **Coastal Wetlands:** Conanicut Island has extensive salt marshes. The Round
28 Marsh located in the center of the island is the most extensive totaling over 100 acres.
29 This is followed by the Fox Hill Marsh just east of Ft. Getty at around 25 acres, Sheffield
30 Cove marsh at approximately 15 acres, Hull Swamp Marsh at 2.8 acres and Racquet
31 Road marsh at .7 acres and South Pond Marsh at 2.6 acres. (Maps showing the location
32 of these marshes are available from the Town's GIS Department.) As in the case of
33 eelgrass, these marshes are an important spawning and nursery habitat for many estuarine
34 and marine species. Every effort should be made to protect these marshes.

35
36 **Intertidal Flats:** In spite of Conanicut Island's 3-5 ft. tidal range there are few
37 areas around the island that may be considered true tidal flats (areas that become dry
38 during low tide on a regular basis). Only Sheffield Cove has tidal flats exposed on a
39 regular basis. However, during extreme spring low tides and when strong winds coincide
40 with an outgoing moon tide there are additional areas around the island where large tidal
41 flats are exposed. The primary areas are Sheffield Cove, East Ferry and Potters Cove.
42 All of these areas have good shellfish populations with Sheffield Cove and Potters Cove
43 harvested on a regular basis.

44 45 3. Conservation Areas

1 Jamestown is committed to the conservation of its natural resources. The Town
2 Council, Planning Commission, Conservation Commission and Harbor Commission have
3 all contributed to this effort with the overwhelming support of Town residents. The
4 Rhode Island Department of Environmental Management and non-profits including the
5 Conanicut Island Land Trust, Nature Conservancy and Audubon Society of Rhode Island
6 have also contributed to this effort. Approximately one third of the Island's 6380 acres is
7 under some form of protection with approximately 1,200 acres permanently protected and
8 800 to 900 acres temporarily protected under the State of Rhode Island "Farm, Forest,
9 and Open Space Program".

10
11 In the coastal areas the efforts on behalf of conservation are manifested in a
12 variety of ways: The large parks (described later in this text), while actively used for
13 recreation, nonetheless have significant areas available for wildlife. The Conanicut
14 Island Land Trust has acquired, through gift and purchase, a number of coastal properties
15 or conservation easements. In addition, about two miles of formerly developable,
16 privately-owned coastline are now permanently protected by conservation easements or
17 by the donation or sale of the development rights to the land trust, Nature Conservancy or
18 Audubon. *For a map of the town's conservation areas see the Jamestown*
19 *Comprehensive Community Plan (2002), p. 109.*

20
21 The most important coastal areas devoted primarily or exclusively to the
22 conservation and protection of fish, wildlife and habitat are:

23
24 Great Creek complex: A wildlife conservation complex of about 95 acres in the
25 center of the island that includes the 21 acre Marsh Meadows site owned by the Audubon
26 Society of Rhode Island and the adjacent 33 acre Conanicut Island Sanctuary owned by
27 the Town of Jamestown, as well as other smaller parcels owned by the town or under
28 privately-held conservation easements.

29
30 Hodgkiss Farm: A 150 acre site, of which five acres are developed, with over one
31 mile of shoreline, managed as a farm and for conservation purposes. The town and the
32 state own 90 acres of the site; the rest is protected by conservation easements.

33
34 Fox Hill Audubon Site: A 32 acre salt marsh area located just east of Fort Getty;
35 owned by the Audubon Society of Rhode Island. The town has recently opened a
36 wildlife observation trail on this site. (The adjacent Fox Hill Farm has 61 acres of
37 privately-owned land under a conservation easement.)

38
39 Sheffield Cove Audubon Site: A 13 acre salt marsh located on Beavertail Road,
40 across from Mackerel Cove, owned by the Audubon Society of Rhode Island.

41
42 Racquet Road Audubon Thicket Site: A 19 acre wildlife site in the Dumplings
43 area with two acres of salt marsh, owned by the Audubon Society of Rhode Island.

1 Hull Cove and Franklin (Austin) Hollow Sites: A ten acre conservation site on
2 either side of Beavertail Road stretching from Hull's cove to Franklin (Austin) Hollow,
3 owned by the Conanicut Island Land Trust.

4
5 Lippincott Easement: A privately-owned 20 acre site, with 800 feet of coastline,
6 just north of the east side of Beavertail Park.

7
8 Dutra and Neale Farms: In 2008 the Town of Jamestown purchased the
9 development rights to 80.8 acres of the Dutra Farm and 39.8 acres of the Neale Farm.

10
11 Watson Farm: Although not permanently protected, this 259-acre working farm
12 located on the west side of the island and owned by Historic New England (formally
13 Society for the Preservation of New England Antiquities) is protected under a deed of gift
14 from Thomas Carr Watson as land held with conservation intent.

15
16 Ft. Wetherill Marine Laboratory: This facility is located on the eastern end of Ft.
17 Wetherill State Park (see II-F-3 below). It is owned by the State of Rhode Island and is
18 operated by the RI Department of Environmental Management's Marine Fisheries
19 Section. The facility consists of three recently restored military buildings housing office
20 space, a research laboratory, aquarium facility and dockage for six research vessels
21 ranging in size from 21 to 50 feet. Fisheries and habitat monitoring and management is
22 conducted at this facility.

23
24 More detailed information on the town's physical setting and natural resources may be
25 found in the 2002 Jamestown Comprehensive Community Plan, pp. 43-91, 107-22.

26 27 28 D. WATER QUALITY/WATER TYPE

29
30 Because of its lack of industrial pollution, its tidal currents and deep water close
31 to shore, and its location near the mouth of Narragansett Bay, Jamestown has waters that
32 are comparatively clean. Despite its good fortune in that respect, however, there is
33 clearly room for improvement. There are, for example, occasional sewer overflows after
34 heavy rain and occasional septic system malfunctions--problems that the town has
35 addressed by completing the construction of the new wastewater treatment plant in 2009,
36 and a new wastewater management ordinance provides for better inspection and control
37 of septic systems.

38
39 In 1999 the DEM declared all of Rhode Island's waters to be a "no discharge"
40 zone--a regulation that not only requires all vessels with marine sanitation devices
41 (MSDs) to have holding tanks but that prohibits the discharge of waste overboard. There
42 are ~~two~~ now five pumpout facilities for boats in Jamestown's harbor waters. The town
43 owns and manages ~~three~~ (one unit each on East and West Ferry docks. ~~as well as a~~
44 ~~mobile unit; One marina owns and manages a pumpout boat at East Ferry.~~ Marina
45 owners at both East and West Ferry own and operate a pumpout boat. ~~one at West~~

1 ~~Ferry). (To help clean up oil spills the town also possesses an oil skimmer, a boat that it~~
2 ~~shares with other communities.)~~
3

4 The DEM and the CRMC each have water classification systems by which they
5 set standards for appropriate uses of Narragansett Bay's waters. While these standards
6 are set for somewhat different purposes and therefore do not always coincide, the DEM
7 and the CRMC cooperate to solve problems that may result where their jurisdictions
8 overlap. The harbor commission works with these two agencies where matters of either
9 water quality or water use are concerned.

10
11 1. DEM Water Quality Designations
12

13 The DEM establishes surface water quality standards for the waters of the Bay,
14 along with uses appropriate to them. It divides the bay waters into four classes, each
15 defined by the most sensitive designated uses. It then regulates these uses for the
16 purposes of water quality protection and enhancement.

17
18 The DEM considers some use designations to be suitable for all four DEM
19 classes: aquaculture uses, navigation, and industrial cooling (and all "shall have good
20 aesthetic value"). It also considers some to be not suitable for any class: waste
21 assimilation and waste transport.

22
23 The DEM distinguishing water quality standards, as described by DEM and as
24 applied to Jamestown, are as follows:
25

26 Class SA [the most ecologically sensitive designation]: "These waters are
27 designated for shellfish harvesting for direct human consumption, primary and secondary
28 contact recreational activities, and fish and wildlife habitat." (In the DEM descriptions
29 "primary contact recreational activities" include swimming, diving, water-skiing, and
30 surfing; secondary ones include boating and fishing.) Jamestown's SA waters include
31 almost all the waters surrounding Conanicut Island, as well as the waters surrounding
32 Dutch Island and all but the northern tip of Gould Island.
33

34 "SA{b}" refers to SA waters that have "a partial use designation due to impacts
35 from a concentration of vessels." Jamestown's designated SA{b} waters are: a) in East
36 Harbor, west of a line running 1000 feet from shore that extends south from the Pell
37 (Newport) Bridge to a line running from Bull Point to buoy G "11", excluding those areas
38 designated "SB" below; and b) in West Harbor, inside the lines drawn from a point on
39 Jamestown due east of the Dutch Island pier, to the Fort Getty pier, and then to a point at
40 the southern end of Maple Avenue.
41

42 Class SB: "These waters are designated for primary and secondary contact
43 recreational activities; shellfish harvesting for controlled relay and depuration [i.e.,
44 purification]; and fish and wildlife habitat." Jamestown's SB designated waters are: a) a
45 1000-foot wide band that runs south along the coast from the northernmost point of
46 Taylor's Point to a line running due east from a point 1000 feet south of the Pell

1 (Newport) Bridge; b) in the East Ferry area of East Harbor--west of a line from Bryer
2 Point to Lincoln Street; c) in the area of the Dumplings around the Jamestown and
3 Clarke's Boat Yards; d) in Fort Cove (i.e., the Fort Wetherill boat basin); and e) around
4 the northern tip of Gould island.

5
6 Class SB1: "These waters are designated for primary and secondary recreational
7 activities and fish and wildlife habitat....Primary contact recreational activities may be
8 impacted due to pathogens from approved wastewater discharges." Jamestown has only
9 one SB1 designation: within a 300 foot radius of the marine sewer outfall off Taylor
10 Point.

11
12 Class SC: This classification involves industrial processes. Jamestown has no
13 waters classified SC.

14 2. CRMC Water Use Type Designations

15
16 The Rhode Island Coastal Resources Management Plan (CRMP) classifies all waters of
17 the State into six categories. This classification is based on characteristics of the adjacent
18 shoreline uses and does not take into consideration the characteristics of the intertidal and
19 sub-tidal habitats adjacent to these shorelines. As a result some critical habitats (eg.
20 eelgrass) are not fully protected under the CRMP. A complete description of these water
21 types and the policies associated with each can be found in the CRMP or online at
22 <http://www.crmc.state.ri.us/regulations/RICRMP.pdf>.
23
24

25 Type 1--Conservation Areas: ~~[not to be confused with the town's harbor~~
26 ~~Conservation Zones]~~: Areas that "abut shorelines in a natural undisturbed condition,
27 where alterations, including the construction of docks and any dredging, are considered
28 by the Council as unsuitable." Jamestown's Type 1 waters extend: a) southwestward
29 from Fort Cove (the Fort Wetherill boat basin) along the entire shoreline around
30 Beavertail (including all of Mackerel Cove), then north along the west side of the island
31 to Fort Getty, and around it to a line running from the end of the Fort Getty pier to the
32 southern end of Maple Avenue; b) south from a straight line extension of Weeden Lane
33 (i.e., just north of the Pell (Newport) Bridge toll plaza) to the southern side of that bridge;
34 and c) around Dutch Island.

35
36 The intended uses of Type 1 waters are minimal impact only, in order to preserve
37 the natural habitat. Where significant shallow water habitat is identified, boating
38 activities shall be restricted as necessary to decrease turbidity and physical destruction of
39 such habitat.

40
41 Type 2--Low-Intensity Boating: "adjacent to predominantly residential areas,
42 where docks are acceptable, but more intense forms of development . . . would change
43 the area's character and alter the established balance among uses." Jamestown's Type 2
44 waters extend: a) north from the southern end of Maple Avenue along the entire
45 shoreline around the north end of the island, then south to a straight line extension of
46 Weeden Lane; and b) around Gould Island.

1
2 The intended use for Type 2 waters is to provide access to the water for
3 residential areas. Riparian moorings are present in Type 2 waters, as well as some small
4 residential mooring areas off neighborhood beaches that are private, through deeded right
5 access. Note: West Ferry Harbor and Dutch Harbor Boat Yard are located within Type 2
6 waters. Records indicate CRMC approved the marina perimeter of Dutch Harbor Boat
7 Yard in 1993 or 1994.

8
9 Type 3--High Intensity Boating: areas "dominated by commercial facilities that
10 support recreational boating. Here, marinas, boatyards, and associated businesses take
11 priority over other uses, and dredging and other shoreline alterations are to be expected."
12 Jamestown's Type 3 waters extend south from the southern side of the Pell (Newport)
13 Bridge to Fort Cove (the Fort Wetherill boat basin).

14
15 The intended use for Type 3 waters is recreational boating. In Jamestown there
16 are three commercial boating facilities shoreside to the only Type 3 water around the
17 island. Additionally, there are two yacht clubs and a boat owner's association marina
18 located in the Type 3 water. There is a high demand for boating facilities and access to
19 the water in Jamestown.

20
21 Type 4--Multipurpose Waters: "include the open waters of the Bay and the
22 Sounds, where a balance must be maintained among fishing, recreational boating, and
23 commercial traffic." Type 4 waters near Jamestown include those waters surrounding
24 Conanicut, Dutch, and Gould Islands not given other water-type designations. The Type
25 4 waters are out of the jurisdiction of the Town of Jamestown.

26
27 Type 5--Commercial and Recreational Harbors: "ports, [where] a mix of
28 commercial and recreational activities must co-exist." Jamestown has no Type 5 waters.

29
30 Type 6 Industrial Waterfronts and Commercial Navigation Channels: waters
31 where "water-dependent industrial and commercial activities take precedence over all
32 other activities." Jamestown has no Type 6 waters.

33
34 See Map A-1 4 in Appendix A for CRMC's water use type designations in Jamestown's
35 waters. More detail on the CRMC designations may be found in the Council's Coastal
36 Resources Management Program as Amended (the "Red Book"), 1996 and ongoing,
37 section 200.

38 39 40 E. FACILITIES, USES, AND ACTIVITIES

41 Jamestown's waters are widely used: shellfishing and finfishing (both
42 commercial and recreational, from shore and on boats), recreational sailing and motor-
43 boating, swimming, waterskiing, jetskiing, windsurfing, and the like are all popular.

44
45 With its excellent summer climate, ample winds, proximity to Newport, and easy
46 accessibility both to lower Narragansett Bay and the open ocean, Jamestown is a natural,

1 almost an inevitable, center for boating. Its appeal in this respect brings boaters to the
2 island both to visit and to reside. Indeed, over the past few decades boating's growth in
3 scope and intensity has been one of the most striking aspects of Jamestown's economic
4 and recreational life. Appendix A-3 includes a Zoning Map.

5
6 Recreational boating activity in Jamestown consists largely of day boating,
7 sailboat racing, recreational fishing, or cruising (transients visiting, residents going
8 elsewhere). Commercial activity is concentrated in the East and West Harbor areas.
9 Current town zoning restrictions limit to some extent the possibilities of further water-
10 based commercial development in those areas, especially as most of the harbor waterfront
11 is already committed to residential use, public recreation, or conservation.

12 13 14 1. Commercial Boating Facilities

15
16 Marinas/Boat Yards: There are four commercial marinas/boat yards available to
17 the general public in Jamestown: three in East Harbor (Conanicut Marine Services, Clark
18 Boat Yard, Jamestown Boat Yard), and one in West Harbor (Dutch Harbor Boat Yard).
19 These businesses make a considerable contribution to the local economy. They also
20 provide access to the water for any members of the public--resident or non-resident--who
21 wish to take advantage of their services.

22
23 *Clark Boat Yard*, a little less than a mile south of East Ferry (also known as
24 Round House) has 45 rental moorings; a service dock; launch service; two railway lifts; a
25 boat ramp; and a repair shop. It has on-site winter storage and on-site summer parking.

26
27 *Conanicut Marine Services* (CMS), at East Ferry, has its own pier and leases two
28 others from the town. It has 160 rental moorings; over 100 rental slips with electricity
29 and water; the only marine fuel (diesel and gasoline) pump on the island; a launch
30 service; a ship's store; showers and heads; a pumpout facility ~~boat~~; and a repair shop. It
31 has off-site winter storage and off-site summer parking. The Jamestown and Newport
32 Ferry, operated by CMS, which is based at East Ferry, provides summer transportation
33 between Jamestown, Newport, and other nearby points.

34
35 *Dutch Harbor Boat Yard* (DHBY), at the west end of Narragansett Avenue, has
36 its own service dock and leases part of the old West Ferry landing from the town. DHBY
37 has ~~100-108~~ rental moorings, a launch service, showers and heads, a pumpout facility
38 ~~boat~~, a railway lift, and a full repair shop on site. It has on-site winter storage and on-site
39 summer parking.

40
41 *Jamestown Boat Yard* (JBY), south of the Clark Boat Yard, in the center of the
42 Dumplings residential area (and the oldest boatyard on the island) has a railway lift; a
43 service dock; ample shop facilities; and is able to do extensive repairs on site. JBY also
44 has 57 rental moorings; 13 outhauls; and launch service. It provides on-site winter
45 storage and on-site summer parking.

1
2 2. Yacht Clubs and Other Private Associations
3

4 Yacht Clubs: There are two yacht clubs on the island, both centered in East
5 Harbor. The Conanicut Yacht Club, located in the northern part of the harbor, has 19
6 moorings (17 designated commercial) and its own club building and pier. It runs a
7 children's sailing program for members that is also open, if space is available, to the
8 public. The Jamestown Yacht Club has no building or moorings of its own and uses the
9 marina facilities or general public access at East Ferry.

10
11 Private Associations: A private boating association located at the Fort Wetherill
12 boat basin, the Fort Wetherill Boat Owners Association, has 40 slips that it rents to
13 Jamestown residents. Two private beach associations at the southern end of East Harbor,
14 the Cottrell Pier Association and the Dumplings Association, have one mooring as of
15 2014~~3~~ and have swimming piers and beaches that some of their members use for access
16 to their boats.

17
18 3. Town-Owned Waterfront Structures
19

20 Jamestown owns a number of waterfront properties and structures. Those that the
21 harbor commission has been involved with one way or another are described briefly
22 below.

23
24 East Ferry: Beach and Concrete Ramp: Jamestown issues beach permits each
25 year that enable holders to store their small boats on the East Ferry Beach. In 2013~~24~~ the
26 ~~27 195~~ permits raised \$~~2331 46541365~~.00 for the harbor commission. At the same time,
27 the boats interfere to some extent with the public's free movement about the beach.

28
29 The concrete ramp is used free of charge by resident and non-resident private boat
30 owners and by commercial operators to launch small boats, usually from trailers.
31 General parking congestion in the East Ferry area, along with specific limits on trailer
32 parking, often make the ramp inconvenient both for the users and for passing traffic. The
33 ramp is ~~in fair condition and is in need of some repair~~ poor condition and is under further
34 assessment for repair or replacement.

35
36 East Ferry: "Steel" Pier: Jamestown constructed this pier in the 1970's to
37 encourage marina development. ~~Some sections of t~~The pier ~~are is~~ currently under lease
38 to Conanicut Marine Services until 2015. CMS uses the pier to launch boats by crane, to
39 provide access to the floating docks, and to provide fueling services. By a recent
40 agreement the north side of the pier is now open to free public use for loading and
41 unloading on a short-term basis.

42
43 The combined basic lease for both this pier and for the adjacent wood pile pier is
44 \$14,000 with an escalation clause based on rises in CMS's slip and dockage fees that
45 made the lease worth \$376,000 to the town in 201~~4~~2013~~2~~. As part of its lease CMS pays
46 taxes, insurance, etc., allows free pedestrian access to the piers, and is responsible for

1 regular maintenance of both piers as well as for all repairs that cost under \$2,500 (also
2 with an escalation clause) for each single repair. ~~In addition to its contractual obligations,~~
3 ~~CMS provides a number of other marine services for the town, such as helping boaters~~
4 ~~with the pumpout station, commissioning and decommissioning the pumpout station and~~
5 ~~the touch and go float on the wood pile pier, providing free dumpster service for all~~
6 ~~boaters, etc. The last repairs performed contemplated completion of the curbs and rails to~~
7 ~~conform to the remainder of the area, such that rebar for the pouring of concrete curbing~~
8 ~~remained exposed, and the utilities had been installed in a temporary, makeshift fashion.~~
9 ~~As of 2009 the needed repairs and the curbs and rails have been completed.~~

10
11 East Ferry: Wood Pile Pier: The shore side portion of this pier was constructed
12 using Federal funds, and was added to by the town in the 1970's. The pier is now
13 partially leased to Conanicut Marine Services as part of the lease described above, and
14 the remainder is for public use. The pier is in fairly good condition, ~~although in need of~~
15 ~~some repairs.~~ The harbor commission sets the rates for CMS's seasonal dockage fees: in
16 2013~~2~~ these were \$40.00 per foot for commercial vessels and \$80.00 per foot for pleasure
17 vessels. At present the eight-foot wide pier has a multi-purpose use: CMS leases space
18 to commercial fishermen and other marine businesses on a yearly basis; pedestrians and
19 recreational fishermen, both resident and non-resident, use it freely; and there is one of
20 the town's pumpout stations and a touch-and-go floating dock for boaters (originally
21 donated by the Jamestown Yacht Club and CMS, but currently managed by the town) at
22 its end. A second touch and go dock is located at the inward end of the pier. ~~The~~
23 ~~competing uses result in frequent problems of congestion for each constituency (e.g.,~~
24 ~~boaters often find it difficult to land at the floating dock because of recreational~~
25 ~~fishermen).~~ Two new 40'x20' docks were added to the northeast end of the wood pile
26 pier in 2010. ~~An additional pump-out station was added to one of the touch and go's in~~
27 ~~2011.~~

28
29 East Ferry: Veterans Memorial Square, Town Square, Riparian Boat Basin:
30 Memorial Square and the adjacent town square provide the riparian rights that allow the
31 town to lease the water area east of it to CMS for use as CMS's "north basin" marina.
32 Memorial Square leads to the steel pier and CMS's floating docks (the fuel tanks for the
33 steel pier pumps are buried under it). The town square leads to the wood pile pier. Much
34 of Memorial Square was repaired in 2000 and the north face of the stone bulkhead was
35 rebuilt in 2005-06. This area is the center of the town's major demand for parking; and
36 parking space dedicated to one purpose inevitably reduces parking space for others--
37 reserved areas for loading and unloading vs. general parking, shorter time limits for shop
38 owners vs. longer limits for boaters, etc. Improving parking at East Ferry is one of the
39 town planning commission's ongoing concerns. In 2013 the seawall between the north
40 side of the steel pier and the south side of the boat ramp is being redone was
41 reconstructed.

42
43 Fort Wetherill: Boat Basin (Fort Cove) and Highway Barn Area: The Fort
44 Wetherill boat basin has been leased by the Fort Wetherill Boat Owners Association
45 (FWBOA) since 1979. The FWBOA is a private association that has constructed, and
46 owns, its piers and floating docks. With town permission it is able to use public facilities

1 for parking and float storage. It maintains a waiting list for vacancies that is open to all
2 Jamestown residents. In 2008 Jamestown and the FWBOA negotiated a seven-year lease
3 with a first year payment of \$22,000 and a second year payment of \$25,000 with a yearly
4 \$500 increase. The lease expires in 2015.

5
6 The state-owned area around the southern side of the basin has been developed by
7 the DEM into a state marine research laboratory; subject to a memorandum of
8 understanding entered into between the town and DEM. The town owns 3.5 acres of
9 land, including the old highway barn, located within 30 feet of the water's edge. ~~After~~
10 ~~much debate regarding the location of the new highway barn, the construction of the~~
11 ~~facility at Taylor Point was completed in 2009~~ The new highway barn was constructed at
12 Taylor Point in 2009.

13
14 Fort Getty: Pier, Launch Ramp: Jamestown acquired Fort Getty and its pier from
15 the U.S. Army in the 1950's. Since the 1970's the town's recreation department has
16 managed the area primarily as a seasonal trailer park and campground. The park is open
17 to the public: Residents pay \$15 for an annual parking sticker; non-residents pay \$20
18 daily for motor vehicle admission (\$30 with a boat trailer). Pedestrians and bicyclists
19 may enter free of charge.

20
21 At the north end of the park there is a boat ramp, an adjacent causeway, and, at
22 the end of the causeway, a wood pile pier. On the eastern side of the causeway the harbor
23 commission has installed 22 outhauls that it leases seasonally at \$430 for boaters with
24 commercial fishing licenses and \$500 for boaters who are purely recreational. The pier
25 itself is in only fair condition and will need some significant repair work within the next
26 five years. It has no floating dock and is too high off the water to serve small boats
27 conveniently without one. The commission installed electricity in 2000 to provide
28 leasing capacity for one or more vessels, particularly the commercial vessels no longer
29 allowed at the state-owned pier in the Fort Wetherill boat basin (Fort Cove). A kayak
30 rack has recently been constructed at Fort Getty and the same user rates apply to the Ft.
31 Getty rack as for beach permits.

32
33 In 2011 the harbor commission and the town made necessary repairs to the Ft.
34 Getty boat ramp. In 2013 the Ft. Getty outhauls were replaced.

35
36
37 West Ferry: Wharf: The West Ferry wharf (the old West Ferry landing area) is a
38 long, wide, paved and clamshell-graded facility extending into Dutch Harbor. The town
39 has CRMC permission for 20 outhauls on the south side of the wharf. The outhauls were
40 replaced in 2103. The town also owns and maintains a dinghy dock at the west end, for
41 which in 2013~~4~~ it charged, on a space available basis, \$450 a season for tie-up privileges
42 (usually ten to twenty dinghies are involved). The town has a pumpout station at the west
43 end. During the summer months the wharf surface is used for parking by the public and
44 by the customers of the Dutch Harbor Boat Yard, which is located just north of the wharf.
45 The harbor commission spent almost \$200,000 in 2001 on repairs both to the surface of

1 the wharf and to its north side and west end. (The town made repairs to the south side of
2 the wharf in the early 1990's and it is in good condition.)
3

4 The Dutch Harbor Boat Yard leases part of the wharf from the town for boat
5 storage from after Labor Day through June 14 each year. Its lease is set at a base of
6 \$10,000 annually, with an escalation clause that brought the town a total of \$15,000
7 ~~14,500~~ in 2013~~21~~. As part of the lease, the boat yard commissions and decommissions
8 the town's docks and gangways each year without charge (perhaps a \$42000 value),
9 shares the cost of summer trash removal, and manages both the town's outhaul rentals
10 (for which Dutch Harbor Boat Yard ~~it~~ receives one-half the income) and the town's
11 dinghy dock (for which Dutch Harbor Boat Yard ~~it~~ receives all the income). The ten-year
12 renewable lease runs to 2015. All repairs are the responsibility of the town. Some
13 concern has been expressed that the yard's boat storage and parking may limit effective
14 public access; and the boat yard and the town have been working together to resolve the
15 issue. ~~As of the winter of 2008-09 some erosion has been noted, and the Town is~~
16 ~~planning to make repairs.,~~
17

18 Jamestown Shores (Head's) Beach; Broad Street/Park Dock: Head's Beach was
19 acquired by the Town of Jamestown in 1996 with funding from the Rhode Island Open
20 Space and Recreational Area Bonds Act. Head's Beach has three rough stone jetties
21 made of large, unsurfaced boulders and a natural launch ramp. In 2013~~21~~ the town
22 issued nine beach permits for boats at this site, for which it received a total of \$954
23 ~~828705~~. In recent years the harbor commission has issued mooring permits adjacent to
24 the waters of Head's Beach. Park Dock has the remains of an old stone jetty. RIDEM
25 Shoreline Access Grant provided for improved public access at this site. Moorings have
26 been permitted in waters adjacent to Park Dock Public funding and DEM recreational
27 easements have contributed to an increase of use and associated user conflicts. (*For*
28 *further information on these two facilities see section II-F-3, below*). CRMC as of 2007
29 is requiring that the Head's Beach and Park Dock mooring fields be formalized as
30 mooring areas, along with another area used for non-riparian moorings at Cranston Cove.
31

32 Maple Avenue: The town makes available beach storage of small boats by
33 permits as issued by the Jamestown harbor office. In 2013~~21~~ the town issued fifty
34 ~~nineteen~~ permits for kayaks and dinghies at this site, for which it received \$3880 ~~3413~~
35 ~~1112~~. ~~Nineteen dinghy or other type of vessels were permitted at this site, generating~~
36 ~~\$1400.~~
37

38 Boardwalks: There are no boardwalks in Jamestown.
39
40

41 4. Waterfront Parking 42

43 Parking, particularly at East Ferry and West Ferry, has been a perennial problem
44 during summers in Jamestown. It was that way when the ferries were running fifty years

1 ago; it is that way now. Business owners maintain there is not enough parking for their
2 customers; boaters maintain they have too far to walk to get to their boats; nearby
3 residents maintain they are hemmed in by visitors ~~outsiders~~ parking on local streets. At
4 the same time, for well over half the year, the boating season is over, the tourists and the
5 summer residents have gone, and the parking problem seems to vanish. In a 1998
6 planning commission community survey 28% of the respondents said there was a general
7 parking problem in the downtown area; 53% said there was a problem, but only in the
8 summer season.

9
10 The town's planning commission and its parking committee have been working on
11 ways to address the issue of parking for a number of years. They have found it difficult
12 to obtain useful statistics to analyze effectively the source of the congestion. While the
13 harbor commission, for example, asks private mooring owners where they access their
14 boats and (if they drive) where they park, its questions do not always elicit helpful
15 answers. Some private mooring holders park in different places depending on the time of
16 day or week--on whether races, weekends, holidays, or special events bring more cars to
17 the center of town. Some drive when they have heavy loads to carry and walk or bicycle
18 when they do not. Some provide ambiguous, incomplete, or confusing answers to the
19 commission's questionnaire. And, of course, the questionnaire is concerned only with
20 boaters who have private moorings: it does not deal with the larger number of boaters in
21 harbor waters who use the services of the commercial operators, or who launch their
22 primary boats from the beaches--let alone with people who have driven to the harbor
23 waterfronts in summer to fish, look around, eat, shop, or otherwise enjoy themselves.

24
25 Parking is a matter of particular concern to many boaters. To meet these concerns
26 the harbor commission will work with the planning commission, to which the
27 comprehensive community plan has assigned initial responsibility for addressing matters
28 related to parking in the town. In doing so, the harbor commission will pay particular
29 attention to the needs of boaters.

30 31 5. Moorings

32
33 ~~[Note: Most of the statistical information provided in this section may be found~~
34 ~~in tabular form on adjacent pages.]~~

35
36 A mooring permit is required for all moorings located in the waters of Town of
37 Jamestown. Jamestown has over 1000 private and commercial moorings at different
38 locations around the island. In 201~~2~~¹ it issued a total of 1077~~88~~⁸⁸ mooring permits--a
39 figure slightly up from the 1072 recorded twenty-one years earlier in 1991.

40
41 Private moorings fall into the following classes:

42
43 Class 1(a) riparian: owners of riparian property are entitled to apply, with priority
44 over other mooring permit classes, for up to two moorings per property parcel directly
45 adjacent to the shorefront property parcel. Only owners of riparian property may have
46 guest moorings. Only one of the two moorings permitted Class 1a permit holders may be

1 a guest mooring.
2

3 Class 1(b) riparian on coastal waters: property owners holding a freehold estate of
4 record with a deeded right of access to riparian property are entitled to apply for a single
5 mooring permit per property directly adjacent to that riparian property. The Town shall
6 provide delineation of each such mooring area. Each such mooring area is available to
7 members of the general public. This does not imply any right to trespass on private
8 property.
9

10 Class 2 (a) private easement: a non-riparian property owner holding a freehold
11 estate of record with a deeded private right-of-way or easement to coastal waters granted
12 in an original property subdivision are entitled to apply, per property, for a single
13 mooring permit directly adjacent to that right-of-way or easement. The Town shall
14 provide delineation of each such mooring area. Each such mooring area is available to
15 members of the general public. This does not imply any right to trespass on private
16 property.

17 Class 2(b) right-of-way: a non-riparian property owner holding a freehold
18 estate of record within one thousand (1,000) feet of a public right-of-way to coastal
19 waters is entitled to apply, per property, for a single mooring permit per property directly
20 adjacent to that right-of-way. The Town shall provide delineation of each such mooring
21 area. Each such mooring area is available to members of the general public. This does not
22 imply any right to trespass on private property.
23

24 Class 3 is the general class of mooring permit holders, under which anyone can
25 apply for a mooring permit. Applications for moorings, resident and non-resident, will be
26 considered in the order in which they are received.
27

28 In 2013~~4~~ there were 388 ~~80~~ commercial mooring permits issued: 282~~0~~ in East
29 Harbor and 108~~0~~ in West Harbor. (The commercial mooring operators reserve some of
30 their moorings for transient boaters, the exact number each year depending to some
31 extent on the number of seasonal rentals.)
32

33 In East Harbor there are three commercial boating facilities which manage town
34 issued mooring permits:
35

36 Clark's Boatyard is issued 46 mooring permits annually, to be rented
37 out seasonally or as transient moorings. Clark's Boatyard is a private entity that leases no
38 land from the town. The business is self-sufficient and manages itself, other than the
39 mooring fees and reports due to the town.
40

41 Conanicut Marina is issued 160 town mooring permits annually, and
42 conducts its business from a combination of private land and land leased to Conanicut
43 Marina from the town. There is collaboration between the town and the commercial
44 business to manage and maintain the facilities.

1
2 **Jamestown Boat Yard** is issued 57 town mooring permits. Jamestown
3 Boatyard is a private entity that leases no land from the town. The business is self-
4 sufficient and manages itself, other than the mooring fees and reports due to the town.
5
6

7 In West Harbor, there is one commercial boating facility:
8

9 **Dutch Harbor Boat Yard.** This boatyard is issued 108 town mooring
10 permits annually, and conducts its business from a combination of private land and land
11 leased to Dutch Harbor Boat Yard from the town. There is collaboration between the
12 town and the commercial business to manage and maintain the facilities.
13
14

15 All commercial operators are required to show proof of mooring inspections
16 every three years, and are required to provide reports to the Harbor Office regarding the
17 number of seasonally rented moorings, transient moorings, boat lengths, etc. A fee is
18 also charged for each permit, based on the length of boat moored. For transient
19 moorings, the average length of all of the vessels moored seasonally is averaged, and the
20 average is used to calculate transient mooring fees due to the town.
21

22 The remainder of the mooring permits are private permits issued by the Harbor
23 Office. The permits are managed by the Harbor Office, and information regarding the
24 vessel and vessel owner is kept on file and up to date. Mooring inspections must be
25 completed every three years, by a certified mooring service provider, and the report must
26 be submitted to the Harbor Office before the permit will be renewed.
27

28 In 2012 ~~4~~there were ~~696 707~~ private mooring permits, of which ~~3149~~ were Class
29 1a (riparian); ~~12784~~ of the ~~314 9~~ were guest moorings. ~~17 6~~ Class 1b (deeded rights to
30 riparian land) permits were issued. Over half of the private mooring permits (that is,
31 ~~400398~~) were for the two harbor areas: ~~2378~~ (54 of them Class 1) for East Harbor and
32 ~~1630~~ (~~386~~ of them Class 1) for West Harbor. In coastal waters ~~2229~~ of the ~~296 309~~
33 private mooring permits (~~90 64~~) of them guest moorings) were Class 1a. There were ~~38~~
34 ~~42~~ private mooring permits for south of the harbor areas ~~34 5~~ of them in Mackerel Cove--
35 and ~~2967~~ for the long coastline around both sides of the island to the north. (In ~~20124~~
36 there were ~~112 97~~ vessels on private moorings over 25 feet in length moored in East
37 Harbor and ~~9474~~ moored in West Harbor.)
38

39 In ~~20124~~ the total number of non-resident private moorings in Jamestown was
40 ~~659~~, or ~~9.347~~ % of the total ~~696 707~~ private mooring permits granted. Exclusion of the
41 ~~3149~~ Class 1a mooring permits would change this figure to ~~659~~ of the ~~3828~~ private
42 mooring permits (~~178~~ %).
43

44 There are three mooring areas on the north end of the island – Park Dock (5
45 moorings), Cranston Cove (12 moorings) and Head’s beach (13 moorings). All three
46 areas have only private mooring permits located within, and there are no commercial

1 operations within at least 2 miles of each mooring area. The water Type is 2 for all three
2 areas, and the town believes this form of low intensity boating, mainly by residents of the
3 north end of the island, is consistent with the CRMC Type 2 water. The permit holders
4 are responsible for maintaining the mooring tackle, as with all private mooring permits.
5 The town maintains the ROW's to the water, where applicable, and in the case of deeded
6 rights to riparian lots, the private associations maintain and manage the private riparian
7 lot access.

8
9 There is always extreme pressure for additional private moorings. At the end of
10 2012~~4~~, the harbor commission had a waiting list for mooring permits totaling ~~342299~~
11 names: ~~12205~~ for the West Harbor, ~~18357~~ for East Harbor, and 37 elsewhere. Non-
12 residents constitute ~~6980~~ of the ~~342299~~ places on the waiting lists. This is approximately
13 207 % of this list. The pressure for new moorings has always been particularly severe on
14 the East Harbor mooring field. Some East Harbor applicants have been on the list over
15 eight years, and at the present rate of turnover the most recent applicants will be waiting
16 over ten years.

17
18 Moorings in Jamestown have traditionally included a heavy concrete block or
19 other heavy anchor, a length of heavy chain that normally lies on the seabed, and a length
20 of lighter chain that is supported by a mooring ball, to which is affixed a rope bridle.
21 Standards for these traditional moorings are written into the harbor ordinance. The
22 harbor commission believes that modern mooring tackle, involving a resilient member
23 between the anchor and the mooring ball in lieu of both lengths of chain, are a distinct
24 improvement, in that they appear to result in less stress on the boat's cleats and other
25 hardware, because less scope is required, so that moorings can be placed closer together,
26 and because the habitat-destructive scrubbing action of the heavy chain on the seabed as
27 the boat and mooring are moved by wind, waves, and current is eliminated. As of spring
28 2009, the harbormaster has been encouraging the use of such resilient tackle where
29 possible for the past several years. The accompanying amended ordinance specifically
30 encourages the use of such resilient tackle.

31 32 6. Fishing

33
34 Fishing has always been, and will continue to be, an integral part of Jamestown
35 life. There is a richness of fishing opportunities around the island that attracts both
36 commercial and recreational fishermen.

37
38 Shellfishing takes place in the tidal wetlands along inlets, on intertidal flats, and
39 in concentrated areas in near-shore waters. Although the island waters contain an
40 abundance of shellfish, some shellfish areas are closed either permanently or seasonally
41 when the waters are not certified.

42
43 Note: The DEM has permanently closed to shellfishing "the waters on the east
44 shore of Jamestown, in the vicinity of East Ferry and Taylor Point, west of a line from the
45 House on the Rocks located in the Dumplings to buoy C13, west of a line from buoy C13
46 to buoy M15, and south of a line from buoy M15 to the northernmost tip of Taylor

1 Point." The DEM has seasonally closed to shellfishing "the waters on the west shore of
2 Jamestown, in the vicinity of West Ferry, which are south and east of a line from the
3 landward side of the northeast corner of the Fort Getty pier to the south side of the mouth
4 of Great Creek." (See DEM, Shellfish Closure Areas, May, 2000-May, 2001.) Seasonal
5 closure extends from the Saturday before Memorial Day to the Tuesday after Columbus
6 Day.

7
8 Aquaculture, which is supervised and administered primarily by the CRMC, is a
9 small but increasingly significant aspect of marine activity in Narragansett Bay. In 2002
10 there were three aquaculture projects underway locally, all of them either in, or near,
11 West Harbor: West of the Hodgkiss Farm there was a 4.5 acre commercial project
12 involving oyster, clam, and scallop. East of that project, nearer shore, were two small
13 experimental research projects--oyster for one; oyster, clam, and mussel for the other--
14 each with a 1000 square foot short-term lease.

15
16 As of 2012, there were two additional CRMC applications for aquaculture
17 projects in the vicinity of Jamestown. It is expected, due to recent trends, that the
18 occurrence of aquaculture projects will increase in the coming years.

19
20 Jamestown's waters have both advantages and disadvantages for aquaculture. Its
21 waters are relatively pure, but relatively high in salinity and low in nutrients. Despite its
22 mixed appeal for aquaculture, the town may reasonably expect further interest from
23 aquaculturists in future years. One of the policies of the 2002 comprehensive community
24 plan is for the town council to "support Aquaculture in and around Jamestown while
25 minimizing detrimental impacts of such operations" (p. 261), with the harbor commission
26 as a cooperating partner.

27
28 It is possible that to the current inconspicuous "bottom" aquaculture may be
29 added, from time-to-time, research projects in the Bay that are suspended from rafts or
30 constructed with floating or fixed netting. If this occurs in Jamestown's waters it may
31 result in some physical obstruction or other inconvenience for local boaters. The state
32 agencies involved have the final authority over aquaculture projects in bay waters, no
33 matter how close the projects may be to the shoreline. However, CRMC policy is to
34 notify towns and individuals likely to be affected by an aquaculture project before any
35 decision is made about it, so that they may express their views at a preliminary
36 determination ("PD"): the CRMC is interested of course not only in aquaculture but in
37 the aesthetic and recreational qualities of the bay.

38
39 **Commercial fishermen** based in Jamestown have access to Narragansett Bay's
40 finfish, lobster, and shellfish resources. While Jamestown is not itself a large center for
41 commercial fishing, the business has always been part of the fabric of the community.
42 Commercial fishermen include lobstermen, quahoggers, draggers, hook-and-liners,
43 aquaculturists, and those who fish in diving gear and from the shore. Many, both full-
44 time and part-time, target multiple species of finfish and shellfish. In 2002 there were
45 not only a number of commercial fishing vessels berthed or moored at Jamestown, but
46 many others trailered in and launched from various points on the shore.

1
2 **Recreational fishing** in Jamestown is a popular activity for residents and non-
3 residents alike. At one time the world record for the largest striped bass caught from the
4 surf was held in Jamestown. Almost all the published guides to New England saltwater
5 fishing recommend Jamestown as a site for excellent striped bass. Newspapers in
6 Providence and Newport report on the fishing in and around Jamestown in seasonal
7 weekly columns, as does the *Jamestown Press*. At present the activity helps support one
8 seasonal bait and seafood shop.

9
10 Sites for shore fishing may be found all around the island--from the big state
11 parks at Beavertail and Fort Wetherill to small access points such as Head's Beach and
12 Park Dock. The most popular shore sites are probably Beavertail, East Ferry, Fort
13 Wetherill, Fort Getty, and Taylor Point. East Ferry, because of its central location,
14 relatively limited access, and competing activities, almost always has intense problems
15 with space and parking. Similar problems exist in other areas, such as Head's Beach.

16
17 Fishing from boats--moored, docked, and trailered--is also a popular activity
18 around Jamestown. Residents and non-residents launch boats at the East Ferry, Fort
19 Wetherill, and Fort Getty ramps. The only designated parking area for boat trailers is at
20 Fort Getty.

21
22 There are no anadromous fish runs that affect Jamestown.

23 24 25 26 7. Other Water-Based Activities

27
28 Swimming: In addition to the designated and regulated Mackerel Cove Beach,
29 described below, there are a number of unnamed and unregulated publicly-owned
30 beaches and rocky coves around the island where people swim at their own risk, such as
31 at Beavertail, Fort Getty, Fort Wetherill, Head's Beach, Cranston Cove, Park Dock, and
32 other accessible public waterfronts. There are also private associations, such as the
33 Cottrell Pier Association and the Dumplings Association, both in the southern section of
34 East Harbor.

35
36 Scuba Diving: Scuba diving is a popular sport around the island, both shore-
37 based and from boats, particularly because of the deep and clear water close to shore.
38 Fort Wetherill, recognized as one of the premier scuba diving sites on the east coast,
39 attracts large numbers of divers throughout the warmer months. Many of the weekend
40 divers are students in scuba classes in Rhode Island and the adjacent states who are
41 brought to Fort Wetherill for their first open water dives.

42
43 Windsurfing; Water Skis and Jet Skis: The most popular public areas for
44 launching windsurfers are probably at Fort Getty, East Ferry, at Head's Beach, and at
45 Taylor Point. There is a five mile per hour, no-wake speed limit for all vessels in harbor
46 waters. But in harbor waters the speed limits are not always adhered to; and in coastal

1 waters there have been complaints from around the island about the noise and
2 disturbance created by jet-skiing, water-skiing, and other kinds of powerboating.

3 4 F. RECREATION AREAS AND PUBLIC ACCESS

5
6 The CRMC and the Town of Jamestown are committed to providing and
7 maintaining public access to the shoreline. Under Rhode Island law the public has (and
8 has had since the seventeenth century) the right to use the coasts of the state between
9 mean high water and mean low water for the purposes of fishing, swimming, gathering
10 seaweed, and passing along the shore. To realize this public right the CRMC and the
11 town work together to maximize the potential of existing town-owned parks and other
12 areas on the waterfront; to maintain and mark existing rights-of-way (ROWs); and to
13 identify, survey, and open potential ROWs that can best serve the public interest. (The
14 town, for example, believes that all the existing shoreline easements on public property
15 for water outflow and underground cables already provide public access to the shoreline.
16 It is currently updating its inventory of those easements.) As part of its program
17 supporting public access, the CRMC requires all harbor management plans to include
18 significant public access provisions. This section of the plan discusses where the town
19 stands at present in that respect. *Also see map in Appendix A-4.*

20 21 1. Recent Developments

22
23 In 1998 the town's parking committee appointed a subcommittee to report on the
24 town's ROWs and to make recommendations for their future utilization in terms of
25 parking and of renovation or expansion. The subcommittee (which included as members
26 the town planner and the then chair of the harbor commission) reported in April, 1999, in
27 a report entitled: *The Parking Committee's Report on Public Shoreline Access and*
28 *Rights-of-Way in Jamestown.* Building on prior work, most notably the planning
29 department's Shoreline Access and Improvement Plan of July 1992, the report discussed
30 39 sites. For each site it provided a locating map, a description, at least two photographs,
31 and recommendations for the future. The parking committee submitted the report to the
32 town council, which approved it with minor changes.

33
34 The 2002 comprehensive community plan (p. 246) takes up the parking
35 committee report under its section entitled "Water Resources (Coastal Resources)" policy
36 #2: to "encourage land management that provides opportunities for public waterfront
37 access." The draft lists four "actions" to be taken: 1) to implement the recommendations
38 outlined in the parking committee report [*Initiator*: parking committee; *Resources*:
39 recreation department; conservation commission, harbor commission, tax assessor, 1999
40 parking committee report]; 2) to maintain a current ROW inventory [*Initiator*: planning
41 department; *Resources*: CRMC, 1999 parking committee report]; 3) to actively seek
42 outside funding for enhancement of selected right-of-ways [*Initiator*: recreation
43 department; *Resources*: planning department; harbor commission]; 4) to create
44 requirements for easements to the waterfront in subdivisions where appropriate
45 [*Initiator*: planning commission; *Resources*: subdivision regulations].

1
2 2. The 1999 Parking Committee Report
3

4 The parking committee report provided a rating (of 1, 2, or 3) for each site it
5 discussed to provide a priority recommendation for future action, as follows:
6

7 1. **"Should be fully supported and maintained with existing parking and**
8 **facilities."** Number 1 priority sites are those of the "greatest importance and priority for
9 public access": they can "support the most people, have facilities already in place, need
10 little if any improvement, and should be fully maintained." (The report also points out
11 that they already make up 15% of Jamestown's shoreline.)
12

13 2. **"If all number 1 sites are fully functioning and there is further need to**
14 **provide public shoreline access, these sites could be improved to provide (more)**
15 **parking and access. Funds for construction, possibly CRMC or DEM approvals**
16 **and maintenance would need to be committed to improve these sites."** Number 2
17 priority sites "could also support larger numbers of people with parking but do not
18 currently have the necessary facilities." They should have a high priority for
19 maintenance, but development of "additional parking or facilities should be considered
20 only if the primary sites do not adequately fill the community need and budget allows."
21

22 3. **"Should be maintained as pedestrian access only sites."** Number 3 priority
23 sites "are largely neighborhood ROWs which in most cases were first established for
24 neighborhood, pedestrian access. Most are in dense neighborhoods and are currently
25 maintained by abutting neighbors. . . . These sites are of the lowest priority because they
26 would require planning, public workshops, clearing, stair construction, boundary
27 markers, posting and possible parking arrangements in order for them to be safe and fully
28 accessible. This would be at a considerable cost to the town and would not provide
29 access for a substantial number of people. Where there are or have been encroachments,
30 it is advised that the town mark the boundaries.
31

32 3. Checklist of Public Access Sites

33 The following checklist has only brief descriptions of sites that provide, or that
34 might in future provide, public access to the shore. There are fuller descriptions of most
35 of these properties and sites, along with discussion of the issues relevant to them, in the
36 1992 planning department study and the 1999 parking committee report. (Indeed, much
37 of the following list is based on--and paraphrases--material in one or both of those two
38 reports.) The checklist takes up in order: a) federal and state-owned properties; b) town-
39 owned properties developed for public use; c) properties of whatever ownership that have
40 CRMC designation as ROWs; d) sites that may be considered potential ROWs for
41 possible future CRMC designation; and e) coastal conservation areas that permit at least
42 some public access. In the list below the parking committee's priority numbers are given
43 in parentheses just after the name of the site.
44

45 Federal and State-owned Parks
46

1 Beavertail State Park (1): a state and federally-owned park on Beavertail Point
2 managed by the DEM Division of Parks. The park consists of 183 acres and has over
3 1.25 miles of accessible coastline (rocky cliffs interspersed with, on its west side,
4 occasional small beaches). There are spectacular ocean views to the south, east, and
5 west. The Beavertail lighthouse, with a small museum, is at the end of the point. The
6 park has parking lots for over 120 vehicles, portable toilets, ocean overlooks, and a
7 number of walking trails. Fully accessible as a public ROW.
8

9 Fort Wetherill State Park (1): a state-owned park in the Dumplings area, managed
10 by the DEM Division of Parks. The park consists of 58 acres and has almost a mile of
11 coastline (high granite cliffs with one pebbly beach). There are spectacular views east to
12 the East Passage and south to Rhode Island Sound. The park has a picnic area, walking
13 trails, World War II gun emplacements that may be visited, and a boat ramp on the beach
14 much used by scuba divers. Fully accessible as a public ROW.
15

16 Fort Wetherill State Park Extension (3): a state and town-owned site of 10.5
17 acres, of which the state owns 7 acres and the town 3.5. The park consists of rocky cliffs,
18 adjacent to Fort Wetherill State Park, extending south and west of the Fort Wetherill boat
19 basin (Fort Cove). The DEM has recently renovated three old military buildings on the
20 site to serve as the Fort Wetherill marine laboratory, housing the marine fisheries section
21 of the DEM Division of Fish and Wildlife. *(There are more details in the Fort Wetherill*
22 *boat basin section of II-E-3, above.)*
23

24 Dutch Island, Gould Island: Accessible only by water, these two islands, of 75
25 and 41 acres respectively, deserve mention with respect to public access even though they
26 lie outside the scope of the parking committee's report. While the two islands are within
27 Jamestown's jurisdiction, they are at present each owned jointly by the state and the
28 federal government. The state has designated its portion of each island to be part of the
29 state's bay island park system in the future.
30

31 Town-Owned Properties Developed for Public Access

32

33 Conanicut Battery/DAR Memorial (unrated [under development]): a park of 22
34 acres on the west side of Beavertail surrounding the site of a Revolutionary War battery
35 (on the National Register of Historic Places) and several early-20th century military
36 installations. The park has about 100 feet of waterfront, but virtually no access to it
37 because of high and steep cliffs. When the parking committee report was written the park
38 was undergoing renovation to preserve the ruins of the fort, to provide nature walks and
39 appropriate signage, and to open the excellent views of the West Passage. The
40 renovation was completed and the park formally dedicated, in June 2002, as the
41 Conanicut Battery on Prospect Hill.
42

43 East Ferry (1): a .75 acre complex at the foot of Narragansett Avenue consisting
44 of a marina, two town piers, a town square, a memorial square, a beach extending about
45 one-quarter mile to the north, and a short, non-adjacent, shoreline nearby to the south.

1 (See the fuller descriptions in the East Ferry sections of II-E-3, above.) The site has
2 parking--which is likely to be crowded in the summer months--and is fully accessible.
3

4 Fort Getty Park (1): a 41 acre site, largely surrounded by water, at the northwest
5 corner of Beavertail, with a trailer park, camping area, restrooms, and other recreational
6 facilities. The Jamestown recreation department maintains Fort Getty, and the town is
7 improving its recreational potential on the basis of a master plan developed in 1994. (For
8 more details see the Fort Getty section of II-E-3, above.) The park has an admission fee
9 for automobiles. There is ample parking and waterfront access.

10
11 Hull's Cove (1): a 50 foot wide ROW with a narrow path running about a
12 hundred yards from Beavertail Road to Hull's Cove beach. The parking area for four to
13 six cars at the road's edge has little room for expansion. There is trash pick-up at the
14 roadside. The path is level but uneven, the pebbly beach has excellent ocean views. A
15 boardwalk is in the planning stage.

16
17 Jamestown Shores (or "Head's") Beach (1): a 1.7 acre site on the west side of the
18 island north of the Jamestown-Verrazzano Bridge. The site has a gently-sloping grassy
19 area with a pebbly beach. There are three stone jetties, a natural boat ramp, a picnic area,
20 trash pick-up, boats moored directly off shore, boats landing on the beach, and a parking
21 area for perhaps 20 cars. In the summer the area is often overcrowded.

22
23 Mackerel Cove Beach (1): a wide and sandy public beach at the head of
24 Mackerel Cove, with lifeguards, restroom, shower, and trash pick-up in the summer
25 months. Parking is available, for a \$15 daily fee (or a \$15 annual sticker for residents),
26 for over 50 cars. Fully accessible to the water.

27
28 Maple Avenue (2): a rough, potholed town road, with some still unresolved
29 ROW legal aspects, that terminates in a muddy, grassy area abutting an Audubon Society
30 restricted wildlife refuge and CRMC-designated conservation waters. The area is not
31 much used at present, although there are a number of dinghies. A dinghy rack under
32 town control was provided in 2002 in order to help protect the adjacent conservation
33 areas.

34
35 Potter's Cove/Taylor's Point (1): a 25 acre site just east of the Pell (Newport)
36 Bridge toll plaza, consisting of a long sandy and pebbly beach extending south toward
37 Taylor Point, which has rocky cliffs and informal trails. Parking is available in both parts
38 of the site. There are paths to the cliffs. A new set of wooden steps leads to the beach.
39 The site is accessible to the water.

40
41 West Ferry (1): the old town ferry wharf at the western end of Narragansett
42 Avenue--more fully described in the West Ferry section of II-E-3, above. There is
43 usually adequate parking and the site is fully accessible to the water.

44
45 CRMC-designated ROWs
46

1 The Town maintains a list of Shoreline Access and Right of Way Inventory as
2 presented to the Town Council May 20, 2013.

3
4 ~~The CRMC designated the following rights of way in two stages. Some years ago~~
5 ~~the town surveyed the first group of seven (indicated by an asterisk [*] below) and~~
6 ~~marked them with wooden stakes that, it appears, may now be missing or hard to find. In~~
7 ~~2001 the town surveyed and marked the second group of six with stone markers, and it~~
8 ~~will revisit the first seven at a later date.~~

9
10 ~~————The following list gives the CRMC identifying number just after the Parking~~
11 ~~Committee priority designation.~~

12
13 ~~————Broad Street/Park Dock* (2): CRMC G 1. A 50' wide paved town road near the~~
14 ~~north end of the island that runs from East Shore Road to the bay. There are the remains~~
15 ~~of a stone jetty, some beach, and a small grassy area. The site is not well maintained and~~
16 ~~has very limited parking space.~~

17
18 ~~————Buccaneer Way (3): CRMC G 9. A 40' wide ROW with an unpaved path in the~~
19 ~~Jamestown Shores Area (off Seaside Drive).~~

20
21 ~~————Capstan Way (3): CRMC G 12. A 40' wide ROW with a narrow path over~~
22 ~~difficult terrain in the Jamestown Shores area (off Seaside Drive). This site is~~
23 ~~dangerously situated at the base of a hill and at present has a guard rail at its entrance.~~

24
25 ~~————Carr Lane (3): CRMC G 10. A 30' wide ROW with a narrow path through thick~~
26 ~~underbrush running from East Shore Road to the shore, where there is a pebbly beach.~~
27 ~~There is no parking either in the ROW or on East Shore Road.~~

28
29 ~~————Champlin Way (3): CRMC 8. A 40' wide ROW with a broad path to the water~~
30 ~~in the Jamestown Shores area (off Seaside Drive). In a particularly crowded residential~~
31 ~~neighborhood.~~

32
33 ~~————Decatur Avenue (3): CRMC G 13. A long 50' wide ROW with a narrow road~~
34 ~~leading past residential driveways that runs from East Shore Road to the bay. There is~~
35 ~~room for only three or four cars at the end of the ROW, the road is difficult, and there is~~
36 ~~other access to the water nearby.~~

37
38 ~~————Eldred Avenue* (2): CRMC G 5. A 136' wide state owned ROW of over half an~~
39 ~~acre underneath the two Jamestown Bridges. The area is generally grassy and has a steep~~
40 ~~drop from the bank to the shore. There is potential for parking, but if developed the site~~
41 ~~would also need stairs to the beach and trash pick-up.~~

42
43 ~~————Garboard Street (3): CRMC G 11. A 40' wide ROW in the Jamestown Shores~~
44 ~~area (off Seaside Drive) overgrown with grass and small trees.~~

1 ~~———— High Street (3): CRMC G-?. A 50' wide ROW that is 600' from the access~~
2 ~~point to the water. Located at the end of High Street in a residential neighborhood.~~
3 ~~There is a 20' drop from the bank to the shore.~~

4
5 ~~———— Hull Street *(3): CRMC G-7. A 44' wide ROW with a gravelly, overgrown path~~
6 ~~down to the beach in the Jamestown Shores area (off Seaside Drive).~~

7
8 ~~———— Mast Street* (3): CRMC G-6. A 50' wide ROW in the Jamestown Shores area~~
9 ~~(off Seaside Drive). There is a path, partially paved and partially through brush, that~~
10 ~~terminates in a ledge outcrop and boulders and an abrupt 15' drop to a pebbly beach.~~
11 ~~Also in a congested area, with private docks on either side.~~

12
13 ~~———— Spindrift Street *(3): CRMC G-4. A 40' wide ROW in the Jamestown Shores~~
14 ~~area (off Seaside Drive) with a partially filled and level area leading to a narrow dirt path~~
15 ~~terminating in ledge and a 15' drop to the pebbly beach.~~

16
17 ~~———— Spirketing Street *(3): CRMC G-2. A 40' wide ROW in the Jamestown Shores~~
18 ~~area (off Seaside Drive). A grassy strip ends in a metal stairway running down a 20' high~~
19 ~~embankment. There is a rough beach with several large boulders and a 36" water out fall~~
20 ~~pipe.~~

21
22 ~~———— Steamboat Street* (3): CRMC G-3. A 40' wide ROW in the Jamestown Shores~~
23 ~~area (off Seaside Drive). There is a section of the ROW encroached by an abutter and a~~
24 ~~much overgrown section with a gentle slope to the water.~~

25
26 ~~————— Potential ROW's~~

27
28 ~~———— The 1999 parking committee report listed 13 "potential" rights of way in~~
29 ~~Jamestown. Five of these were classified unrated, either because of the difficulty of~~
30 ~~access or physical unattractiveness of the site or because of legal uncertainty as to~~
31 ~~ownership and abutting private rights. The other potential rights of way were rated 3.~~
32 ~~Interested readers may find more details about these sites in the Parking Committee's~~
33 ~~report.~~

34
35 ~~Additionally, there are paper roads in Jamestown that may qualify as potential ROW's.~~

36
37 Coastal Conservation Areas with Some Public Access

38
39 Some of the coastal conservation areas (*identified in II-C-4, above*) provide
40 limited access for pedestrians: the Marsh Meadows and the Conanicut Island Sanctuary
41 sites at Great Creek; the state and town-owned portions of the Hodgkiss Farm; the Fox
42 Hill Audubon Site; the Sheffield Cove Audubon Site; the Racquet Road Audubon
43 Thicket Site.

1 ~~In any area deemed a shallow water habitat, where the use of motorized vessels could~~
2 ~~have an adverse effect on the on the existing ecosystem, the use of motorized vessels of~~
3 ~~any type is prohibited. The intent of this restriction is to preserve the existing habitat. —~~
4 Where significant shallow-water habitat is identified, boating activities shall be restricted
5 as necessary to decrease turbidity and physical destruction of such habitat.
6

7 G. EMERGENCIES: STORM PREPAREDNESS

8

9 Inevitably emergencies will occur on and in the waters surrounding Jamestown,
10 from minor ones to major ones such as hurricanes and oil spills. Inevitably the
11 Harbormaster will play a role in responding to these events.
12

13 The town's procedures for responding to emergencies are based on its
14 "Emergency Operations Plan ~~2012 November 1992~~", developed under the authority of
15 the Rhode Island Civil Defense Preparedness Act of 1973, and updated in 1994. The
16 ~~2012 1992~~ plan established a "Jamestown Emergency Management Agency" to develop
17 plans, and to be responsible, for any kind of emergency the town might have to confront.
18 Response to specific emergencies as they arise is the responsibility of the "Council of
19 Emergency", which reports to the town council and town administrator (who together
20 constitute the "Council of Defense"). In this command structure the harbormaster reports
21 to all three organizations and is a member of the "Council of Emergency"--along with the
22 chief of police, the fire chief, the town engineer, etc. The harbor commission has no role
23 to play.
24

25 Hurricanes and other severe storms are almost certain to do more damage than
26 any other emergency in the harbor commission's area of concern. Over the years
27 hurricanes have caused extensive damage to Conanicut Island and to the boats in its
28 waters: high winds, flood waters, and storm surges have taken lives and destroyed both
29 boats and waterfront facilities. The town's current response to hurricanes may be found
30 in its 18-page document "Hurricane Defense" (approved by the town council ~~in 2012 on~~
31 ~~August 24, 1992~~), which spells out precisely the steps to be taken by the appropriate
32 town authorities in the progressing stages from hurricane watch, to hurricane warning, to
33 any post-hurricane crises that may arise. The harbormaster's assigned responsibilities are
34 almost exclusively dedicated to the safety of boaters, of boats, and--in conjunction with
35 others--of waterfront property.
36

37 The best possible defense against hurricanes is preparedness. Improperly located
38 or maintained moorings, poorly secured boats, and an uninformed and unprepared public
39 can result in serious risk to life and property. Preparation for hurricanes has been an
40 ongoing concern of the harbor commission. In 2000 the Commission produced a two-
41 page flier, "HURRICANE READY? Tips for Preparing for a Hurricane Strike", which it
42 sent to each mooring permit holder and distributed further through marinas, yacht clubs,
43 and other appropriate locations. (*See Appendix B-1 for "Hurricane Defense" [1992] and*
44 *the flyer "Hurricane Ready?" [2000].*
45
46

1
2
3
4
5
6
7
8 H. REFERENCES
9

10 Jamestown, Town of
11 Conservation Commission, Planning Department, and Recreation Department,
12 Recreation, Conservation, & Open Space Plan, September 1994 (under revision)
13 Emergency Management Agency
14 Emergency Operations Plan, January 2012
15 Hurricane Defense, Jamestown, Rhode Island, August, 1992
16 Fort Getty Reuse Committee
17 Fort Getty Park Master Plan, December 1994.
18 Harbor Management Commission
19 Comprehensive Harbor Management Plan, 1995
20 Harbor Management Ordinance, 1990
21 "Team A" informal reports on future Harbor Management Commission
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24 responsibilities, etc., dated December 10, 2000
25 Parking Committee
26 The Parking Committee's Report on Public Shoreline Access and Rights-
27 of-Way in Jamestown, April 1999
28 Planning Commission
29 Jamestown Comprehensive Community Plan, 2002
30 Shoreline Access and Improvement Plan, prepared by Rebecca J Carlisle,
31 July 1992 Rhode Island, State of: Coastal Resources Management
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35 Guidelines for the Development of Municipal Harbor Management Plans,
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37 Public Access to the Rhode Island Coast, written by Pamela Pogue and
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39 Public Works Department
40 Harbor Commission's Asset Inventory List (Approved by the Commission
41 on 02.12. 2014 and the Town Council on 04.07.2014)
42 Shoreline Access and Right of Way Inventory, May 20, 2013
43
44
45 Rhode Island, State of: Department of Environmental Management
46 Water Quality Regulations, August 1997 and ongoing

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Shellfish Closure Areas, May, 2000-May, 2001, Narragansett Bay, May 2000

1 III. ISSUES AND IMPLEMENTATION

2
3 A. MOORINGS

4
5 One of the most serious and urgent issues presently confronting the town with
6 respect to harbor management lies in the number and placement of its current moorings,
7 both private and commercial: the placement of moorings in the waters around
8 Jamestown may be in violation of DEM or CRMC regulations, or both. Since it is
9 important that the town be in compliance with all CRMC and DEM regulations, the
10 issues these moorings raise probably represent the most immediate problems for the
11 harbor commission to address.

12
13 Another issue is that there are a number of moorings that are not used as required
14 by the ordinance, and there are also a number of “ghost moorings”, that is, floating
15 mooring balls that are not being used and constitute obstructions. Both preclude issue of
16 new mooring permits.

17
18 Issue: East Harbor:

19
20 The 1988/90 harbor management ordinance (and repeated in the 1995
21 comprehensive harbor management plan) stated that the eastern boundary of East Harbor
22 "shall be a line extending 1000 feet seaward of the shoreline." Even as the ordinance was
23 being written, however, there may have been moorings east of that line. Whatever the
24 exact situation at that time, the harbor commission received approval for the East Harbor
25 mooring field from the town council, the CRMC, and the DEM. Since recognition of this
26 nonconformity a significant percentage of the moorings outside the harbor boundary have
27 been eliminated. As of 2007 DEM and CRMC have advised the harbor commission that
28 the remaining private moorings outside the 1000 foot line may continue to be permitted
29 but are to be reduced by attrition. However, it is to be noted that a number of the
30 moorings outside the 1000 foot line are commercial moorings permitted by the Army
31 Corps of Engineers and not subject to town or state jurisdiction.

32
33 Goal: To continue the process of reducing the number of non-conforming
34 moorings, to eliminate moorings that are not being used as intended, and to eliminate
35 ghost moorings.

36
37 Policy: To provide as many mooring spaces for resident and non-resident boaters
38 as is appropriately feasible while, at the same time, conforming to the requirements of the
39 CRMC and the DEM and wherever possible eliminating non-conforming moorings by
40 attrition, eliminate unused moorings by enforcement of the ordinance, and remove ghost
41 moorings and other unauthorized anchored objects.

42
43 Implementation:

44
45 *Action:* Continue the program, begun in 2001, of reducing, through attrition, the
46 private, non-Army Corps of Engineers-permitted moorings outside the 1000 foot line

1 until such time as the town and the DEM and CRMC reach a mutually satisfactory
2 solution. Employ resilient tackle where possible to allow closer spacing of moorings.
3 Enforce the ordinance to eliminate unused moorings and remove ghost moorings and
4 other unauthorized anchored objects.

5
6 *Reference:* See sections II-D on water quality and II-B and II-E-5 on
7 administrative divisions and moorings, above.

8
9 *Responsibility: Initiator:* Harbor commission; *Resources:* Harbormaster

10
11 *Timing:* The rate of attrition being unpredictable, timing is uncertain; but the
12 commission will report regularly to both the DEM and the CRMC and will work with the
13 two agencies to develop other plans should they find progress unsatisfactory in the
14 future. In any case, the program will be thoroughly reviewed at the end of five years. In
15 recent years numerous unused and ghost moorings have been eliminated through the
16 efforts of the harbormaster.

17
18 *Costs:* There should be no appreciable costs at this stage.

19
20 Issue: Coastal Waters/Mooring Areas

21
22 Despite Rhode Island's recent "no discharge" policy the U.S. Food and Drug
23 Administration still in part determines water purity (and therefore whether or not
24 shellfish can be shipped out of state) by counting the number of boats with marine
25 sanitation devices that are moored in a given area. The maximum number of boats with
26 marine sanitation devices permitted in a given area without risk of water quality
27 degradation is nine. In addition, the CRMC considers: a) that "any designated area
28 managed by a commercial enterprise, a club, city, or town where five or more
29 recreational craft are kept at moorings" constitutes a "recreational mooring area," and, b)
30 that "any dock, pier, wharf, float, floating business, or combination of such facilities that
31 accommodate five or more recreational boats" constitutes a "marina" (see Redbook,
32 300.4). The DEM also uses a five recreational boat limit.

33
34 In 2001 the DEM suggested to the harbor commission that several stretches of
35 Jamestown's coastal waters--particularly Cranston Cove and Head's Beach--might be in
36 jeopardy of triggering either DEM or CRMC action in this respect. This situation exists
37 even though the exact size of the area in which moorings are counted is not specifically
38 quantified (or quantifiable) and therefore has to be a matter of judgment on the part of the
39 DEM, the CRMC, and, by extension, the town.

40
41 In late 2006 CRMC officials performed an on-the-water survey and identified
42 three areas that in their view constituted non-conforming mooring areas, known as Park
43 Dock, Head's Beach and Cranston Cove.

44
45 Goal: To insure that the various stretches of Jamestown's coastal waters are
46 properly administered.

1
2 Policy: To optimize the efficient use of coastal waters while, at the same time,
3 conforming to the requirements of the CRMC and the DEM

4 Recommendations:

5
6 a) That the areas identified by CRMC as non-conforming mooring areas be
7 established as conforming mooring areas under the Ordinance.

8
9 b) That the harbor commission clearly identify, for discussion--both by the local
10 residents and by town residents generally--the alternative future choices for those areas,
11 and draft regulations setting forth the organizational structure whereby additional
12 mooring areas may be established as needed.

13
14 c) That no new moorings be permitted in any mooring area without provision of
15 adequate shoreside facilities, namely parking, restrooms, and trash disposal.

16
17 d) That the commission work with both the CRMC and the DEM to achieve a
18 satisfactory resolution for all parties.

19
20 Implementation:

21
22 *Action:* Resolve any issues between the Town and the CRMC and DEM
23 respecting the possibility of excessive numbers of moorings in Jamestown's coastal
24 waters, and formally recognize the three mooring areas identified by CRMC as such.
25 Revise the Ordinance accordingly. Remove moorings from the Park Dock and Cranston
26 Cove areas by attrition, removal of unpermitted moorings, and relocation of moorings as
27 feasible, so that these areas can revert to coastal water status.

28
29 *Reference:* See sections II-D on water quality and II-B and II-E-5 on
30 administrative divisions and moorings, above.

31
32 *Responsibility: Initiator:* Harbor commission; *Resources:* Harbormaster;
33 residents of relevant areas.

34
35 *Timing:* Begin immediately to find a satisfactory resolution within six months of
36 when CRMC approves this plan.

37
38 *Costs:* There should be no appreciable costs at this stage.

39
40 Issue: All Waters

41
42 The town council upon the recommendation of the harbor commission may
43 establish a shared mooring program in town waters.

44
45 B. WATER QUALITY

1 Water quality as it relates to moorings in Jamestown waters (see "Issue A:
2 Moorings", just above) is the harbor commission's most immediate and urgent water
3 quality issue. In addition, the town must always be on guard to protect and enhance its
4 water quality in general.

5 Issue: Toxic and Pathogenic Substances
6

7 Although Rhode Island has declared its waters to be a sewage "no discharge" zone,
8 there is continual need to eliminate the discharge of toxic and pathogenic substances. While
9 the town's present harbor management ordinance has a list of prohibited substances, it must
10 bring the ordinance up-to-date with respect to the recent state "no discharge" regulation and
11 with respect to limiting activities that might lead to accidental discharges.
12

13 Goal: To maintain and improve Narragansett Bay's water quality by prohibiting activities
14 that would degrade it and by eliminating activities that threaten or impair existing water quality
15 in accordance with DEM water quality regulations.
16

17 Policy: To comply with present and future water quality standards for vessels on
18 moorings as well as in all other respects. To encourage marinas and shipyards to adopt, where
19 they have not already done so, operation and maintenance measures to protect the coastal waters.
20 To continue to monitor and protect, as necessary, areas where significant shallow-water habitat is
21 identified.
22

23 Recommendation: That the Harbormaster ensure that those individuals issuing
24 moorings, permits, etc. are familiar with the state standards, regulations, and guidelines
25 and that they adhere to those standards.
26

27 Implementation:
28

29 *Action:* Amend the harbor management ordinance regularly and as necessary to
30 bring it into accordance with state regulations and to prohibit in-water servicing activities
31 such as antifreeze discharges, painting, and paint scraping.
32

33 *Reference:* See section II-D, above, and the 1988/90 harbor management
34 ordinance, Section 7 ("Regulated Activities").
35

36 *Responsibility: Initiator:* Harbor commission; *Resources:* Town council.
37

38 *Timing:* These changes should be undertaken as soon as the new ordinance is
39 approved.
40

41 *Costs:* There should be no costs involved.
42
43

44 C. PUBLIC ACCESS

45 1. Land Access 46

1
2 In its 1998 Guidelines for the Development of Municipal Harbor Management
3 Plans (p. 24), the CRMC requires that "Harbor Management Plans shall include public
4 access provisions that: a) Inventory and catalogue the condition of all existing CRMC
5 designated rights-of-way in the community, and identify potential rights-of-way for
6
7 designation by the CRMC; b) Establish goals, policies, and recommended actions
8 designed to preserve, protect, and enhance the existing public rights-of-way to the tidal
9 waters of the town; c) Design a maintenance program to be implemented by the
10 community to improve and maintain all municipally owned rights-of-way; and d)
11 Develop a prioritized list of CRMC-designated rights-of-way that are municipally owned
12 which could be improved by either public or private entities and identify appropriate site
13 improvements required."
14

15 The town parking committee (in its 1999 report) and the town planning
16 commission (in its 2002 revised comprehensive community plan) have already
17 undertaken studies concerned with the identification, prioritization, and maintenance of
18 existing and potential public access sites and rights-of-way. The comprehensive
19 community plan (p.246) has assigned the harbor commission to be a resource in the
20 implementation of two matters pertaining to public access: to implement the
21 recommendations outlined in the parking committee report and to seek outside funding
22 for enhancement of selected rights-of-way. It seems most efficient for the harbor
23 commission, rather than try to develop a separate program, to work with the planning
24 commission to implement the planning commission's recommendations.
25

26 Issue: Enhancement of Public Access

27
28 Goal: To provide, maintain, and enhance public access to the shoreline.
29

30 Policy: To support the policies and actions of the current comprehensive
31 community plan.
32

33 Recommendation: That the harbor commission work with the relevant town
34 authorities and the local marinas to implement the comprehensive community plan.
35

36
37 Implementation:

38
39 Action: Establish a subcommittee to work with the planning commission in the
40 matter of public access.
41

42 Reference: See sections I-D-1 on the planning commission and II-F on recreation
43 areas and public access, above.
44

1 *Responsibility: Initiator:* Recreation department; planning department;
2 *Resources:* Parking committee, planning commission, harbor commission, conservation
3 commission, public works department.
4

5 *Timing:* There should be planning commission liaison reports provided to the
6 harbor commission at six-month intervals on the status of this issue.
7

8 ~~*Costs:* There should be no costs involved for the harbor management account.~~
9

10 2. Water Access. (See also: D. TOWN-OWNED WATERFRONT STRUCTURES)
11

12 On many occasions the sentiment has been voiced that Jamestown lacks adequate
13 public facilities for both local and visiting boaters. In general, there is inadequate so-
14 called “touch and go” dock space where boaters can tie up for a short time (residence
15 time is limited to 30 minutes) to load and unload crew, supplies, gear, trash, and so forth.
16 For example, there are many documented incidents of conflicts between boaters
17 attempting to use the touch-and-go dock at the east end of the Wood Pile Pier (WPP) and
18 persons fishing. There is also very limited free dinghy dock space for transients, and no
19 free dock for boaters desiring to tie up for a few hours (as above, time on the touch-and-
20 go docks is limited to thirty minutes)
21

22 Issue: Enhancement of Public Access, Resolve Boater/Fisherman Conflicts
23

24 Goal/Policy To provide better touch-and-go dockage, reduce or eliminate
25 conflicts between the boating and fishing communities, and provide better access to
26 the shore for visiting boaters or mooring holders .
27

28 Recommendation: That the harbor commission work with the relevant town
29 authorities and the local marinas to improve public dock facilities.
30

31 Implementation:
32

33 *Action:* In early 2008, the Town Council directed the JHC to set aside a portion
34 of the WPP for fishing and provide an additional short-stay touch-and-go dock to the
35 north side of the WPP. If implemented these could be expected to alleviate the conflicts
36 noted and provide better touch and go dockage. A new touch-and-go dock was added to
37 the WPP over the in winter of 2009-2010.
38

39 If a new floating dock is constructed, possibly a free transient dinghy dock space
40 could be incorporated into in a space not suitable for full-size boats.
41

42 No proposals are currently on the table for providing town-owned dockage for
43 visiting boaters, and it is difficult to see how this could be accommodated without very
44 significant construction; perhaps this need can be best left to the commercial operators, as
45 at present.
46

1 *Timing:* As above, these matters are currently on the JHC’s active docket.

2
3 Costs: Each of the above options will involve some cost, at this point
4 undetermined, although the JHC has obtained a detailed design and estimate for a new
5 touch-and-go dock to be added to the WPP, and has sent it out for bids. Whether this and
6 other improvements can be funded through the JHC budget or will require Town
7 contribution is likewise not yet apparent.

8
9
10
11 D. TOWN-OWNED WATERFRONT STRUCTURES

12
13 Jamestown has a number of waterfront structures (and adjacent properties) that
14 support water-based activities. With varying degrees of urgency, the harbor commission
15 needs to consider the possible future uses of these structures and properties for the years
16 ahead as they pertain to its own particular goals.

17
18 As the commission considers the best possible long-term use for these structures
19 and adjacent properties--the beach, launch ramp, concrete pier, wood pile pier with two
20 attached touch and go docks, and public bulkheads at East Ferry; the barn area and
21 waterfront at the Fort Wetherill boat basin; the pier, launch ramp, and outhauls at Fort
22 Getty; the wharf at West Ferry, etc.--a number of questions come to mind: Should the
23 town continue the current uses of these structures or find other ones? Should it choose
24 the uses that maximize boater support, public access, or town revenue? Should it sell any
25 of the structures to private interests? Where leases are coming due should the town
26 renew the current leases on roughly the same terms; should it limit or eliminate certain
27 uses; should it seek the highest market offer; should it operate the facilities itself?

28
29 Many of the issues the harbor commission needs to discuss with respect to future
30 uses result from differing groups having desirable and reasonable goals and interests that
31 compete with each other: the convenient location of the East Ferry boat ramp for boaters
32 competes with a free flow of vehicular traffic in the area; the use of, and income from,
33 East Ferry beach permits competes with free pedestrian movement on the beach; on the
34 congested wood pile pier at East Ferry a variable mix of commercial and recreational
35 fishers, recreational boaters, and tourists compete for room on small spaces above the
36 water; and so on. Some of the issues have priority for discussion over others: properties
37 with upcoming lease renewals to consider; structures in a bad state of repair; properties--
38 such as Fort Getty and the Fort Wetherill boat basin--already the subject of evaluation by
39 other departments of the town.

40
41 It is self-apparent as well that the existing waterfront structures are in various
42 degrees of disrepair, and that further action is needed to resolve conflicts between user
43 groups. The Wood Pile Pier underwent significant repair and improvements as the result
44 of storm damage in 2013. ~~has been surveyed, and repairs need to be carried out.~~ Repairs
45 have been made to the steel pier, and the utility installation there has been finished off
46 properly. ~~Both the~~ The East Ferry and the Ft. Getty boat ramps should be repaired and/or

1 upgraded. The Ft. Getty Boat ramp was replaced in 2009. The dock at Ft. Getty needs
2 some repair, ~~as do the the dolphins to which outhaul tackle is secured there.~~ The outhauls
3 at Ft. Getty and West Ferry were completely reconstructed in 2013.
4

5 The principal user group conflict at East Ferry is between recreational (and, in the
6 spring, subsistence) fishermen and boaters who both desire to use the outer floating touch
7 and go dock. A floating dock is not a suitable place for fishing; nonetheless, if fishing is
8 to be permitted on the wood pile pier at all, the seaward end will always be the preferred
9 spot. To address this issue, the JHC has constructed a new touch-and-go dock for the
10 WPP; fishing is not allowed on this dock, so fishermen are now restricted to the pre-
11 existing touch-and-go dock. To an extent, this has displaced commercial fishing dock
12 space, at present (2010) commercial fishing is in decline and the space seems to be
13 available. Nonetheless, it is to be hoped that commercial fishing will recover, and then
14 the space will be again required. Given that the Town's policy is to encourage
15 commercial fishing, we should not hasten to permanently eliminate the town-constructed
16 portion of the wood pile pier as a commercial fishing dock.
17

18 Finally, the old ferry dock at East Ferry is an eyesore and hazardous, with rusty
19 rebar protruding through gaping holes in the sagging, concrete deck. This should be
20 repaired or removed entirely. Properly repaired, the space might serve as a sort of scenic
21 lookout, perhaps with picnic tables and the like. Proposals for improvements here are
22 being investigated as of late 2011.
23

24 The commission cannot resolve these issues on the town's behalf. It must work
25 with the planning commission, the recreation department, other appropriate town
26 departments, and tenants before making recommendations to the town council. But as
27 the town body most immediately involved in the management of waterfront structures, it
28 should initiate discussion of the issues pertaining to them.
29

30 Issue: The Long-term Future of the Town's Waterfront Structures (and Adjacent
31 Properties) As described in the Harbor Commission's Asset Inventory List (as approved
32 by the Commission on 02. 12. 2014 and the Town Council on 04.07.2014).
33

34 Goal: To make timely recommendations to the Town Council on this subject over
35 the next five years. More specifically, resolve the conflicts between user groups,
36 especially at the wood pile pier. Further, survey the condition of the town-owned
37 structures and make repairs and upgrades as needed.
38

39 Policy: To find the best possible long-term use for the town's waterfront
40 structures and associated properties and make repairs and improvements so as to achieve
41 those uses.
42

43 Recommendation: That the commission immediately determine the order in
44 which it believes the various structures should be discussed and that it then work with the
45 planning commission, the recreation department, other appropriate town agencies, and
46 tenants to make recommendations to the town council on the future of these structures.

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Implementation:

Action: Determine the future of town-owned waterfront facilities.

Reference: See II-E-3 on town-owned waterfront structures, above.

Responsibility: Initiator: Harbor commission; *Resources:* Planning commission, planning department, recreation department, tenants of leased properties.

Timing: As of 2010, the JHC has had a survey of the WPP carried out, has constructed an additional touch-and-go dock to be added to the WPP, has obtained an estimate of. The curbs and rails on the north side of the East Ferry area and the repairs to the steel pier are complete.

Costs: Significant costs will be incurred in obtaining properly engineered, reliably budgeted proposals to address the foregoing issues (although the harbor commission has already had some of the planning and engineering work done), and quite substantial cost would be involved in carrying some of these out.

E. COMMERCIAL FISHING

Jamestown's commercial fisheries help to maintain the island's quality of life. They have historical, social, and economic significance. Like the island's farms and areas of natural open space they reflect the past and contribute to the traditional rural and maritime atmosphere that islander's prize so much. They add richness and variety to what might otherwise be an increasingly monotonous community. And with other commercial fisheries they provide, through the marketplace, the means by which most residents exercise their right to benefit from the "free and common fisheries" guaranteed by the state constitution.

To be successful, commercial fisheries need reasonable support and opportunity. Rhode Island (and other states) supports commercial fisheries in a variety of ways. Jamestown supports them through reduced dockage fees (just as, for similar reasons, it subsidizes open space and farms through lower taxes). Yet to succeed, commercial fisheries must also have adequate waterfront working space; access to vessels, docks, and shore; and well-maintained fish habitats--all within the context of waters and a waterfront serving many different purposes.

Issue: The Appropriate Support for Commercial Fishing

Commercial fishermen at present have no guarantee of adequate waterfront working space in Jamestown. They have occasional difficulty, especially during congested times, finding places to park and--both from the water and the shore--approaching docks to load and unload cargo. Like recreational fishermen, they are

1 particularly concerned that non-point sources of pollution and activities in sensitive areas
2 may threaten the food web and water quality and thus the viability of marine resources.
3 Their distinctive character is that they are businessmen providing food for the general
4 public and that they are dealing with a perishable product.

5
6 Goal: To ensure that, with appropriate regard for the needs of others interested in
7 the water and the waterfront, commercial fishermen are adequately supported in
8 their activities.

9
10 Policy: To make a commitment to provide priority space for fishing vessels at all
11 appropriate town-owned waterfront facilities and to support the leasing of dock
12 space at other facilities at equitable rates. To work with the state to preserve and,
13 where possible, to upgrade the water quality and marine habitat of the near-shore
14 waters.

15
16 Recommendations:

17
18 a) That the town gives first priority to the town-constructed portion of the
19 wood pile pier at East Ferry to any commercial fishermen requesting dock space.

20
21 b) That the town attempt to provide ample dock and outhaul space for
22 commercial fishermen at other town-owned locations on the island and to provide
23 and ensure access to docks from shoreside and from the water to facilitate
24 commercial fishing operations.

25
26 c) That the town consider commercial fishing business needs along with
27 other businesses when considering parking designation and road access, and that it
28 consider parking options for commercial fishermen at other access points when it
29 formulates plans for those sites.

30
31 d) That the town work with the state to balance the interests of commercial
32 fishing with the size of mooring fields and other boating activities in relation to
33 maintaining open waters accessible for marine resources.

34
35 Implementation:

36
37 *Action:* Work with the planning department, the recreation department, the
38 parking committee, and the DEM to achieve this goal.

39
40 *Reference:* See section II-C on natural resources, especially subsections 1-2
41 above; Section II-D on uses and activities, especially subsections 3-6, above; and
42 Section III-D on town-owned waterfront structures, above. Also see the 2002
43 comprehensive community plan, p. 268.

44
45 *Responsibility: Initiator:* Harbor commission; *Resources:* Planning
46 commission, town council, tenants of town-owned waterfront properties.

1
2 *Timing:* This will be an ongoing project tied to the town consideration of
3 what to do with its waterfront structures and adjacent properties.

4
5 *Costs:* There should be no costs attached to this project until the town has
6 decided the future of its waterfront facilities.

7 8 9 F. EMERGENCIES: STORM PREPAREDNESS

10
11 Storm preparedness is vital for everyone on or near the waterfront. While the
12 town's responsible organization, the emergency management agency, has developed, and
13 is continuing to develop, detailed emergency procedures for storms (as well as for other
14 potential disasters) there is still work for the harbor commission to do.

15
16 *Issue:* To contribute in the most effective way possible to the town's emergency
17 procedures for storm preparedness.

18
19 *Policy:* To assist the emergency management agency in improving emergency
20 procedures so as to provide the greatest safety possible for people and property on the
21 island and on adjacent waters.

22
23 *Recommendation:* That the harbor commission assist the emergency
24 management agency in whatever way the agency may find useful to improve and
25 publicize hazard mitigation plans for storms and for other emergencies that fall within the
26 commission's area of concern.

27 28 Implementation:

29
30 *Action:* Work with the harbormaster to find ways the commission may be useful
31 to the emergency management agency.

32
33 *Reference:* See Section II-G on storm preparedness, above, and the CRMC 1998
34 Guidelines, pp. 31-38, 71-82. Also see the Jamestown ~~emergency management agency's~~
35 Storm Preparedness and Hazard Mitigation Jamestown Emergency Operations Plan
36 (2012 November, 1992) and Hurricane Defense, Jamestown, Rhode Island (August,
37 1992).

38
39 *Responsibility: Initiator:* Emergency management agency; *Resources:* Harbor
40 commission, other relevant town authorities, etc.

41
42 *Timing:* Require an annual report from the harbormaster on this issue.

43
44 *Costs:* There should be no costs involved.

1
2
3 G. OUTHAULS

4 Concern about outhauls has increased over the past several years not only in
5 Jamestown but also in other waterfront communities throughout Narragansett Bay--
6 particularly in the bay's southern sections. The issues involved include various
7 competing rights or desirable goals, such as free passage along the shore below mean
8 high water, free passage on the water, riparian owners making optimum use of their
9 shorefront property, abutting riparian owners making optimum use of the adjacent
10 waters, the comparative ecological impact of outhauls vis-a-vis piers, and so on. There
11 are policy issues, such as whether outhauls attached to piers should be treated differently
12 from those attached to the shore, and so on. And there are the usual harbor management
13 issues of jurisdiction, administration, expenses, and fees.

14 In May, 2000, as a way of beginning to address the issues, the harbor commission
15 approved a motion to notify owners of outhauls that in future they must file a yearly
16 application for each outhaul they own. It also announced that a fee would be charged for
17 outhauls in 2001. (The Commission referred only to outhauls attached to in-water
18 moorings, assuming that dock-to-piling and dock-to-shore outhauls fall under the
19 jurisdiction of the CRMC.) There was little response to the Commission's notice, and it
20 was not possible to follow up on the matter in 2000.

21
22 At about the same time, the CRMC began independently to address some of the
23 complicated legal and policy issues involved. As a consequence of CRMC's
24 involvement, in 2001 the role of the Commission with respect to outhauls was largely one
25 of assisting the CRMC: of participating in CRMC discussions when invited and of
26 providing whatever information the CRMC or the town might find useful.

27
28 As of 2007, the CRMC had proposed regulations pertaining to outhauls, such that
29 municipalities may permit up to two (2) outhauls to the contiguous waterfront property
30 owner. The accompanying revised ordinance allows the harbor commission to regulate
31 outhauls on riparian property, set a fee to be charged, and so forth, and will set a policy
32 whereby permit-holders for the outhauls on town property at Fort Getty and West Ferry
33 will lose their permits if the outhaul is not used, as in the case of moorings.

34
35 Goal: To resolve, in conjunction with the appropriate town agencies, the various
36 issues pertaining to outhauls in Jamestown waters.

37
38 Policy: To develop a fair and equitable method of managing outhauls in
39 Jamestown waters that is consistent with our fundamental goals: minimizing user
40 conflicts, maximizing the efficient use of the water, protecting the coastal environment,
41 and maintaining and enhancing public access to the shore; and remaining consistent with
42 the goals, policies, and regulations of the CRMC.

43
44 Recommendations:
45

1 a) That the Commission make a census of all existing outhauls that includes, for
2 each outhaul, the exact location of the outhaul, specifications of the mooring tackle
3 attached to the outhaul, the length of the outhaul line, the kind of boat kept on the outhaul
4 (primary? dinghy? motorboat? sailboat?), to what extent the outhaul impedes the right of
5 passage along the shore, and any other information that seems pertinent to developing
6 suitable policy. As of 2014, no private outhauls exist.

7
8 b) That the Commission work with the relevant town agencies to develop a
9 policy appropriate to Jamestown's particular circumstances.

10
11 Implementation:

12
13 *Action:* See "Recommendations", above.

14
15 *Reference:* See section II-E-5 on moorings, above.

16
17 *Responsibility:* Initiator: Harbor commission; Resources: recreation department,
18 planning commission, CRMC.

19
20 *Timing:* Policy should be developed, so that, if necessary, appropriate
21 consultation with the CRMC may be undertaken, and so that public hearings and any
22 amendments to the harbor management ordinance may be completed before the deadlines
23 for the budget and for application forms are due in early 200[4]9.

24
25 *Costs:* There should be only minor administrative costs in developing this policy.

26
27
28 **H. HARBOR BOUNDARIES**

29 In an effort to resolve issues related to the town's harbor boundaries, the harbor
30 commission should direct its attention to developing, for presentation to the DEM and
31 CRMC, a plan to correct the anomalies in harbor boundaries that now exist. Some of the
32 problems with the current harbor boundaries that have been raised by various members of
33 the commission are as follows:

34
35 East Harbor: Mooring zone: The waiting list time for moorings in the East
36 Harbor mooring zone is now well over ten years, and yet there are areas in that zone that,
37 realistically, cannot be utilized for moorings, where boats are exposed both to strong
38 winds and to strong tides, and where access is extremely difficult for individuals who do
39 not belong to a nearby yacht club or a commercial mooring launch service. There has
40 been, also, a reduction in the size of the mooring zone (and an increase in the size of the
41 transient zone) through the recent movement of government marker G"11" to the north.
42 An additional complication is that the U.S. Army Corps of Engineers granted commercial
43 mooring permits for areas outside the harbor's 1000' line that pre-date the 1988/90
44 ordinance. Finally, the town currently has no 50-foot setback from the shore for its
45 mooring areas in either harbor and it allows swimming in those areas (except from town-
46 owned property)--an arrangement that has worked well in the past but that the CRMC

1 may require to be changed if it cannot be grandfathered. It would be greatly
2 advantageous, even if no increase in size is possible, to be able to reconfigure the
3 mooring zone in a way that could make its use more efficient. Transient zones: Perhaps
4 most obviously in need of harbor boundary change are the zones for transient boaters
5 trying to find a public mooring or a place to anchor. The two transient zones in the 1990
6 ordinance are 1) **north** of the Newport (Pell) Bridge, in open water, and over 500 feet
7 from the nearest shoreline--which is itself largely in private hands and more than a mile
8 from town; or 2) **south** of a line extending from Bull Point to government marker G"11",
9 in what is effectively the main channel, exposed to the weather, in water that is up to 100
10 feet deep, and with the nearest landing place more than two miles from town. Surely it
11 should be possible to find some location nearer the East Ferry for transient boaters.
12 (G"11" is now also placed well beyond the 1000' harbor boundary.) **Conservation**
13 **zone**: The only town conservation zone in East Harbor is north of the Newport (Pell)
14 Bridge within 500 feet of the shore, an area near the town's marine sewer outfall off
15 Taylor Point that the CRMC designates Type 1 waters.

16
17 West Harbor: Mooring Zone: Given the number of boats that use West Harbor,
18 and given the harbor's safety and attractiveness, it would be desirable to expand the
19 mooring zone somewhat if that is possible. The absence of a 50-foot setback (described
20 under the East Harbor mooring zone) must also be addressed. **Transient zone**: The
21 transient zone, which is considerably larger than the mooring zone and which directly
22 interferes with free passage of vessels on the east side of Dutch Island, needs to be
23 appropriately reduced in size, while kept still convenient for visiting boaters.
24 **Conservation zones**: The south conservation zone simply replicates a CRMC Type 1
25 Conservation Area. The north conservation zone, which is larger than the transient and
26 mooring zones combined and which has an unmarked turning point 1000 feet off the
27 coast, is in CRMC Type 2, Type 4 waters and is classified as SA waters under DEM
28 regulations, and except for a small area around the mouth of the Great Creek, may be
29 reviewed for conservation purposes.

30
31 The JHC has also considered reconfiguration of the West Ferry waters to enlarge
32 the mooring zone, by reducing the area of the transient zone, which is not extensively
33 used at present. However, as of 2011 the harbormaster advises that there is still space for
34 additional moorings in the existing mooring zone, so this initiative has been deferred.
35 Shoreside access is apparently more of a problem, in that there is insufficient parking
36 space in the West Ferry area to accommodate more boaters. Possibly more shoreside
37 access could be provided at Ft. Getty, but this would require dinghy docks and other
38 infrastructure, which has not yet been addressed in detail.

39
40
41 South (Mackerel Cove) Harbor: Conservation zone: The town designates all of
42 this area as a conservation zone. It is in any case largely taken up by the swimming area
43 for the public beach that stretches across its north end. It is part of a CRMC Type 1
44 Conservation Area.

1 Goal: To reconfigure the town's harbor boundaries so that they more effectively
2 serve the purposes for which they were intended.

3
4 Policy: To work--consistent with town, DEM, and CRMC guidelines--to provide
5 more mooring spaces for residents and non-residents, to provide more convenient public
6 moorings and anchorages for visiting boaters, to provide more productive approaches to
7 conservation, and to reduce total harbor areas where that is possible.

8
9 Recommendations: The town shall review its existing harbor lines and propose
10 amendments as deemed necessary and with consideration to CRMC and DEM
11 regulations.

12
13 Implementation:

14
15 *Action:* Establish an ad hoc subcommittee to study the issue and report to the full
16 Commission. Establish an appropriate liaison with both the CRMC and the DEM.

17
18 *Reference:* See sections II-B, on current harbor boundaries, and II-D, on CRMC
19 and DEM water classifications, above; the CRMC's Coastal Resources Management
20 Program ("Red Book"), 1996 and ongoing; and the DEM's Water Quality Regulations,
21 August 1997 and ongoing.

22
23 *Responsibility:* Initiator: Harbor commission; Resources: planning commission,
24 conservation commission, CRMC, DEM.

25
26 *Timing:* The most urgent task for the Commission is to resolve issues relating to
27 East Harbor moorings. It should undertake the harbor boundary issue either after or in
28 conjunction with that Issue.

29
30 *Costs:* There should be only minor administrative costs in resolving this issue.
31

MEMORANDUM

From: Michael de Angeli, Chair, Jamestown Harbor Commission

To: Jamestown Town Council

Date: June 12, 2014

Re: Amendments to Jamestown Harbor Management Ordinance

The Jamestown Harbor Management Ordinance will shortly be placed before the Town Council for adoption. Amendments to the Ordinance were approved by the Jamestown Harbor Commission on April 9, 2014, and the proposed amended Ordinance has been advertised. Subsequently an initial presentation of the Ordinance to the Town Council was made, on May 5, 2014. Further suggestions for amendments were made. There being insufficient time to readvertise these further amendments, it is respectfully suggested that the Town Council consider and adopt these when it considers the Ordinance as previously advertised.

The proposed additional amendments are as follows:

To Sec. 78-28(e) (pertaining to Harbor Commission budget)

[as previously advertised] (e)*Finances; budget.* The executive director and the commission, in collaboration with the town administrator, shall be responsible for the preparation of the annual harbor operating and capital facilities budgets to be submitted to the town council for approval. All revenues from harbor operations, including but not limited to mooring, beach permit and outhaul fees and harbor management fines and penalties, shall be held in a harbor enterprise fund maintained by the town finance department. The harbor enterprise fund shall be maintained exclusively for the management and development of harbor programs and maintenance and expansion of capital infrastructure. Nonbudgetary expenditures from the harbor management account, including additional staff support, must be authorized by the executive director with agreement of the commission and must be approved by the town administrator and the town council. Annual lease revenue from taxpayer-owned property at East Ferry, West Ferry, and Fort Wetherill may be used to fund maintenance, repair, or improvements to harbor and waterfront capital facilities.

At the end of the fiscal year, unexpended harbor operating and capital budget appropriations shall be placed in a harbor and waterfront capital reserve account.

The executive director and the commission, in collaboration with the town administrator, shall be responsible for the preparation of the annual harbor/waterfront capital facilities budget to be submitted to the town council for approval.

[proposed further amendment] (e) *Finances; budget.* The executive director and the commission, in collaboration with the town administrator, shall be responsible for the preparation of the annual harbor operating and capital facilities budgets to be submitted to the town council for approval. All revenues from harbor operations, including but not limited to mooring, beach permit and outhaul fees and harbor management fines and penalties, shall be held in a harbor enterprise fund maintained by the town finance department. The harbor enterprise fund shall be maintained exclusively for the management and development of harbor programs and maintenance and expansion of capital infrastructure. Nonbudgetary expenditures from the harbor management account, including additional staff support, must be authorized by the executive director with agreement of the commission and must be approved by the town administrator and the town council. Annual lease revenue from taxpayer-owned property at East Ferry, West Ferry, and Fort Wetherill may be used to fund maintenance, repair, or improvements to harbor and waterfront capital facilities as listed on the Asset Inventory List.

At the end of the fiscal year, unexpended harbor operating and capital budget appropriations shall be placed in a harbor and waterfront capital reserve account.

The executive director and the commission, in collaboration with the town administrator, shall be responsible for the preparation of the annual harbor/waterfront capital facilities budget to be submitted to the town council for approval.

To Sec. 78-26 (h)(2) – pertaining to transfer of moorings

[as previously advertised] (2) Private mooring permits, permits for outhauls on Town owned property and wait list position transfer: No private mooring holder permit, outhaul space assignment or wait list position, shall be sold, assigned or transferred (unless it falls under Section 78-26(m), below) except on a one time only basis to an immediate family member- limited to sibling, parent, spouse, children or grandchildren. The immediate family member to whom the permit was transferred may, under no circumstances, subsequently transfer the permit. ~~Private mooring and outhaul permits: transfer. No private mooring or outhaul space assignment shall be sold, assigned, or transferred by a mooring or outhaul permit holder, except that on written notice to the harbor commission a permit holder or a person on the waiting list may transfer a mooring or outhaul permit (unless it falls under subsection 78-26(n), below) or a place on the waiting list to a spouse, sibling, or child on a one-time only basis. Any assigned mooring or outhaul space given up by a permit holder reverts to the harbor commission for assignment, by the harbormaster, to the next person on the relocation or waiting list whose vessel fits the mooring or outhaul space, the appropriate mooring or outhaul class involved, and the relevant shoreside requirements. In exceptional cases permit holders may apply to the harbor commission for relief from this provision.~~

[proposed further amendment] (2) Private mooring permits, permits for outhauls on Town owned property and wait list position transfer: No private mooring holder permit, outhaul space assignment or wait list position, shall be sold, assigned or transferred (unless it falls under Section 78-26(m), below) except on a one time only basis to an immediate family member-limited to sibling, parent, spouse, children or grandchildren. The immediate family member to whom the permit was transferred may, under no circumstances, subsequently transfer the permit. ~~Private mooring and outhaul permits: transfer. No private mooring or outhaul space assignment shall be sold, assigned, or transferred by a mooring or outhaul permit holder, except that on written notice to the harbor commission a permit holder or a person on the waiting list may transfer a mooring or outhaul permit (unless it falls under subsection 78-26(n), below) or a place on the waiting list to a spouse, sibling, or child on a one-time-only basis.~~ Any assigned mooring or outhaul space given up by a permit holder reverts to the harbor commission for assignment, by the harbormaster, to the next person on the relocation or waiting list whose vessel fits the mooring or outhaul space, the appropriate mooring or outhaul class involved, and the relevant shoreside requirements. In exceptional cases permit holders may apply to the harbor commission for relief from this provision.

May 6, 2014

To: Andrew Nota
From: Donna Fogarty
Re: FY 2014 Capital Reallocation

Cc: Kitty Wineberg, President, Board of Trustees

During the past year, two significant developments have led the library to reconsider the best use of capital funds awarded for the 2014 financial year. The purpose of this memo is to explain these changes and respectfully request reassignment of our capital budget to more appropriate needs.

For the 2014 fiscal year, capital funds from the Town of Jamestown were allocated in the amount of \$53,877 for repair to and maintenance of infrastructure including replacing the west side front door facing North Road and repairing certain parts of the air conditioning system. However, the library's master architectural plan was still in development at the time the budget was prepared, and we now can apply capital funds to more specific and necessary items.

In 2013, we were awarded a grant of \$31,195 from the Champlin Foundation to fund replacement of presentation media in the Meeting Hall. This grant was based on new carpeting and interior paint for that room being provided by the Town of Jamestown. In 2014, \$22,000 was allocated by the town for paint and carpet, in conjunction with the Champlin Foundation Grant, to improve the Meeting Hall.

The status of items in the original budget is as follows:

- Michael Gray has evaluated our air conditioning system and determined that repair of the existing system is not practical and that replacement of the entire AC system is needed. The cost of such replacement far exceeds even the total of capital funds allocated to the library for this year. Therefore, this item will be included in the library's reorganization and redesign plan.
- While the library's redesign calls for refurbishment and replacement of the west side entrance, this element is part of a larger reallocation and design of several spaces on the

library's west side and it is recommended that all these items be designed and funded as one element.

- Paint and carpet are, of course, constant requirements for proper maintenance, and will be incorporated as part of the library's redesign plan.

Therefore, we would like to dedicate the capital allocation of \$75,877 to making improvements and upgrades to the library's wireless, computer and media systems; reallocated in this way, capital funds will join those awarded by the Champlin Foundation and provide a significant opportunity to improve these systems. Such upgrades are included in the architectural redesign plan, but are not contingent on other design elements and therefore can be pursued independently.

Based on our recent exchanges, I know you recognize the growing importance of technology in public libraries. The internet is quickly changing from a convenient luxury to a requirement with which people pay bills, maintain communications and accomplish personal tasks. Our Meeting Hall is the home for numerous public programs, attendance at which has been growing as much as 19% in recent years. Finally, it's important to stress that the library is no longer only a "book warehouse" but also the terminus point for five million items available through the state's integrated library system.

We are now completing bid documents for items to be purchased with funds from the Champlin Foundation and we will shortly submit these to Tina Collins for final approval and publication. We would like to start the same process for the above suggestions from the 2013-2014 Capital Improvements Budget allocations, with your approval.

We greatly appreciate your support and look forward to discussing this with you.

TOWN OF CHARLESTOWN

**RESOLUTION IN SUPPORT OF H7178 AND S2314,
PROHIBITING THE FREE DISTRIBUTION OF PLASTIC BAGS**

WHEREAS, each year in Rhode Island hundreds of millions of single-use plastic bags are handed out by retailers; and

WHEREAS, according to a study commissioned by the US Marine Debris Monitoring Program, plastic bags remain one of the top items found consistently during annual beach cleanups; and

WHEREAS, the Convention on Biological Diversity reports a total of 663 species have been affected by plastic marine pollution through entanglement or ingestion; and

WHEREAS, the United States Environmental Protection Agency finds that reducing the use of an item is one of the most effective ways to save our natural resources and protect the environment; and

WHEREAS, State Representatives Maria Cimini, et al. and State Senators Frank Lombardo, et al. have introduced companion bills (H7178, co-sponsored by Charlestown's Representative Donna Walsh, and S2314) which would prohibit large grocery stores and retailers in Rhode Island from providing single-use bags to customers in 2015, and would expand that prohibition to smaller retailers in 2016; and

WHEREAS, by prohibiting the free distribution of plastic bags, H7178 and S2314 would help eliminate a major source of pollution in Rhode Island; and

NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the Charlestown Town Council hereby SUPPORTS H7178 and S2314 that would prohibit retailers from providing free single-use plastic bags to consumers.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby instructed to submit a copy of this Resolution to the Town of Charlestown's State Senators and State Representatives in the Rhode Island General Assembly, the City and Town Councils in the State of Rhode Island, and The Rhode Island League of Cities and Towns in their consideration of and support for this legislation.

The RESOLUTION shall take effect immediately upon the date hereof.

By resolution of the Charlestown Town Council
at a meeting held on May 12, 2014

Amy Rose Weinreich, CMC

Attested To By

Amy Rose Weinreich, CMC Town Clerk



RESOLUTION IN SUPPORT OF THE
ELIMINATION OF THE MASTER LEVER

WHEREAS, the Master Lever law, RIGL 17-19-15, was enacted in 1939; and

WHEREAS, Rhode Island is the only state in New England, and one of the only sixteen of the fifty states in the United States, that continues to allow the Master Lever; and

WHEREAS, the Master Lever promotes impulse voting; thereby, thoughtlessly compromising independent candidates, and contributes to voter confusion, disenfranchisement, and distorted outcome; and

WHEREAS, the Governor, Lieutenant Governor, Secretary of State, General Treasurer, and the heads of many municipal governments in Rhode Island support the elimination of the Master Lever; and

WHEREAS, the people of Rhode Island, through their elected representatives, urge that repeal of the master Lever be put to a vote; and

NOW THEREFORE, BE IT HEREBY

RESOLVED: That we, the Town Council of the Town of Westerly, Rhode Island, urge that the House and Senate leadership not again thwart the will of the people, but bring S-2091 and its House counterpart to a vote; and

BE IT FURTHER RESOLVED: That a copy of this resolution be forwarded to our local legislators as well as all cities and towns in Rhode Island requesting support of all legislative action to eliminate the Master Lever.

ADOPTED: May 19, 2014

CITY OF NEWPORT

**RESOLUTION
OF THE
COUNCIL**

No. 2014-055

- WHEREAS, in 2009 the Rhode Island Supreme Court ruled that General Assembly members are NOT subject to the oversight of the RI Ethics Commission; and
- WHEREAS, this ruling effectively prohibits the Ethics Commission from investigating state politicians who vote on matters in which they have a conflict of interest; and
- WHEREAS, a constitutional change is necessary to expand the Ethics Commission's jurisdiction over the General Assembly; and
- WHEREAS, bills are presently pending in the legislature which, if passed, would provide voters with the opportunity to make legislators subject to the Ethics Commission (2014-H7593 and 2014-S2034). NOW, THEREFORE, BE IT
- RESOLVED: that the Council of the City of Newport respectfully asks the Rhode Island General Assembly to pass H7593 and S2034 to give Rhode Island voters the choice of whether to make RI legislators subject to the jurisdiction of the Ethics Commission; AND BE IT FURTHER
- RESOLVED: that a copy of this resolution be forwarded to the members of the Newport County legislative delegation asking that they support H7593 and S2034, and work for their passage; AND BE IT FURTHER
- RESOLVED: that a copy of this resolution be forwarded to the Governor, to all State Senators and Representatives, and to every city and town council in Rhode Island requesting support for H7593 and S2034.

MICHAEL T. FARLEY
KATHRYN E. LEONARD

IN COUNCIL

READ AND PASSED
May 14, 2014



Kathleen M. Silvia

City Clerk

**TOWN OF WARREN
TOWN COUNCIL RESOLUTION
MUNICIPAL ROAD AND BRIDGE REVOLVING FUND**

WHEREAS, last year the Municipal Road and Bridge Revolving Fund was signed into law and the General Assembly appropriated approximately \$7 million to start the fund.

WHEREAS, last year many municipalities supported the fund's establishment and funding.

WHEREAS, the demand for the fund has been conclusively demonstrated by Rhode Island cities and towns submitting \$30 million of project requests in the first year of operation.

WHEREAS, allocation of funding to the Municipal Road and Bridge Revolving Fund from the General Assembly for FY2015 is necessary to continue a long-term and sustainable solution to repair and improve Rhode Island's municipal infrastructure.

WHEREAS, failure to continue funding the Municipal Road and Bridge Revolving Fund could endanger the safety of citizens and hinder economic growth.

WHEREAS, continuing to fund the Municipal Road and Bridge Revolving Fund will create a substantial amount of savings for cities and towns and help to rebuild and advance their transportation infrastructure.

WHEREAS, savings from the program can be further reinvested into municipal transportation infrastructure.

NOW, THEREFORE, BE IT RESOLVED that we support funding for FY2015 to sustain the Municipal Road and Bridge Revolving Fund.

The Warren Town Council declared the resolution adopted this 10th day of June 2014.

Attest:
Warren Town Council



Christopher W. Stanley, President

David S. Frerichs, Vice President
Joseph A. DePasquale

Catherine A. Tattrie
Scott F. Lial

**TOWN OF WARREN, RHODE ISLAND
RESOLUTION
Amend Article XII**

WHEREAS: Article XII, entitled Of Education, was first adopted in 1842 and;

WHEREAS: In 1994 Superior Court Justice Thomas Needham, in a suit brought by Pawtucket and Woonsocket, found "*...that the language of Article XII of the Rhode Island Constitution and the relevant constitutional history demonstrate that there is a fundamental and constitutional right for each child to an opportunity to receive an education in Rhode Island.*" and;

WHEREAS: In 1995, the Rhode Island Supreme Court overturned Justice Needham's decision by contending that the language in Article XII "*...confers no such right, nor does it guarantee an "equal, adequate, and meaningful education."*" and;

WHEREAS: Education should be fundamental right for all Rhode Island residents and;

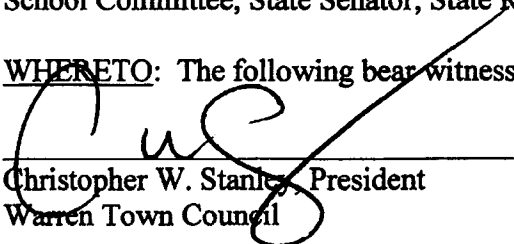
WHEREAS: Representative Mary Messier and Senator Roger Picard have introduced 2014 – H 7896 and 2014 – S 2397 House and Senate Resolutions that would place an amendment to Article XII on the November ballot and;

WHEREAS: H 7896 and S 2397 would make education the paramount duty of the General Assembly and "*...provide all Rhode Island residents with equal opportunities to receive an education that is adequate to permit them to achieve at high levels and to become lifelong learners, productive workers, and responsible citizens, and also to provide public library services, and to establish, maintain, or operate such institutions of higher and vocational-technical learning, adult education, and other public education programs that the needs of the people may require.*" and :

NOW THEREFORE BE IT RESOLVED: That the TOWN OF WARREN respectfully requests the Rhode Island General Assembly to support 2014 – H 7896 & 2014 – S 2397 and place an amendment to Article XII to be considered by voters at the November 4, 2014 general election; and be it further

RESOLVED: That a copy of this Resolution be forwarded to every Rhode Island Municipality, School Committee, State Senator, State Representative and the Governor.

WHERETO: The following bear witness:



Christopher W. Stanley, President
Warren Town Council

5-15-14

Date



TOWN OF BARRINGTON
RHODE ISLAND

TOWN COUNCIL

June Sager Speakman, President
Kate G. Weymouth, Vice President
Cynthia Armour Coyne
William C. DeWitt
Ann P. Strong

**RESOLUTION OF THE
BARRINGTON TOWN COUNCIL
MUNICIPAL ROAD AND BRIDGE REVOLVING FUND**

WHEREAS, last year the Municipal Road and Bridge Revolving Fund was signed into law and the General Assembly appropriated approximately \$7 million to start the fund, and

WHEREAS, last year many municipalities supported the fund's establishment and funding, and

WHEREAS, the demand for the fund has been conclusively demonstrated by Rhode Island cities and towns submitting \$30 million of project requests in the first year of operation, and

WHEREAS, allocation of funding to the Municipal Road and Bridge Revolving Fund from the General Assembly for FY2015 is necessary to continue a long-term and sustainable solution to repair and improve Rhode Island's municipal infrastructure, and

WHEREAS, failure to continue funding the Municipal Road and Bridge Revolving Fund could endanger the safety of citizens and hinder economic growth, and


WHEREAS, continuing to fund the Municipal Road and Bridge Revolving Fund will create a substantial amount of savings for cities and towns and help to rebuild and advance their transportation infrastructure, and

WHEREAS, savings from the program can be further reinvested into municipal transportation infrastructure, and

NOW, THEREFORE, BE IT RESOLVED, that the members of the Barrington Town Council hereby support funding for FY2015 to sustain the Municipal Road and Bridge Revolving Fund.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Barrington State Senator, Barrington State Representatives, and to all Rhode Island Cities and Towns requesting support.

Adopted by the Town Council of the Town of Barrington on the 2nd day of June, 2014.



June Sager Speakman, President
Barrington Town Council

ATTEST: 

Meredith J. DeSisto, Town Clerk



SOUTH KINGSTOWN SCHOOL DEPARTMENT
307 CURTIS CORNER ROAD, WAKEFIELD, RI 02879-2106

**Resolution of the South Kingstown School Committee
Relative to Binding Arbitration**

(401) 360-1300
FAX (401) 360-1330
TTY 1 800 745-5555

- WHEREAS: Current state law does not provide for mandatory binding arbitration on monetary matters for school teachers and other school employees; and
- WHEREAS: Payroll cost is the largest single expenditure in school budgets; and
- WHEREAS: In recent years the South Kingstown School Department has seen a dramatic reduction in state aid; and
- WHEREAS: South Kingstown taxpayers are already burdened by some of the highest property taxes in the nation; and
- WHEREAS: The South Kingstown School district and town must comply with RIGL §44-5-2, that caps the property tax levy imposed by municipalities; and
- WHEREAS: According to § 16-2-9 (d) "The School Committee of each school district shall be responsible for maintaining a school budget which does not result in a debt"; and
- WHEREAS: Mandatory binding arbitration would deprive locally elected officials the ability to control the biggest component of their local budgets (a feature that they were elected to do by the taxpayers of South Kingstown); and
- WHEREAS: The proposed mandatory binding arbitration legislation being advanced by its proponents does not take into account student welfare, conformation with existing property tax caps (R.I.G.L. 44-5-2), recognition of management responsibilities, the cost of implementing the Basic Education Program and other unfunded mandates.

NOW THEREFORE BE IT RESOLVED THAT:

The South Kingstown School Committee respectfully requests the Rhode Island General Assembly to oppose and reject any and all mandatory binding arbitration legislation currently being considered for teacher and other school employee contracts; and

NOW THEREFORE BE IT FURTHER RESOLVED THAT:

A copy of this Resolution be forwarded to every Rhode Island Municipality, School Committee, State Senator, State Representative and the Governor.

Signed:

Maureen Cotter, Chair

South Kingstown School Committee

Approved May 13, 2014

**PUBLIC HEARING NOTICE
TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on _____ at _____ at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding Chapter 70 – Traffic and Vehicles. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review and/or purchase at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and on the Town’s web site at www.jamestownri.net.

Section 1. Be it hereby ordained by the Town Council of the Town of Jamestown that the Jamestown Code Of Ordinances, Chapter 70, Traffic and Vehicles, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~strikethrough~~ are to be deleted from the ordinance; words underlined are to be added to the ordinance.

See Exhibit A, attached hereto and incorporated herein by reference.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to Chapter 70 of the Town of Jamestown’s Code of Ordinances.

Section 3. This Ordinance shall take effect upon its passage.

Ad Date(s): _____

Publication Source: _____

Hearing Date: _____

Action: _____

Certified: _____

Exhibit A-Alternate 1

Sec. 70-87. Prohibited or restricted parking on specified streets.

On the following streets or portions of streets, parking is prohibited or restricted as indicated, and it shall be unlawful for any person to allow, permit or suffer any vehicle registered in such person's name to stand or park such vehicle in violation of this section:

Bay View Drive, west side, from Conanicus Avenue north to Davis Street no parking any boat trailer at any time.

Sec. 70-52. Stop intersections.

Stop signs shall be erected and traffic controlled in conformance with section 70-51 on the following streets and highways within the town:

Intersection:	Location of Sign/Street Stopped:
Mast Street and Helm Street	Helm Street
Helm Street and Bow Street	Bow Street <u>4-way stop</u>
<u>Helm Street and Mast Street</u>	<u>Mast Street</u>

Please run the following ad in the *Jamestown Press* editions of April 24th & May 1st:



Jamestown, Rhode Island
NOTICE

It is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, that the following application has been received by the Town Council for a license **EXPANSION OF USE** under said Act, for the period May 20, 2014 to November 30, 2014.

EXPANSION OF USE:

Plantation Catering Inc.
Dbas: Plantation At The Bay Voyage
150 Conanicus Ave
Jamestown, RI 02835

The above application will be in order for hearing at a meeting of said Licensing Board on **Monday, May 19, 2014 at 7:30 p.m.** at the Jamestown Town Hall, Rosamond A Tefft Council Chambers, 93 Narragansett Avenue, in said Jamestown, at which time and place all remonstrants may make their objections against granting this license.

By Order of the Town Council
Cheryl A. Fernstrom, CMC, Town Clerk

This meeting location is accessible to the physically challenged. Hearing of speech impaired individuals requiring the service of an interpreter should call the Town Clerk at 401-423-9800 or facsimile at 401-423-7230 not less than 3 business days prior to the meeting.

June 11, 2014

Honorable Council Members:

The Jamestown Philomenian Library was one of the five original Rhode Island libraries to participate in the "one online catalog" and what we know today as the Ocean State Library (OSL) system. The OSL online catalog will be expanding soon to include the HELIN (Higher Education Library Information Network) system that includes the state colleges and Brown University. Jamestown patrons will be able to request these books and materials to be transported to their home library or to be picked-up at the holding library with their OSL library card. In recent years, OSHEAN, Inc. (Ocean State Higher Education Economic Development and Administrative Network) and Ocean State Libraries (OSL) collaborated on the federal grant for a fiber optic ring to connect Rhode Island communities with high speed broadband internet services. That collaboration gave OSL 14 free connections on the fiber optic ring, which included Jamestown. That connection will go live in July and is in the library basement as we speak. A library outside the ring could pay up to \$55,000 for this service.

Today, the Jamestown library is not able to participate in OSL consortia-wide cost-saving initiatives because most of the library's connectivity is at a Cat5 level, below consortia standards. Administration technology is at the Cat6 level, with limitations. (Please see attached for consortia initiatives.)

We are requesting to repurpose Capital improvement funds allocated in the 2013-14 budgets to bring the library connectivity up to the Cat6 level.

With your approval of this request, the library can move into the future and meet technology standards at the Cat6 level and fulfill the needs of the patrons, OSL, the integrated library system and staff tasks. The steps would include a core of connectivity to the OSHEAN optic fiber to meet patron demand for materials in digital formats, secure internet access, video streaming (The Jamestown Record, news, film, etc...), and technological and educational opportunities.

In addition, the library was awarded a 2013 Champlin Foundation Grant in the amount of \$31,195 to improve the audio and visual components of the Library's main meeting room. The above mentioned connectivity would also be incorporated into this project as well. The library's Meeting Hall is an extremely busy place. It is the main venue for all the "Friends of Jamestown Library" programming, which includes arm-chair travel presentations, new film releases, speakers, and summer reading activities. The room is also in high demand as a meeting space by community organizations and for public forums by the Town. The Champlin Grant was applied for with the understanding that with Town collaboration, the room would be upgraded with new carpeting and paint in addition to the sound and visual components: Hence, the Capital request for carpet and paint in the 2013-14 budgets.

These necessary steps are the first, and a cornerstone, in the process of meeting the patron and community needs for the 21st Century. We appreciate your support and dedication to the high standards of Public Services the Town has consistently supplied.

Donna Fogarty, Library Director

Jamestown Philomenian Library

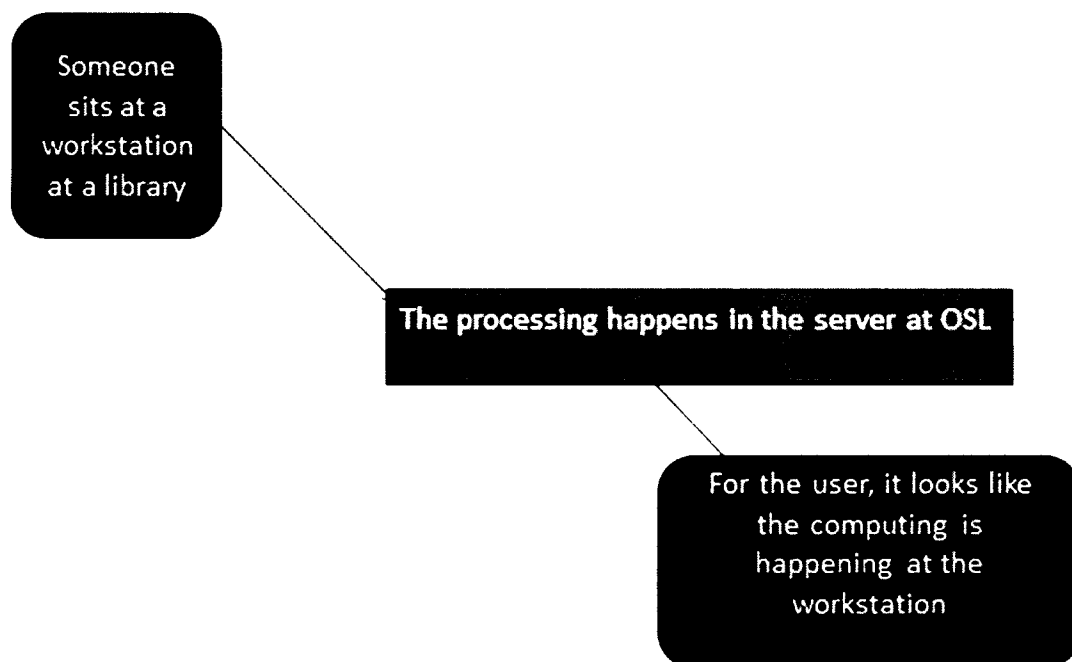
Reallocation of 2013-14 Capital Improvements Funds in conjunction with the Library Champlin Foundation Grant 2013

Re-Allocation of Capital Improvement Funds 2013-2014 \$76,000.				
Full Installation				
Description	Quantity	Price	Subtotal	
Aerohive BR200 Gigabit Router w/ PoE	1	499.00	499.00	499.00
Aerohive SR2148P Gigabit Access Switch w/PoE	1	4,999.99	4,999.99	4,999.99
Aerohive AP370 Wireless Access Points (interior)	8	1,199.00	9,592.00	9,592.00
Aerohive AP170 Wireless Access Point (Exterior)	2	1,499.00	2,998.00	2,998.00
Areohive Software (one year subscription)	1	883.00	883.00	883.00
Cat6e drops	28	350.00	9,800.00	9,800.00
6' HDMI cables	2	39.99	79.98	79.98
Carpet Meeting Hall			6,000.00	6,000.00
Interior Paint Meeting Hall			4,500.00	4,500.00
TOTAL				39,351.97
Champlin Foundation Grant - \$31,195 (awarded 11/2013)				
JVC DLA-X55r Projectors	3	5,299.99	15,899.97	15,899.97
Peerless PRG-UNV Mount for Projectors	3	263.00	789.00	789.00
20' Da-lite electric screen	1	5,259.56	5,259.56	5,259.56
Focal Easy speakers	2	2,799.99	5,599.98	5,599.98
Computer for Lectern	1	2,400.00	2,400.00	2,400.00
lectern	1	800.00	800.00	800.00
TOTAL				30,748.51
Labor to Install				35,500.16
TOTAL (Connectivity, Meeting Hall Upgrades, Labor Costs.)				105,600.64

OSL VDI Fact Sheet

What is VDI?

Desktop virtualization is a technology that separates the desktop computer software environment from a physical machine. Centralized servers provide the processing that used to happen in PCs, so simpler devices can be utilized at remote locations. VMware coined the term “Virtual desktop infrastructure” (VDI) to describe a specific way of hosting desktop operating systems within virtual machines running on centralized servers. VDI is a variation on the client-server computing model.



The OSL VDI project

- 1) The OSL VDI project will enable member libraries to end the desktop replacement cycle for public computers. While this is a benefit, there will be some costs involved for the libraries. Developing a plan to cope with The Champlin Foundations’ decision to cease funding the replacement of desktop computers was the original motivation for the project.
- 2) The OSL VDI project will provide a platform for delivering new and improved public computing services. This is an added benefit.

OSL VDI Fact Sheet

Description

We will replace up to 1,400 public computers with virtual desktops over a five year period. These VDI clients will replace - but not expand - the existing inventory of public computers. A server system will be installed in the OSL office to run and manage the virtual computers. Small-footprint zero or thin clients (which are about the size of a cable modem or a wireless router) will be used at libraries to connect to the virtual computers running on the server system at the OSL office. We will begin with hosting the VDI servers at OSL. In the future we might relocate VDI servers to a data center located at another site. OSL may need a backup generator for the VDI server system to provide protection in the event of an electrical power outage.

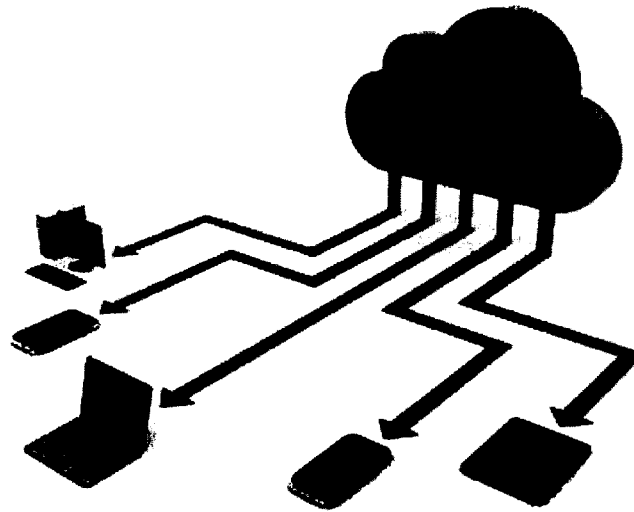
The project includes all of the server hardware, software licenses and client units required to replace 1,400 public computers. Libraries are responsible for providing monitors, keyboards and mice, as well as network and power connections. In the future, when client hardware units need to be replaced, libraries will also be responsible for purchasing them. (Currently, zero clients cost under \$400 per unit). Software licensing and maintenance costs for the VDI server system should be included in the general OSL budget starting in 2018.

Benefits

- 1) Libraries will no longer have to replace public desktop computers.
- 2) When new versions of Microsoft Windows or applications are published, we will not need to upgrade to new desktop computers to run them.
- 3) Libraries will have to do less work to support public computers. No more Windows updates or application updates (Adobe Reader, Flash, Java, etc.), and no need for Deep Freeze or Symantec Endpoint Protection in the virtual machines.
- 4) VDI enables easier and cheaper deployment of new versions of programs. Instead of a copy of Microsoft Office 20xx installed on every public desktop, a licensed copy is used only on demand. Fewer licenses can be shared by many users.
- 5) Library staff will be able to manage the appearance of their virtual desktops. Staff can login to a central site to change icons, shortcuts and settings for a library's virtual public computers. Virtual computer desktops can be branded with photos or color selection.

OSL VDI Fact Sheet

- 6) Zero or thin clients use less electricity than standard desktop computers. They also produce less noise and generate less heat.
- 7) Tablets or laptops that patrons bring into a library will be able to use the VDI system. For example, a patron could use PowerPoint from the library on her iPad or MacBook.



Timeline

During the first year of the project (2013), we will replace 100 desktops with VDI. Deployments during the first year will be used to test the way VDI works in our varied environments. The projected deployments going forward depend on continued funding by the Champlin Foundations and the success of each year's installations.

Year	# Clients
2014	300
2015	400
2016	400
2017	200



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OSHEAN – Advanced Technology Infrastructure Empowering Community Anchor Institutions

OSHEAN, Inc. (Ocean State Higher Education Economic Development and Administrative Network) delivers carrier class optical transport, advanced IP-based networking and innovative cloud solutions to Community Anchor Institutions and the communities they serve. OSHEAN creates trusted connections for peer-to-peer interactions that lead to more efficient, effective and collaborative information technology environments. With an extensive member network consisting of leading healthcare organizations, colleges and universities, K-12 schools, libraries, government agencies, and other community organizations, OSHEAN acts as a key strategic technology partner by facilitating member collaboration and providing best-in-class technology solutions and services that provide operational efficiencies and transform traditional enterprise operating models in support of its members™ missions.

EVENTS

CALENDAR

The upcoming calendar is currently empty.

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TOWN OF JAMESTOWN
TAX ASSESSOR
93 Narragansett Avenue
Jamestown, RI 02835

To: PRESIDENT, JAMESTOWN TOWN COUNCIL

From: JAMESTOWN TAX ASSESSOR

Subject: ABATEMENTS/ADDENDA OF TAXES FOR JUNE 16, 2014 MEETING

ABATEMENT TO 2012 TAX ROLL

#23-0089-75 Walk Right In Websites	Tangible Property - Business never in operation	\$46.75
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ABATEMENTS TO 2013 TAX ROLL

#07-0421-50 Girard, Mark E. & Jeanne L.	Plat 16, Lot 26 - Reduced assessment based on adjustment to square footage - New Value \$691,000	\$73.12
#23-0089-75 Walk Right In Websites	Tangible Property - Business never in operation	\$52.50

TOTAL ABATEMENTS	\$172.37
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RESPECTFULLY SUBMITTED,

Kenneth S. Gray

KENNETH S. GRAY,
TAX ASSESSOR