



TOWN COUNCIL MEETING
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Monday, March 3, 2014
7:00 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 AND RESOLUTIONS

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 a **NEW LICENSE** under said Act, for the period December 1, 2013 to November 30, 2014 (duly advertised in the *Jamestown Press* February 6th and February 13th editions)

CLASS B – VICTUALER - LIMITED

Lucky Ridge Co., LLC
Dba: Spinnaker's Café
3 Ferry Wharf
Jamestown, RI 02835

- a) Police Chief Mello's recommended restrictions
b) Request a motion to approve the liquor license application for a **NEW CLASS B – VICTUALER - LIMITED**, upon

resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2013 to November 30, 2014.

- c) Request a motion to raise the **CLASS B – VICTUALER – LIMITED** Cap to ONE (1) [Present Cap ZERO (0)] and set the **CLASS B – VICTUALER – LIMITED** Cap at ONE (1)
- d) Request a motion to raise the total number of **LIQUOR LICENSES** in the Town of Jamestown to THIRTEEN (13) from TWELVE (12)
- e) Request a motion to set the Class B – Victualer – Limited annual fee (Per RIGL §3-7-7 \$200 to \$1,500)

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. 78-22 through Sec. 78-27; duly advertised in the *Jamestown Press* February 20th edition
- 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* February 20th edition
- 3) Adoption of Mooring Rates for 2014 season

C) Licenses and Permits

- 1) Holiday License renewal applications
 - a) Ace’s Pizza, Inc., dba: Ace’s Pizza
Location: 1 Clarke Street
 - b) Alfred B. Bingell, dba: House of Pizza
Location: 23 Narragansett Avenue
 - c) Conanicut Yacht Club, dba: Conanicut Yacht Club
Location: 40 Bay View Drive
 - f) The Island Scoop, dba: The Island Scoop
Location: 79 North Road
 - g) Jamestown Culinary Partners, LLC, dba: Jamestown Fish
Location: 14 Narragansett Avenue
 - f) Jamestown Restaurant Group, LLC, dba: Narragansett Café
Location: 25 Narragansett Avenue
 - g) New England Golf Course Management, Inc.
dba: Jamestown Golf & Country Club aka Caddy Shack
Location: 245 Conanicus Avenue
 - h) Ocean Essence & Therapeutic Massage, LLC
Db: Ocean Essence & Therapeutic Massage/Ocean
Essence Spa; Location: 123B Narragansett Avenue
 - i) Tunstall, LLC, dba: Grapes & Gourmet
Location: 9 Ferry Wharf

- 2) Holiday and Peddler License renewal application
 - a) Alfred B. Bingell, dba: Freddie Bing's Hotdog Thing (cart)
Location: East Ferry (north of RIPTA bus stop on east side of Conanicus Avenue)
- 3) Trash Collector License renewal application
 - a) Republic Services, dba: Republic Services of MA
Location: 1080 Airport Road, Fall River, MA, Island-wide

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) Interim Town Administrator's Report
 - 1) FY 2015 Budget (July 1, 2014 to June 30, 2015)
 - 2) Collins Center report update
- B) GZA Monitoring Report, 4th Quarter 2013

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

- A) Town Council Representative to Hazard Mitigation Plan Update Committee
- B) Traffic Committee request for Council action re: West Ferry and Helm Street

IX. ORDINANCES AND APPOINTMENTS

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) February 3, 2014 (special meeting)
 - 2) February 3, 2014 (regular meeting)
 - 3) February 3, 2014 (special executive session)
 - 4) February 3, 2014 (regular executive session)
 - 5) February 18, 2014 (special meeting)
 - 6) February 18, 2014 (regular meeting)
 - 7) February 18, 2014 (special executive session)
 - 8) February 21, 2014 (special meeting)
 - 9) February 21, 2014 (executive session)
 - 10) February 24, 2014 (special meeting)

- 11) February 24, 2014 (executive session)
- B) Minutes from Boards, Commissions and Committees
 - 1) Jamestown Affordable Housing Committee (12/04/2013)
 - 2) Jamestown Fire Department Incentive Committee (02/11/2014)
 - 3) Jamestown Harbor Commission (01/08/2014)
 - 4) Jamestown Tree Preservation & Protection Committee (11/19/2013)
 - 5) Jamestown Zoning Board of Review (01/28/2014)
- C) CRMC Notices
 - 1) Assent of Charles Richardson to construct and maintain a shoreline protection facility (approximately 205' long rip rap revetment) located at Plat 4 Lot 19
- D) Resolutions and Proclamations from other Rhode Island cities and towns
 - 1) Resolution of the Town of Charlestown to Support Repeal of Master-Lever Voting, per Senate Bill 2091
- E) Abatements/Addenda of Taxes

XI. COMMUNICATIONS AND PETITIONS

- A) Communications
 - 1) Letter of Nicole Contino re: PTO Fundraiser on June 6, 2014 and request for waiver of \$300 Fort Getty Pavilion rental fee and waiver of TULIP insurance policy requirement
 - 2) Letter of Edwina S. Cloherty re: support for proposed construction of a new golf course clubhouse and opposition to any plan to incorporate a performing arts center using public funds
 - 3) Letter of Edwina S. Cloherty re: traffic safety at the intersection of Hamilton and Southwest Avenues
 - 4) Letter of Doriana Carella and Andrea Colognese re: formal request for a liquor license for the Village Hearth Bakery and Café
 - 5) Email of American Legion Post 22 Treasurer Frank Meyer re: insurance coverage by the Town for the annual Memorial Day Parade
 - 6) Letter of Climate and Energy Campaign Director Claire Douglass re: threat of seismic airgun testing proposed off Rhode Island's coast to search for offshore oil and gas
 - 7) Invitation of Newport Mayor Winthrop to participate in the City's 58th Annual Saint Patrick's Day Parade and festivities on Saturday, March 15, 2014

XII. EXECUTIVE SESSION

The Town Council may seek to go into Executive Session to discuss the following items:

- A) Pursuant to RIGL §42-46-5(a) Subsection (2) Collective Bargaining (IBPO Contract); discussion and or potential vote in executive session and/or open session
- B) Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel (Review and possible ratification of Severance Agreement for Town Administrator);

discussion and/or potential action and/or vote in executive session and/or open session

- C) Pursuant to RIGL §42-46-5(a) Subsection (5) Real Estate (property acquisition)

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 call 1-800-745-5555, 401-423-1212, via facsimile at 401-423-7230, or contact the Town Clerk by email at cfernstrom@jamestownri.net not less than three (3) business days prior to the meeting.



Jamestown Town Council

Agenda Item Report

Meeting Date: November 4, 2013

Item Number: _____

Item: Alcoholic Beverage License Limits for 2013-2014

Motion: To set the Alcoholic Beverage License limits for 2013-2014 as follows:

Class A - 2
 Class BV - 8
 Class BT - 1
 Class D - 1

Summary of Use

License Limits	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Class BV	8	8	8	8	8	8	8	8	8	8
Class BL	0	0	0	0	0	0	0	0	0	0
Class BT	1	1	1	1	1	1	1	1	1	1
Class D	1	1	1	1	1	1	1	1	1	1
Class A	2	2	2	2	2	2	2	2	2	2
Total	12	12	12	12	12	12	12	12	12	12

Request for Renewals for 2012-2013

Class A - 2
 Class BV - 8
 Class BT - 1
 Class D - 1

Request for Renewals for 2013-2014

Class A - 2
 Class BV - 8
 Class BT - 1
 Class D - 1

A Class G Liquor License is granted by the Town to serve dockside each summer to Conanicut Marine Services, Inc. (m/v Jamestown & Katherine) which is *issued by the State only*. A Class G license is seasonal only and does not need to be renewed at this time.

All 2013-2014 applications have been sent to the local proprietors and are in the process of being completed and routed to the proper State and town departments.

Prepared by:

Heather Lopes
 Heather Lopes, Assistant Town Clerk

TOWN OF CHARLESTOWN
Resolution to Support Repeal
Of Master-Lever Voting
Per S2091, Introduced 21 Jan 2014

WHEREAS, The master lever law, RIGL 17-19-15, was enacted in 1939.

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

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

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

WHEREAS, The people of Rhode Island, through their elected representatives, urge that repeal of the Master Lever be put to a vote.

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Charlestown, 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 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, Governor Lincoln Chafee, Senate President Teresa Paiva-Weed, House Speaker Gordon Fox, and all other City and Town Governments in Rhode Island, seeking the support of all for legislative action to eliminate the Master Lever.

This resolution shall take effect immediately upon passage.

Attested To By:

Amy Rose Weinreich, CMC
Amy Rose Weinreich, CMC Town Clerk

Passed By Town Council On:

February 10, 2014



Jamestown Town Council
Town Hall
93 Narragansett Avenue
Jamestown, RI 02835

RECEIVED
TOWN OF JAMESTOWN, RI
14 JAN 31 AM 9:35

Dear Town Council:

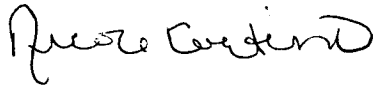
I am a member of the Jamestown PTO and I am working on a fundraiser to benefit the Jamestown Parent Teacher Organization. We are holding a fundraiser at the Fort Getty Pavilion on Friday, June 6, 2014 at 6p.m.

The Jamestown PTO is a non-profit dedicated to supporting the teachers and students at Melrose and Lawn School in Jamestown. We provide cultural art and enrichment assemblies, book fairs, student events, family events, health and wellness activities, classroom supplies, field trips and much more.

With that said, I would like to request a fee waiver of \$300 to rent the pavilion and fee waiver of \$150 for the tulip insurance policy. The decrease in expenses will help us make the fundraiser a greater success.

Thank you for your consideration and I look forward to hearing from you.

Warm regards,



Nicole Contino
33 Whittier Road
Jamestown RI 02835
860-912-5720

14 Pierce Avenue
Jamestown, RI 02835
31 January 2014

RECEIVED
TOWN OF JAMESTOWN, RI
14 JAN 31 PM 3:52

Christine Trocki, President
Jamestown Town Council
93 Narragansett Avenue
Jamestown, RI 02835

Dear Pres. Trocki:

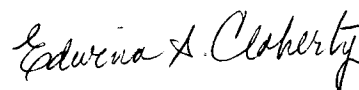
I write for two reasons. The first is to support proposed construction of a new golf clubhouse and a structure to store golf carts, equipment and supplies necessary to maintain the course.

The second is to oppose any plan to incorporate a performing arts center as part of this plan or any future plan to use public funds. The need simply does not exist. The Town's Recreation Center, the Central Baptist Church, St. Matthew's Episcopal Church, the Portuguese American Club, the Jamestown Arts Center and the Jamestown Library all provide more-than-adequate rehearsal, performance and exhibition space. Consider also that the rental fees benefit these public and private institutions. Why burden the Jamestown taxpayer at the same time we deny income to these worthy institutions?

Keep in mind that, once constructed, all Town owned properties need ongoing maintenance and often repair, something easily overlooked when a building is brand new.

Thank you for considering my comments.

Sincerely,



Edwina S. Cloherty

14 Pierce Avenue
Jamestown, RI 02835
31 January 2014

Christine Trocki, President
Jamestown Town Council
93 Narragansett Avenue
Jamestown, RI 02835

RECEIVED
TOWN OF JAMESTOWN, RI
14 JAN 31 PM 3:52

Dear Pres. Trocki:

I write to urge the appropriate Town Staff charged with providing for traffic safety conduct field observations at the intersection of Hamilton Avenue and Southwest Avenue during hours of darkness.

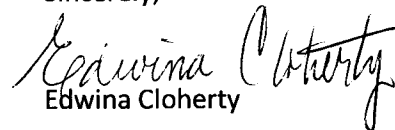
The approach from Southwest Avenue for a vehicle making a left turn onto Hamilton Avenue is difficult at the least and unsafe at best due to lack of lighting and visible pavement markings. Exactly where does the driver begin the left turn? Sometimes the neighbor on the left corner of Hamilton Ave. has a backyard light on or the residence immediately opposite Southwest Ave. has lights on, both helping to define the intersection. But neither case is adequate or reliable.

The problem may be solved by requesting National Grid to install an overhead street light on its pole (#1) on Hamilton Avenue nearest to the intersection. Another very simple and immediate step would be to install a reflective device on the mailbox support opposite Southwest Avenue. Naturally the property owner would need to be consulted. Although simple and inexpensive, this is not at all a permanent solution.

Hamilton Avenue at Southwest Avenue is not an insignificant intersection as it is considered a part of the emergency evacuation route and is so signed. I understand that the RI DOT managed the design reconstruction several years ago and may own that intersection. Even if such is the case, it cannot excuse the Town's oversight. Please do not let jurisdiction over this intersection delay a solution.

I reported this issue to the Jamestown Police Department two months ago and was advised to write a letter. I now understand that there is a Traffic Committee chaired by Councilor (former Police Chief) Tighe. Therefore I shall copy both Chief Mello and Councilor Tighe. While it has taken me two months to write and deliver this letter, I hope that action on a traffic safety matter will not take as long.

Sincerely,


Edwina Cloherty

CC: Chief Mello, Jamestown Police Dept.
Councilor Tighe, Chair, Traffic Committee

To: Jamestown Town Council
From: The Village Hearth Bakery
2 Watson Ave. Jamestown

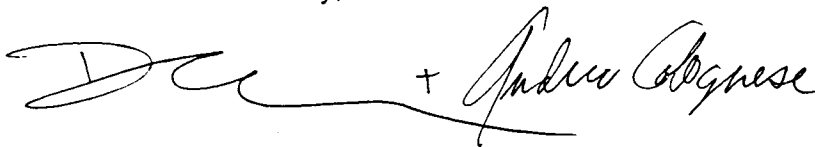
February 15, 2014

Dear Town Council Members,

Just over three years ago, upon the expansion of our bakery, *The Village Hearth*, my husband, Andrea Colognese and I, Doriana Carella, (owners) went to the Jamestown Town Office to request and learn whatever protocol was required to acquire permission to obtain a liquor license. At the time (2010), we were told that we had to first pass a liquor management certification class (S.T.O.P.) which I did take and become certified only to be then told that there would be **no additional liquor licenses** allowed in Jamestown for any foreseeable future. This put an end to any further seeking or attempts at appeal for such license as it was clearly set forth at the following Town meeting that under no uncertain terms would ANY LIQUOR LICENSES BE GRANTED.

Our bakery/cafe has operated responsibly and dutifully for the last 12 + years within this community and would like this opportunity to make it known that if any liquor license/s will be granted to any other food establishment in Jamestown please accept this as our own formal request for a liquor license to be granted to our establishment.

Most Sincerely,

Handwritten signatures of Doriana Carella and Andrea Colognese, with a plus sign between them.

Doriana Carella and Andrea Colognese

owners of The Village Hearth Bakery and Cafe

RECEIVED
TOWN ENGINEER
14 FEB 19 AM 10:52

Cheryl Fernstrom

From: Frank Meyer [frankandjill@cox.net]
Sent: Wednesday, February 19, 2014 10:23 PM
To: Blake A. Dickinson; Eugene B. Mihaly; Kristine S. Trocki; Mary E. Meagher; Thomas P. Tighe
Cc: Cheryl Fernstrom; Leslie Kurtz; The Jamestown Press
Subject: Memorial Day Parade

To the Honorable Town Council of Jamestown,

In the past decades, the American Legion Arnold-Zweir Post 22 and the Veterans of Foreign Wars Post 9447 have been the organizers of the Memorial Day Parade.

At tonight's, 2/19/2014, meeting of Post 22 it was voted with a 7 to 3 vote to conditionally cancel that parade for the following reason:

For the first time in history the Town of Jamestown has refused to issue a parade permit unless Post 22 buys an insurance policy which will cost about \$600.

Participants in and adjacent on town property to the parade include The Boy Scout/Cub Scouts of America, the fire department, the community farm, The SPCA, the members of the Town Council, State representatives, the Community Band, Jamestown Woman's Club and whosoever wants to participate in and alongside the parade.

The America Legion and the VFW provide national and local services such as blood drives, scholarships, Boys/Girls State, decoration of veterans' graves with flags, Memorial Square flag raising and lowering and numerous other patriotic functions.

The parade is a Town function, fully recognized as such by police participation in traffic direction.

Unless the Town now and in the future takes this parade under its legal umbrella as it indirectly has always done by the Town Administrator waiving the need for the \$1,000,000 insurance policy, there will no longer be a Memorial Day Parade.

Frank Meyer
Treasurer, American Legion Post 22

Dear Town Council President Trocki,

We are reaching out to you to bring your attention to the threat of seismic airgun testing in your region. Seismic airgun testing is currently being proposed off Rhode Island's coast to search for offshore oil and gas—in an area twice the size of California, from Delaware to Florida—the impacts of which could be felt in coastal communities along the entire East Coast.

During this process, boats tow a large array of airguns that fire extremely loud blasts of compressed air into the ocean, mapping oil and gas deposits located deep below the seafloor. The sounds from these blasts are incredibly loud, more than 100,000 times more intense than a jet engine, and go off every 10-12 seconds, 24 hours a day, for days to weeks on end. (See below for an infographic.)

Seismic airgun testing will negatively impact marine wildlife and coastal ecosystems. According to the Department of Interior, proposed seismic blasting could injure or kill 138,000 whales and dolphins, including the critically endangered North Atlantic right whale. Impacts on marine mammals include temporary and permanent hearing loss, abandonment of habitat, disruption of mating and feeding, beach strandings and even death. Seismic testing in the Atlantic would also be the first major step toward offshore drilling, which could further harm the marine environment through leaks, oil spills and habitat destruction.

Seismic airguns have also been shown to reduce catch rates of certain fisheries, and could devastate coastal economies throughout the Atlantic coast. Commercial and recreational fishing in the mid and south Atlantic alone generates \$11.8 billion annually and supports 222,000 jobs. Seismic airguns could harm migratory fish species that travel through the mid and south Atlantic such as: wahoo, tunas, swordfish and billfishes, which are important to the fishing economies of the Northeast and New England. The Department of the Interior's analysis of this proposal ignores the economic impacts the proposed seismic testing will have on fisheries and the fishermen who rely on the oceans for their livelihoods.

Later this month, the Bureau of Ocean Energy Management (BOEM) will release a final Environmental Impact Statement for this proposal that is misleading and fails to include the most comprehensive and up to date science. Oceana urges you to take immediate action: take a public stance against seismic airgun testing to protect your local economies that depend on healthy oceans. [Click this link](#) to find press clips from national and regional outlets, as well as a petition you can sign. I've also included an infographic on seismic airgun testing below my signature, and you can watch a short video about our campaign [here](#).

We hope to continue this conversation about the dangers of seismic airgun testing. Our Northeast organizer, Ben Hayman (bhayman@oceana.org) will contact you shortly, but feel free to contact me directly with any questions or concerns. We look forward to hearing from you.

Sincerely,

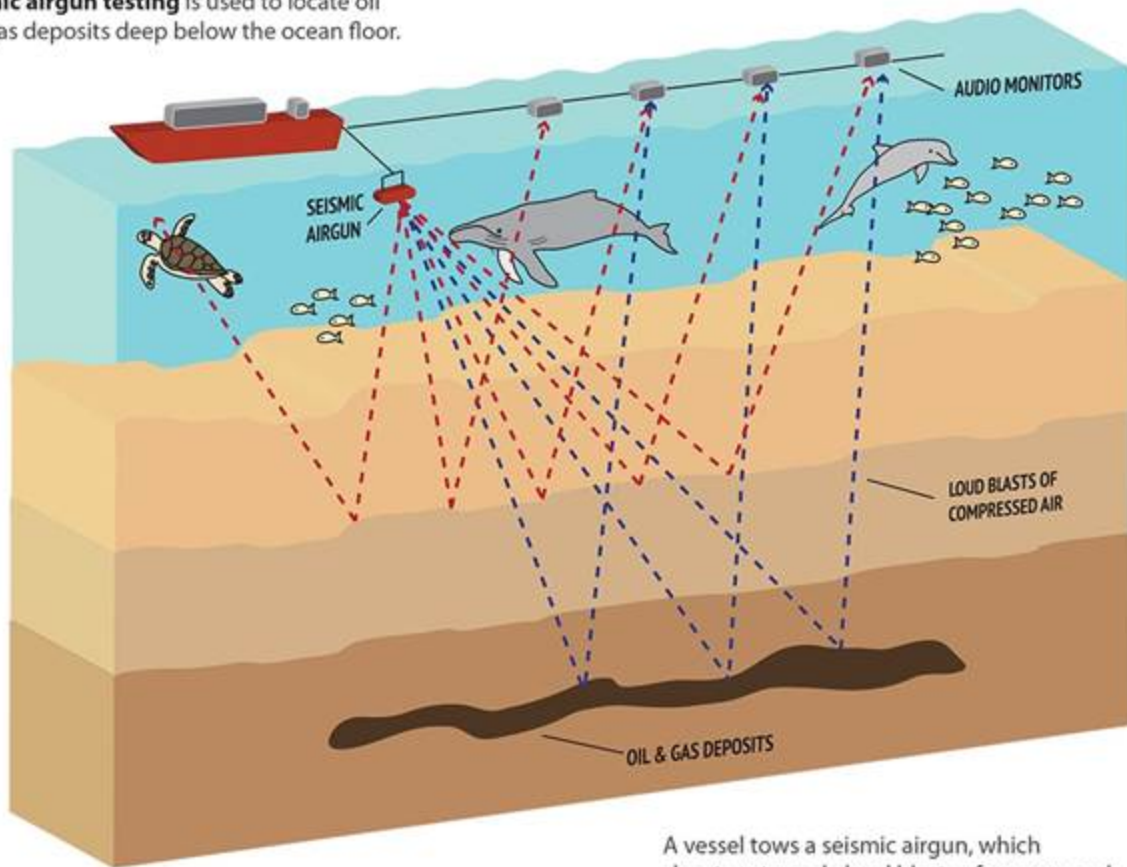
Claire Douglass
Campaign Director, Climate and Energy

OCEANA | Protecting the World's Oceans
1350 Connecticut Ave. NW, 5th Floor | Washington, DC 20036 USA
T +1.202.467.1948 | **F** +1.202.833.2070
E cdouglass@oceana.org | **W** www.oceana.org

SEISMIC AIRGUN TESTING IN THE ATLANTIC OCEAN

HOW IT WORKS

Seismic airgun testing is used to locate oil and gas deposits deep below the ocean floor.



A vessel tows a seismic airgun, which shoots extremely loud blasts of compressed air through the ocean and miles under the seafloor, **every ten seconds, 24 hours a day, for days to weeks on end.**



CITY OF NEWPORT
OFFICE OF THE MAYOR
Harry Winthrop
Mayor

February 24, 2014

Members of the Town Council
Jamestown Town Hall
P.O. Box 377
Jamestown, RI 02835-1199

Dear Council Members:

On Saturday, March 15, 2014, Newport will celebrate its 58th Annual Saint Patrick's Day Parade, and we would be honored if you would participate in the festivities and march in the parade.

Mark your calendar and come join us and celebrate one or all of the following events:

58th ANNUAL ST. PATRICK'S DAY PARADE
SATURDAY, MARCH 15, 2014

- 9:00 a.m. - Mass at St. Joseph's Church (Next to City Hall)
- 10:00 a.m. - Light Irish Breakfast
City Hall - 43 Broadway
Council Chamber - Second Floor
- 11:00 a.m. - Prompt Step-Off of Parade from City Hall

The excitement of Irish Heritage Month and the St. Patrick's Day Parade are events we wish to share with all of Rhode Island. I do hope you will plan to attend.

Sincerely,

HFW/ras
RSVP Regrets Only
(401)845-5437



Oliver Stedman Government Center
 4808 Tower Hill Road; Suite 116
 Wakefield, RI 02879
 401-783-3370

PUBLIC NOTICE

File Number: 2013-11-084

Date: February 4, 2014

TOWN OF WAKEFIELD
 RECEIVED
 14 FEB 13 AM 11:06

This office has under consideration the application of:

Charles Richardson
 466 East Shore Road
 Jamestown, RI 02835

for a State of Rhode Island Assent to construct and maintain: a shoreline protection facility consisting of an approximately 205' long rip rap revetment.

Project Location:	466 East Shore Road
City/Town:	Jamestown
Plat/Lot:	4 / 19
Waterway:	Narragansett Bay – East Passage

Plans of the proposed work may be seen at the CRMC office in Wakefield.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before March 4, 2014.

HE
 HARBOR ENGINEERING, LLC
 28 BOSWORTH STREET
 BARRINGTON, RI 02806
 (401) 828-4870
 harboreng.com

No.	Revision	Date	App.



Client/Owner:
CHARLES C. RICHARDSON, JR.
 466 EAST SHORE ROAD
 JAMESTOWN, RI

Issued for:
 RI-CRMC
 PERMITTING

Drawing Title:
SITE PLAN
 EXISTING CONDITIONS

Date: OCT 31, 2013
 Scale: 1" = 30'

Designed By: AJK
 Drawn By: AJK
 Checked by:
 Project Number: 2012-09
 Sheet 1 of 5
 Drawing Number: EX-1

AUGUST J. KREUZKAMP, III
 No. 1794
 REGISTERED
 PROFESSIONAL ENGINEER
 CIVIL 11/15/13

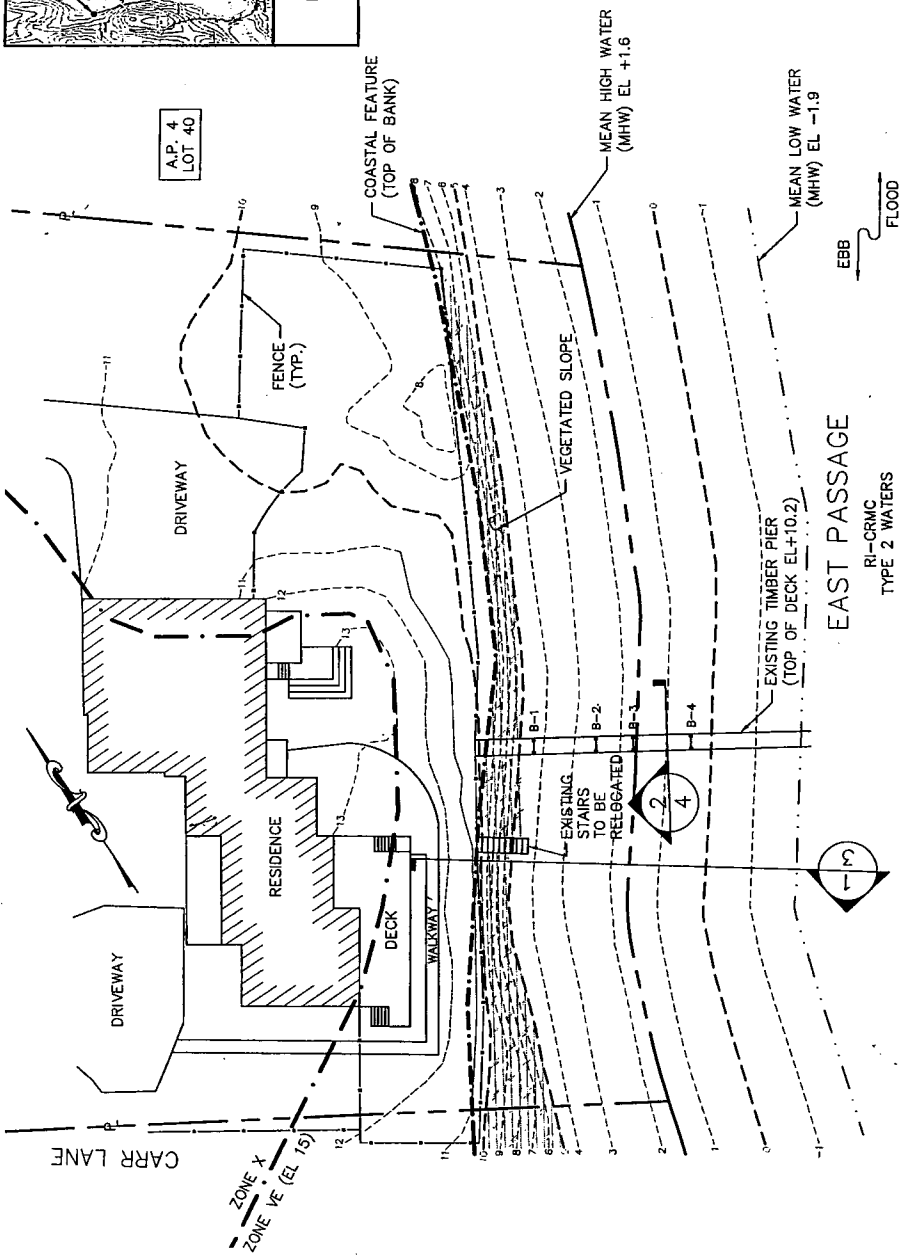
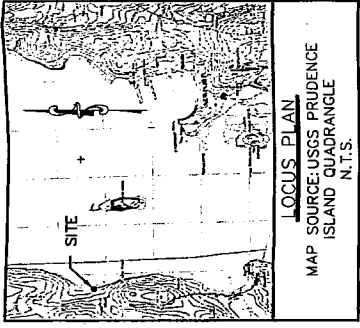


TABLE 1: TIDAL AND STORM SURGE BENCHMARKS

BENCHMARK	ELEVATION (FT-NAVD88)
MEAN LOW WATER (MLW)	-1.9
MEAN HIGH WATER (MHW)	1.6
10 YEAR STILLWATER ELEVATION	5.4
50 YEAR STILLWATER ELEVATION	8.5
100 YEAR STILLWATER ELEVATION	10.8

- NOTES:**
- SITE INFORMATION PRESENTED HEREIN IS BASED ON THE CLASS I SURVEY PLAN PREPARED BY DARVEAU LAND SURVEYING, INC. DATED 6/20/2013 TITLED "SITE PLAN OF LAND FOR CHARLES C. RICHARDSON, JR.; PLAT 4, LOT 19; 466 EAST SHORE ROAD; JAMESTOWN, RHODE ISLAND" AND CAN ONLY REFLECT CONDITIONS FOUND ON-SITE AT THAT TIME.
 - ALL ELEVATIONS ARE REFERENCED TO NAVD 88.
 - ELEVATIONS FOR TIDAL BENCHMARKS (MLW & MHW) WERE OBTAINED FROM THE NOAA TIDAL GAUGE FOR NEWPORT, RI BASED ON 1983-2001 TIDAL EPOCH. ELEVATIONS FOR STORM SURGE WERE OBTAINED FROM THE NEAREST TRANSECT (#11) OBTAINED FROM THE FEMA FLOOD INSURANCE STUDY FOR NEWPORT COUNTY DATED SEPTEMBER 4, 2013.
 - THE PARCEL LIES WITHIN FLOOD ZONES VE (ELEV 15) AND A ZONE X (AREA OF 0.2% ANNUAL CHANCE OF FLOOD) AS SHOWN ON FLOOD INSURANCE RATE MAP NEWPORT COUNTY RHODE ISLAND PANEL 86 OF 226 MAP NUMBER 44005C0086J EFFECTIVE DATE SEPTEMBER 4, 2013.



HARBOR ENGINEERING, LLC
 26 BOSWORTH STREET
 BARRINGTON, RI 02806
 (401) 829-4870
 harboreng.com

No.	Revision	Date	App.



Client/Owner:
CHARLES C. RICHARDSON JR
 466 EAST SHORE ROAD
 JAMESTOWN, RI

Issued for:

RI-CRMC
 PERMITTING

Drawing Title:

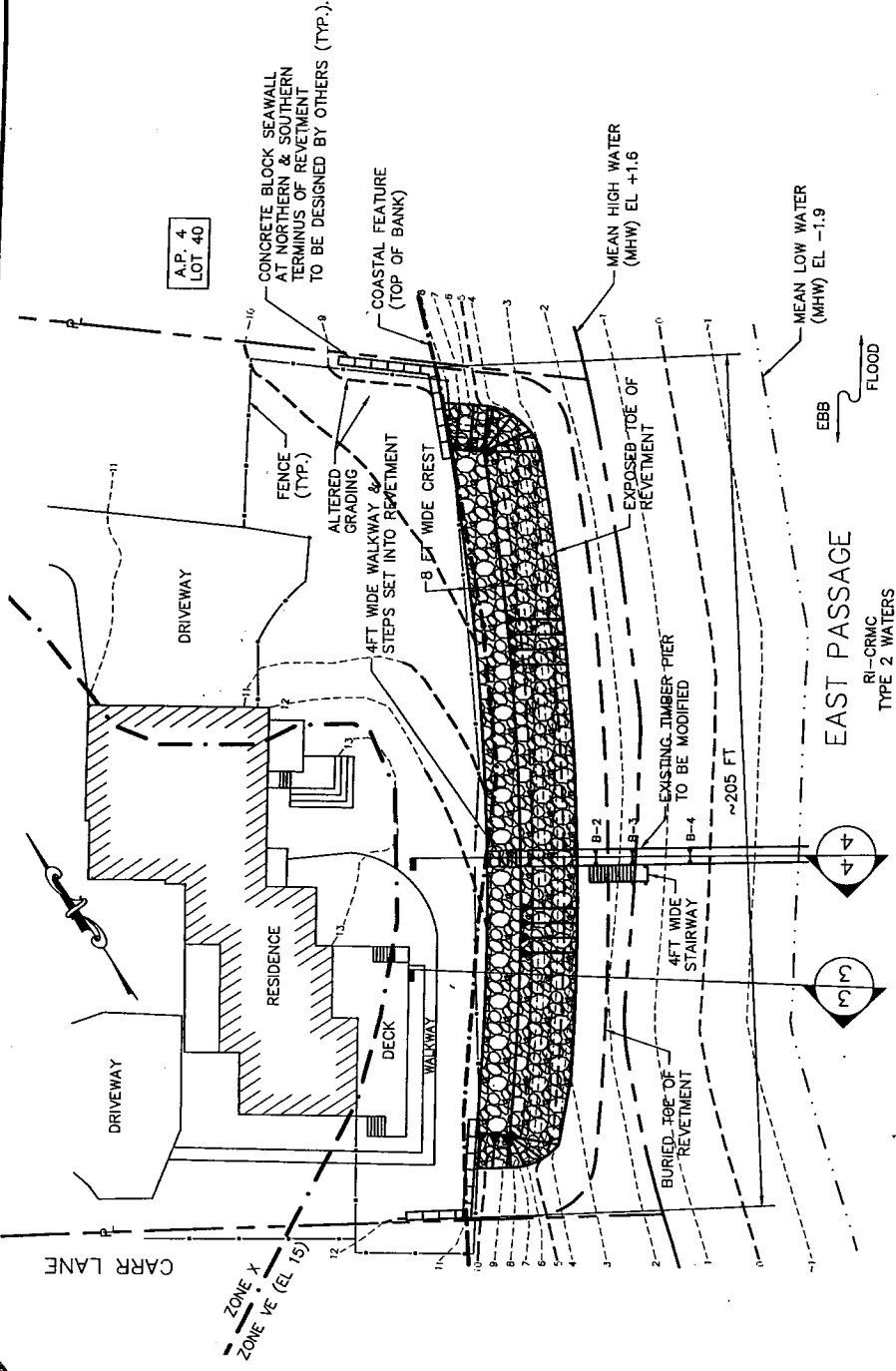
SITE PLAN
 PROPOSED CONDITIONS
 REVETMENT

Date: OCT 31, 2013
 Scale: 1" = 30'

Designed By: AJK
 Drawn by: AJK
 Checked by: [Signature]
 Project Number: 2012-09

Sheet 2 of 5
 Drawing Number: PR-1

AUGUST J. KREUZKAMP, JR.
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL 11/15/13

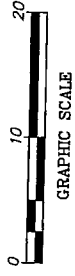


- NOTES:**
- SITE INFORMATION PRESENTED HEREIN IS BASED ON THE CLASS I SURVEY PLAN PREPARED BY DARVEAU LAND SURVEYING, INC. DATED 6/20/2013 TITLED "SITE PLAN OF LAND FOR CHARLES C. RICHARDSON, JR.; PLAT 4, LOT 19; 466 EAST SHORE ROAD; JAMESTOWN, RHODE ISLAND" AND CAN ONLY REFLECT CONDITIONS FOUND ON SITE AT THAT TIME.
 - ALL ELEVATIONS ARE REFERENCED TO NAVD 88.
 - ELEVATIONS FOR TIDAL BENCHMARKS (MLW & MHW) WERE OBTAINED FROM THE NOAA TIDAL GAUGE FOR NEWPORT, RI BASED ON 1983-2001 TIDAL EPOCH. ELEVATIONS FOR STORM SURGE WERE OBTAINED FROM THE NEAREST TRANSECT (#1) OBTAINED FROM THE FEMA FLOOD INSURANCE STUDY FOR NEWPORT COUNTY DATED SEPTEMBER 4, 2013.
 - THE PARCEL LIES WITHIN FLOOD ZONES VE (ELEV 15) AND A ZONE X (AREA OF 0.2% ANNUAL CHANCE OF FLOOD) AS SHOWN ON FLOOD INSURANCE RATE MAP NEWPORT COUNTY RHODE ISLAND PANEL 86 OF 226 MAP NUMBER 44005C0086J EFFECTIVE DATE SEPTEMBER 4, 2013.



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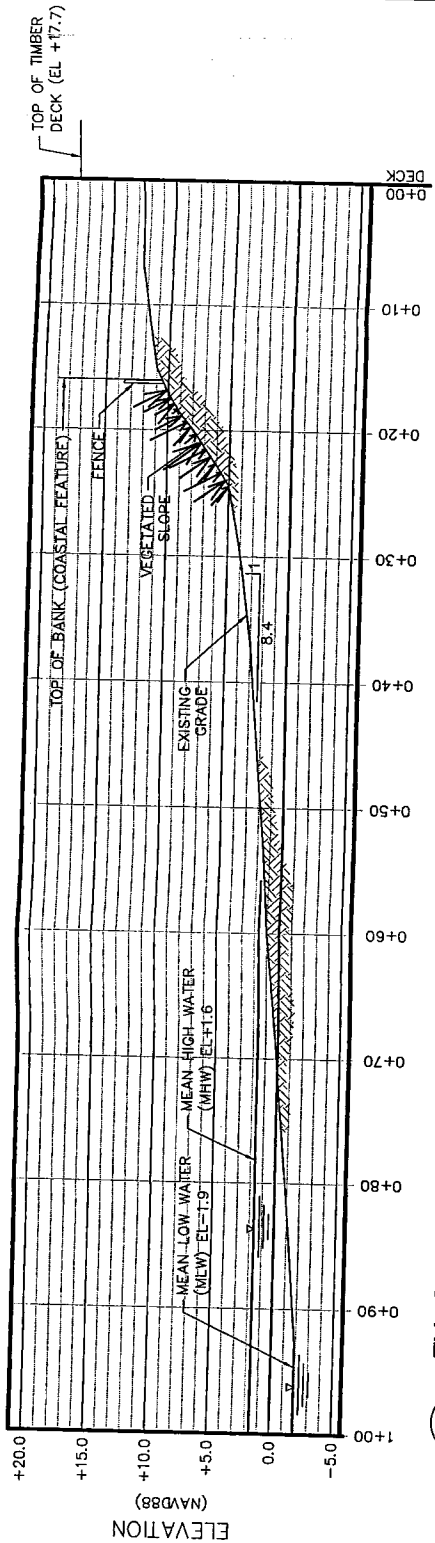
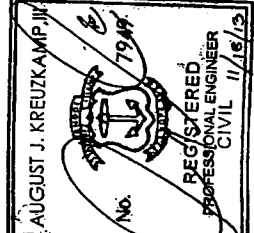


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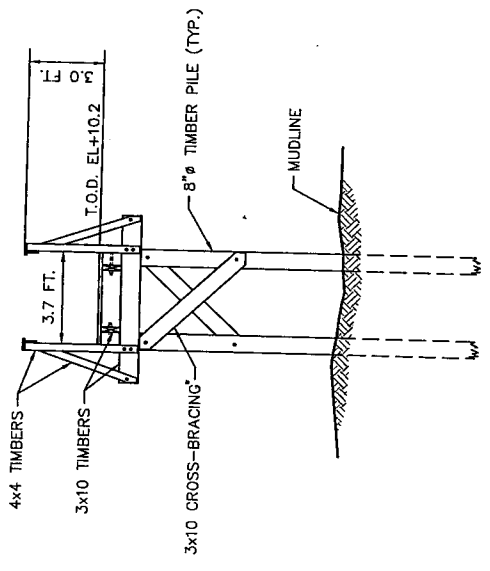
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CROSS SECTIONS
 EXISTING CONDITIONS
 SECTIONS 1 & 2

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Project Number:	2012-09
Sheet	3 of 5
Drawing Number:	X-1



1 EX. SHORELINE: CROSS SECTION
 Scale: 1" = 10'



2 TYPICAL PIER CROSS SECTION
 Scale: 1" = 5'



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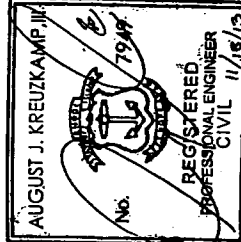
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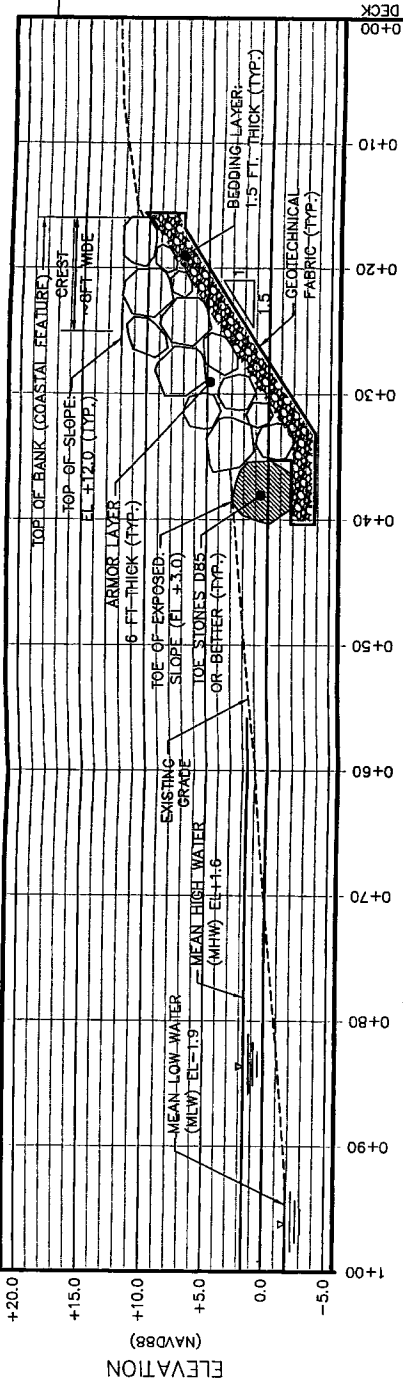
Drawing Title:

CROSS SECTIONS
 PROPOSED CONDITIONS
 SECTIONS 3 & 4

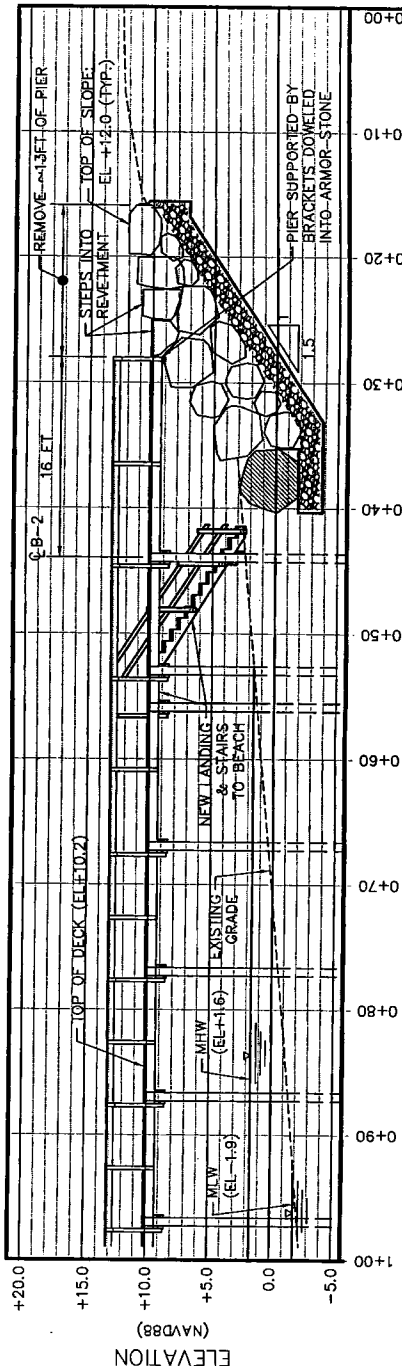
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Project Number:	2012-09
Sheet	4 of 5
Drawing Number:	X-2



TOP OF TIMBER
 DECK (EL +17.7)



REFER TO SHEET PR-1 FOR STONE
 MATERIAL SIZE SPECIFICATIONS



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- REVENMENT DESIGN IS BASED FROM A 100 YEAR STORM EVENT THAT INCLUDES A 79 MPH WIND (1-HR) OUT OF THE EAST AND NORTHEAST DIRECTIONS FOR A 1-HOUR PERIOD YIELDING SIGNIFICANT WAVES WITH A HT=6.7FT AND PERIOD 5.0 SEC.

GENERAL CONSTRUCTION NOTES:

- ALL WORK SHALL CONFORM TO THE STANDARDS AND REQUIREMENTS AS SHOWN IN THESE PLANS AND SPECIFICATIONS.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THAT THE CONDITIONS SHOWN HEREIN AND NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES IN DIMENSIONS AND/ OR SITE CONDITIONS PRIOR TO FABRICATION AND/OR ORDERING OF ANY CONSTRUCTION MATERIALS. THE CONTRACTOR SHALL NOT BEGIN CONSTRUCTION IN ANY SUCH AFFECTED AREA UNTIL THE DISCREPANCY HAS BEEN RESOLVED BY THE CONTRACTOR AND APPROVED BY THE ENGINEER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR BRINGING ALL ELEMENTS OF THE PROJECT IN CONFORMANCE WITH THESE PLANS AND SPECIFICATIONS. IF ANY MODIFICATIONS ARE REQUIRED IN ANY ELEMENT, THE CONTRACTOR SHALL SUBMIT PROPOSED CHANGES IN WRITING TO THE ENGINEER FOR REVIEW.
- ALL SAFETY REGULATIONS ARE TO BE STRICTLY FOLLOWED. METHODS OF CONSTRUCTION AND ERECTION OF STRUCTURAL MATERIAL ARE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL WORK SHALL COMPLY WITH FEDERAL, STATE, AND LOCAL LAWS AND STATUTES AND THE REQUIREMENTS AND CONDITIONS OF ALL REGULATORY PERMITS ISSUED FOR THE WORK.
- ALL WORK SHALL CONFORM TO THE LATEST EDITION OF THE OSHA CODE, THE RHODE ISLAND STATE BUILDING CODE, AND THE REFERENCED STANDARDS INCLUDED THEREIN THAT ARE APPLICABLE TO THIS PROJECT.
- ALL WORK SHALL CONFORM TO THE PENDING REGULATORY STIPULATIONS TO BE ISSUED BY RI COASTAL RESOURCES MANAGEMENT COUNCIL.
- THE CONTRACTOR WILL IDENTIFY AREAS ON THE SITE THAT WILL BE ACCESSIBLE TO THE CONTRACTOR FOR STOCKPILING MATERIAL, STORING EQUIPMENT AND ACCESSING THE ACTIVE WORK AREA.
- THE CONTRACTOR WILL BE RESPONSIBLE FOR MAINTAINING A LOG OF DRIVEN PILE DEPTH FOR EACH PILE INSTALLED AND REPORT ANY PILE OR SET OF PILES NOT MEETING THE MINIMUM REQUIREMENTS STATED ON THE PLANS. PAYMENTS WILL BE WITHHELD UNTIL DRIVE LOGS HAVE BEEN SUBMITTED FOR ENGINEER'S REVIEW.
- DAMAGE TO ANY PROPERTY, PRIVATE OR OF PUBLIC TRUST, OCCURRING DURING THE CONSTRUCTION BY THE CONTRACTOR, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE REPAIRED TO THE SATISFACTION OF THE OWNER AT THE EXPENSE OF THE CONTRACTOR.
- THE CONTRACTOR SHALL VISIT THE SITE PRIOR TO SUBMITTING A BID FOR THE PROJECT.
- THE CONTRACTOR SHALL SAFEGUARD AND PROTECT ALL EXCAVATIONS.

DEMOLITION NOTES:

- DEBRIS FROM THE DEMOLITION OF ANY EXISTING STRUCTURES SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE COMPLETELY REMOVED FROM THE JOB SITE AND DISPOSED OF IN A SAFE AND LEGAL MANNER.

TIMBER NOTES:

- ALL TIMBER MATERIAL SHALL BE SOLID SAWN LUMBER (S4S) SOUTHERN YELLOW PINE GRADE NO. 2 OR BETTER IN ACCORDANCE WITH EITHER THE SOUTHERN PINE INSPECTION BUREAU OR THE TIMBER PRODUCTS INSPECTION BUREAU GRADING RULES.
- ALL TIMBER MATERIAL USED SHALL BE TREATED WITH CCA PRESERVATIVE SUFFICIENT FOR MARINE CONSTRUCTION (MINIMUM RETENTION: 0.6 LBS PER CUBIC FOOT).
- BRUSH APPLY TWO (2) COATS OF WOOD PRESERVATIVE TO SURFACE OF PRESERVATIVE TREATED MATERIALS WHICH HAVE BEEN FIELD CUT, DRESSED OR DRILLED.
- ALL CONNECTION BOLTS SHALL BE ACCOMPANIED BY APPROPRIATELY SIZED NUTS AND WASHERS.
- COUNTER SINK AREAS WHERE HARDWARE INTERFERES WITH CONSTRUCTION.
- ALL HARDWARE INCLUDING NAILS, SCREWS, BOLTS, NUTS AND WASHERS SHALL BE HOT-DIPPED GALVANIZED STEEL.
- ALL BOLTS SHALL BE ASTM A307 OR BETTER.

RI RAP NOTES:

- IT IS THE CONTRACTOR'S RESPONSIBILITY TO LIMIT THE AMOUNT OF EXPOSED SHORELINE DURING CONSTRUCTION IN ORDER TO MINIMIZE THE CHANCE OF SHORELINE RESSION SHOULD A STORM EVENT OCCUR DURING CONSTRUCTION. IN SUCH A CASE, THE CONTRACTOR SHALL TEMPORARILY PLACE STONE MATERIAL ALONG ANY EXPOSED SHORELINE SHOULD A SIGNIFICANT STORM EVENT OCCUR.
- ARMOR STONE SHALL BE A DENSE, SOUND GENISS, DIORITE, OR BASALT, HAVING A MIN. DENSITY OF 165 PCF.
- ARMOR STONES SHOULD BE PLACED SUCH THAT THEY NOT PROTRUDE EXCESSIVELY FROM THE STRUCTURE FACE TO PREVENT EXCESSIVE WAVE ACTION ON INDIVIDUAL STONES. HOWEVER, THE FACE SHOULD NOT BE FLAT AND EXCESSIVELY TIGHT. STONES SHOULD NOT PROTRUDE MORE THAN ONE-FIFTH OF ITS DIMENSION PERPENDICULAR TO THE STRUCTURE FACE.
- FILTER STONE SHALL CONSIST OF CRUSHED DURABLE STONE, HAVING A MIN. DENSITY OF 165 PCF.
- STONES SHOULD BE KEYED AND FITTED, MAXIMIZING CONTACT ON ALL SIDES. THREE POINTS OF CONTACT (MINIMUM) ARE REQUIRED BETWEEN A STONE AND OTHER STONES IN THE SAME LAYER OR WITH OTHER STONES IN THE LAYER AND A STRUCTURE CAP.
- STONE SHALL BE PLACED IN A MANNER SUCH THAT THE LONGITUDINAL AXIS OF EACH STONE IS NORMAL TO THE AXES OF THE STRUCTURE, AND SLOPE DOWNWARD TOWARD THE CENTER OF THE STRUCTURE. ALL CAP STONE SHOULD BE PLACED TOGETHER AS CLOSELY AS PRACTICAL.
- CONTRACTOR SHALL IDENTIFY QUARRY SOURCE FOR ALL STONE MATERIALS FOR ENGINEER TO INSPECT PRIOR TO SHIPMENT TO PROJECT SITE.
- FILTER FABRIC SHALL BE MIRAFIL FILTERWEAVE 700. FILTER FABRIC SHALL BE BACK-WRAPPED INTO THE FILTER STONE AT ALL TERMINATIONS.



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 Project Number: 2012-09
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 Drawing Number: N-1

AUGUST J. KREUZKAMP, III
 No. 7949
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL 11/18/13



**FOURTH QUARTER 2013
ENVIRONMENTAL
MONITORING REPORT
FORMER JAMESTOWN LANDFILL
JAMESTOWN, RHODE ISLAND**

PREPARED FOR:
Town of Jamestown
Jamestown, Rhode Island

PREPARED BY:
GZA GeoEnvironmental, Inc.
Providence, Rhode Island

February 2014
File No. 32220.25

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GZA
GeoEnvironmental, Inc.

*Engineers and
Scientists*

February 24, 2014
File No. 32220.25



Mr. Mark Dennen
Rhode Island Department of Environmental Management
Office of Waste Management
235 Promenade Street, 3rd Floor
Providence, Rhode Island 02908

Re: Fourth Quarter 2013 *Environmental Monitoring Report*
Former Jamestown Landfill
Jamestown, Rhode Island

530 Broadway
Providence
Rhode Island
02909
401-421-4140
Fax: 401-751-8613
<http://www.gza.com>

Dear Mr. Dennen:

On behalf of our client, the Town of Jamestown, GZA GeoEnvironmental, Inc. (GZA) is pleased to submit this *Environmental Monitoring Report*. The report presents the results of the Fourth Quarter 2013 post-closure environmental monitoring round conducted at the former Jamestown Landfill (the Site) located on North Main Road in Jamestown, Rhode Island. A summary of our findings and conclusions from this monitoring round are presented on pages 8 and 9 of the report.

Groundwater and methane monitoring was conducted in accordance with the applicable requirements of RIDEM's January 1997 *Solid Waste Regulation No. 2* (Solid Waste Landfills) and the Site's *Revised Environmental Monitoring Plan (EMP)* dated October 4, 2004, as amended through November 2005. Additionally, as requested by the Town, GZA included monitoring locations GZ-1, GZ-8 and GZ-9 in the quarterly sampling and analytical program.

We trust that this report fulfills your present needs. Please feel free to call Erik Beloff at (401) 427-2723 if you have any questions or comments.

Very truly yours,

GZA GEOENVIRONMENTAL, INC.

Handwritten signature of Erik M. Beloff in black ink.

Erik M. Beloff
Project Manager

Handwritten signature of John P. Hartley in black ink.

John P. Hartley
Consultant/Reviewer

Handwritten signature of Edward A. Summerly, P.G. in black ink.

Edward A. Summerly, P.G.
Principal

ALG/EAS:lal

cc: Mr. Michael Gray, Town of Jamestown (2 copies and PDF)
JA\ENV\32220.25.alg\Dec 2013\Text\Final\32220-25 Final Cover Letter.docx

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TABLES

TABLE 1	SUMMARY OF STABILIZED GROUNDWATER SCREENING RESULTS
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FIGURE 1	LOCUS PLAN
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APPENDIX A	LIMITATIONS
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1.00 INTRODUCTION



This report describes the fourth quarterly round of post-closure groundwater and perimeter landfill gas monitoring for 2013 performed at the former Jamestown Landfill (Site) located off North Main Road in Jamestown, Rhode Island (see Figure 1 - *Locus Plan*). GZA GeoEnvironmental, Inc. (GZA) performed this monitoring on behalf of the Town of Jamestown for their submission to the Rhode Island Department of Environmental Management (RIDEM) to address applicable requirements of RIDEM's *Solid Waste Regulation No. 2* (Solid Waste Landfills) dated January 1997 and the Site's *Revised Environmental Monitoring Plan* dated October 4, 2004, as amended on November 29, 2005.

This round included the sampling of monitoring well GZ-1 as requested by the Town at a public workshop held on October 27, 2008. It also contains the laboratory results from samples collected from the two more recently installed monitoring wells; GZ-8 and GZ-9.

A summary of our findings and conclusions from this monitoring round are presented on pages 8 and 9 of this report. This report is subject to the limitations contained in Appendix A.

The purpose of this monitoring is to:

- Continue the assessment of groundwater quality at and in the vicinity of the Site including the detection and evaluation of contaminants (if any) derived from former waste disposal operations; and
- Evaluate the potential for off-Site migration of methane due to waste decomposition.

This report includes: well-specific field measurements; a summary of sampling and analytical results; methane monitoring results; a statistical evaluation of the data; and conclusions and recommendations.

Note, the substantial completion of the final landfill closure was conducted by the Town between June and November 2013. The work was managed in accordance with the RIDEM approved Remedial Action Work Plan dated December 27, 2005. A Remedial Action Closure Report (RACR) will be provided to RIDEM under separate cover.

2.00 GROUNDWATER SAMPLING AND LANDFILL GAS SURVEY

GZA personnel were on-Site to collect groundwater samples from the 11 program wells and perform the perimeter landfill gas survey (LGS) on December 16 and 18, 2013. The following paragraphs briefly describe our field procedures.

2.10 GROUNDWATER SAMPLING

On December 16, 2013, groundwater samples were collected from seven groundwater monitoring wells. The wells included GZ-2, GZ-3, GZ-5, GZ-7S, GZ-7D, GZ-8 and POT-



1/PWSW. On December 18, 2013, the four remaining program wells, GZ-1, GZ-4, GZ-6, and GZ-9 were sampled. In previous sampling rounds, the sample from GZ-9 was turbid, which resulted, in our opinion, in elevated inorganic concentrations in the sample. To address this, monitoring well GZ-9 was purged for an extended period of time to remove solids.

Groundwater well locations are shown on Figure 2, *Groundwater Contour Plan – December 2013*. Depth to groundwater was measured and recorded at all 11 program wells prior to purging and sampling; including those that were retained in the EMP for groundwater elevation contouring purposes. Table 1 summarizes the depth to groundwater, elevation data and field-screening results.

Groundwater sampling was conducted in general accordance with the United States Environmental Protection Agency's (USEPA) July 30, 1996 *Low Stress (low flow) Purging and Sampling Procedure* (Low Flow SOP), revised January 19, 2010. The samples were screened and/or analyzed for five field-screening parameters (pH, specific conductance, temperature, dissolved oxygen and turbidity), 15 metals employing EPA Method 6020A and 47 volatile organic compounds (VOCs) by EPA Method 8260C specified for detection monitoring in Appendix A of RIDEM's *Solid Waste Regulation No. 2*. The groundwater sample from the well on Lot 47, designated POT-1/PWSW was analyzed for VOCs by EPA Method 524.2, for nitrate by Method 353.2 and total coliform bacteria by Method 9221B as required by the Site-wide EMP referenced above.

Samples were collected in preserved containers supplied by the laboratory and placed on ice for transport under chain-of-custody (attached in Appendix B) to Spectrum Analytical Inc. (formerly Mitkem) in North Kingstown, Rhode Island; a RI Department of Health certified laboratory, for testing (Certification # LAI00301).

2.20 PERIMETER LANDFILL GAS SURVEY

GZA conducted the perimeter landfill gas survey on December 16, 2013. The monitoring was conducted to evaluate the potential for migration of landfill gas (specifically methane) to off-Site receptors. The methane monitoring was conducted in general accordance with GZA's standard operating procedure (SOP) *4.5 Soil Gas Monitoring* and the EPA's guidance document number EPA 510-B-97-001 dated March 1997 titled *Expedited Site Assessment Tools For Underground Storage Tank Sites*.

The monitoring was performed at seven of the 14 permanent landfill gas monitoring locations (see Figure 2). As previously noted in the September 2013 Monitoring Report, six LFG monitoring probes (SG-3, SG-6, SG-8, SG-10, SG-12 and SG-13) were removed/destroyed during landfill closure activities and installation of the engineered cap. In addition, LFG monitoring probe SG-2 was found to be destroyed during the December monitoring round. New probes will be installed at these seven locations prior to the next monitoring round in March of 2014.

Soil gas was extracted and screened using a LANDTEC GEM 2000® infra-red gas analyzer. The instrument was field-calibrated prior to its use with a mixture of methane (100 parts per million [ppm]) in air. The following table presents the results of the landfill gas screening for this quarter.

PERIMETER LANDFILL GAS SCREENING – DECEMBER 16, 2013



<u>Location</u>	<u>% Methane (CH₄)</u>	<u>% LEL</u>	<u>% Oxygen (O₂)</u>	<u>% Carbon Dioxide (CO₂)</u>
SG-1	<0.1	<0.1	20.8	0.1
SG-2	-	-	-	-
SG-3	-	-	-	-
SG-4	<0.1	<0.1	20.6	0.3
SG-6	-	-	-	-
SG-7	<0.1	<0.1	20.6	0.5
SG-8	-	-	-	-
SG-9	<0.1	<0.1	20.8	0.2
SG-10	-	-	-	-
SG-11	<0.1	<0.1	20.8	0.1
SG-12	-	-	-	-
SG-13	-	-	-	-
SG-14	<0.1	<0.1	15.5	4.2
SG-15	<0.1	<0.1	20.4	0.4

Note: 1. “-“ indicates not tested. Probes will be replaced upon completion of the landfill cap.
2. SG-5 was replaced with SG-15.

The monitoring data demonstrate that methane was not detected in any of the seven soil gas samples screened. RIDEM regulations require that all solid waste management facilities demonstrate that methane levels do not exceed 25% of the Lower Explosive Limits (LEL) at the facility’s property boundary. The data demonstrates that all monitoring results were compliant with this requirement.

3.00 GROUNDWATER SCREENING AND ANALYTICAL RESULTS

The results of field-screening and groundwater monitoring for the last four quarterly rounds are summarized in Tables 1 and 2. The laboratory Certificates of Analysis are provided in Appendix B. A discussion of these testing results follows.

3.10 FIELD SCREENING PARAMETERS

During this sampling round, dissolved oxygen (DO), specific conductance, turbidity and temperature were screened in the field prior to sample collection at each monitoring location (see Table 1). These field parameters serve as indirect measurements of water quality and are used to assess well stabilization under the low-flow purging and sampling protocol. The screening levels observed during this monitoring round are fairly typical for New England groundwaters, but suggest that the landfill has had some impact on groundwater quality.

3.20 INORGANIC ANALYTES

As shown in Table 2, nine of the 15 target inorganic analytes were detected in the groundwater samples collected during this sampling round. There were no exceedances of the *National Primary Drinking Water Regulation* Maximum Contaminant Levels (MCLs) in any samples collected during this round.



The USEPA has not established *National Primary Drinking Water Regulations* for all of the detected metals. Because of this, we have also listed USEPA's Regional Screening Levels (RSLs) for the detected parameters, from the four most recent monitoring rounds, as a point of comparison. As shown on Table 2¹, the concentrations of cobalt in samples from monitoring wells GZ-2 (230 µg/L), GZ-5 (39 µg/L), GZ-6 (11 µg/L), GZ-7S (25 µg/L), GZ-8 (5.7 µg/L), GZ-9 (10 µg/L) and POT-1 (6.2 µg/L) exceeded the RSL (4.7 µg/L).

Inorganic elements are naturally occurring; therefore, variability in concentrations across the Site are to some degree the result of natural variations in soil and bedrock characteristics, and the amount of suspended particles within individual samples. As noted above, low-flow/low-stress sampling methods were employed during this and all prior GZA sampling rounds to reduce the potential impact of suspended particles on sample results. Great care was taken during the purging and sampling of each location to minimize turbidity levels and achieve stabilized readings below 5 nephelometric turbidity units (NTUs) prior to sample collection. Turbidity in all groundwater samples collected during this round, other than the samples from GZ-6 (13 NTUs) and GZ-9 (31 NTUs), stabilized below the recommended 5 NTU level before sampling. These elevated turbidity levels are indicative of elevated suspended solids in the samples collected from GZ-6 and GZ-9 which are potentially responsible for the number of low level inorganic analytes detected during this round. Additional purging of these two locations had little effect on turbidity levels and consequently inorganic analytes. If inorganic levels increase to levels above the MCL/TTs we suggest taking split samples and submitting these samples to the laboratory for total inorganics and dissolved (field filtered) inorganics to evaluate the effect of suspended particles on metals concentrations.

3.30 VOLATILE ORGANIC COMPOUNDS

As stated above, VOCs were analyzed by EPA Method 8260C for samples collected from monitoring wells, and by EPA Method 524.2 for the sample collected from POT-1/PWSW. The VOC sample results for the fourth round of 2013 show four individual VOCs detected in samples collected from wells GZ-2, GZ-7S, GZ-7D, GZ-8 and POT-1/PWSW. Sample concentrations were as follows:

¹ In June 2011 EPA Region 9 Preliminary Remediation Goals (PRG) were combined with similar risk-based screening levels used by Regions 3 and 6 into a single table: "Regional Screening Levels (RSL) for Chemical Contaminants". This resulted in the change in the RBC for cobalt from 730 µg/L to 11µg/L. These RSLs were revised in April 2012 resulting in an RSL for cobalt of 4.7 µg/L.



Detected VOCs	RIDEM GA		Location	Result (µg/l)
	Groundwater Objective MCLs ^A (µg/l)	Federal MCLs ^B (µg/l)		
1,4-Dichlorobenzene	75/75		GZ-8	2.3 J
Chlorobenzene	100/100		GZ-2	6.4
			GZ-7S	3.0 J
			GZ-7D	0.87 J
			GZ-8	11.0
cis-1,2-Dichloroethene	70/70		GZ-7S	1.1 J
			GZ-7D	0.78 J
Dichlorodifluoromethane	None/None		POT-1	1.44

Notes:

- A. Groundwater classified GA are those groundwater resources which the Director (RIDEM) has designated to be suitable for public or private drinking water use without treatment.
- B. MCL indicates the May 2009 National Primary Water Regulations maximum contaminant level.
- C. "J" indicates that the reported concentration was below the method quantitation limits (reporting limits) and is therefore an estimated value.

The data demonstrates that there were no exceedances of state or federal groundwater standards for VOCs during the fourth quarter sampling round of 2013.

For more detailed information on specific detections and their monitoring history, refer to Table 2, the laboratory certificates of analysis in Appendix B, and/or the time series plots in Appendix C.

3.40 WATER QUALITY PARAMETERS

The samples collected from POT-1/PWSW, were analyzed by EPA Method 353.2 and Standard Method SM9221B for nitrate/nitrite as (N) and total coliform bacteria, respectively.

Total coliform was not detected above its reporting limit (RL). Nitrate/nitrite was detected above its reporting limit during the December 2013 sampling round at 0.867 mg/L. The Federal MCL for nitrate is 10.0 mg/l and for nitrite is 1.0 mg/l.

3.50 QUALITY ASSURANCE/QUALITY CONTROL (QA/QC)

To assess the potential for non-Site related or laboratory induced contaminants, GZA prepared and analyzed a trip blank concurrent with this round of samples. No organic analytes were detected in this blank.

Method blanks were prepared by the laboratory to provide quality assurance/quality control for the target compounds during analysis. Three target inorganic analytes were noted in the method blank representing samples from wells GZ-1, -4, -6 and -9; however the detected concentrations did not impact data useability. The laboratory also prepared laboratory control samples (LCS), laboratory control sample duplicates (LCSD), and evaluated surrogate

recoveries during this sampling round for both organic and inorganic parameters. LCS, LCSD and surrogate recoveries were within acceptable limits for all parameters.

4.00 COMPARISON OF CURRENT RESULTS WITH PREVIOUS RESULTS



Table 2 presents data for detected analytes from the four most recent monitoring rounds (March 2013 through December 2013). This table also presents the applicable regulatory groundwater quality standards and EPA's RSLs for parameters where applicable water quality standards are not available.

As shown in Table 2, nine of the 15 target inorganic parameters were detected in groundwater samples collected during this round. Eight of the nine detected analytes were also found in groundwater samples collected during the three prior sampling rounds. Silver was detected from the sample from GZ-6 for the first time since December 2012. The nine parameters detected in samples collected during this round (barium, chromium, cobalt, copper, lead, nickel, silver, vanadium and zinc) are likely naturally-occurring and are being detected frequently due to very low detection and reporting limits provided by the analytical method being employed; EPA Method 6020A.

All four of the organic parameters detected in samples collected during this round (1,4-dichlorobenzene, chlorobenzene, cis-1,2-dichloroethene and dichlorodifluoromethane) were observed in one or more of the prior three rounds. Dichlorodifluoromethane was detected in the sample from POT-1/PWSW at low concentrations for the 16th consecutive round.

Time series plots were developed for each parameter detected during any of the four most recent monitoring rounds. These plots are provided in Appendix C.

4.10 INORGANIC ANALYTES

The following key observations were noted from our review of inorganic analytes detected during the fourth round of 2013 as compared to historical results.

- There were no MCL exceedances during this round.
- Lead was detected in the samples collected from wells GZ-6, GZ-7S, GZ-8 and GZ-9 during this round at concentrations below the MCL.
- Cobalt, as described above, was detected in samples from 9 of the 11 groundwater monitoring wells; all within historic concentration ranges. There were exceedances of the cobalt RSL in samples from 7 of the 11 monitoring wells. Note, the RSLs are not applicable groundwater quality criteria, but rather are provided as a point of reference for evaluation of detected parameters for which MCLs have not been established.

Although there have been fluctuations, refer to the trend analysis provided in Appendix C and described in the following section, inorganic constituent concentrations have remained relatively constant during the quarterly environmental monitoring program. We believe

that much of the variation in metals concentrations is related to seasonal fluctuations in groundwater levels that impact the turbidity and suspended solids levels of samples as shown on Table 1.

4.20 VOLATILE ORGANIC COMPOUNDS

The following observations were noted from our review of VOCs detected in samples collected during the fourth round of 2013 as compared to historical results.



- There were no MCL exceedances during this round.
- Chlorobenzene has been consistently detected at low concentrations in groundwater samples collected from wells GZ-2, GZ-7S and G-8. The current observed chlorobenzene concentrations are within historic ranges in the samples from these locations.
- Trichloroethene (TCE), which was detected for the first time in samples collected from 10 of the 11 wells sampled during the September 2013 round, was not detected above the method detection limit in any of the samples during the December 2013 round. We will further evaluate the presence of TCE in Site wells during the next quarterly monitoring round in March 2014; however it appears that the detections last round represent an anomaly.
- Dichlorodifluoromethane was detected for the 16th consecutive time in the sample from POT-1/PWSW.

As was the case with inorganics, VOC concentrations have remained relatively constant during the quarterly environmental monitoring program.

5.00 STATISTICAL DATA EVALUATION

As stated in Section 5.10 of the EMP, a statistical analysis is required for all detected constituents (in groundwater) that are observed at concentrations above the EPA's Maximum Contaminant Levels (MCLs). A review of the fourth quarter 2013 results indicates that there were no detected parameters that exceeded their action levels (*i.e.*, TT or MCL).

Time series plots were generated for detected parameters from this and the three previous sampling rounds. These plots were evaluated for trends and outliers. Sen's Test for trends was performed to evaluate statistically significant trends in the data with respect to time. Eight VOCs, 11 inorganic analytes and one water quality parameter (nitrate/nitrite as N) were evaluated resulting in 86 time series plots that are presented in Appendix C.

Seven statistically significant trends in contaminant concentrations were identified by the Sen's Tests. They were all statistically significant decreasing trends. These trends were identified for:

- cobalt (in the samples from GZ-1, GZ-6 and GZ-7D),

- nickel (in the samples from GZ-1 and GZ-2),
- zinc (in the samples from GZ-7S), and
- 1, 1-dichloroethane (in the sample from GZ-2).

Time series plots were also visually evaluated for seasonality and outliers. There do not appear to be significant seasonal fluctuations in concentrations for any of the detected analytes. No outliers were observed in the samples collected during the December 2013 monitoring round.



6.00 CONCLUSIONS AND RECOMMENDATIONS

Ten groundwater monitoring wells and the Lot-47 well (POT-1/PWSW) were field-screened and sampled. The samples were analyzed for 15 inorganics and 47 VOCs listed in RIDEM's *Solid Waste Regulations*. Additionally, nitrate/nitrite (as N) and total coliform bacteria analysis was performed on the samples collected from POT-1/PWSW.

The following conclusions were developed based on the results obtained from this and previous sampling rounds.

- Four organic and nine inorganic parameters were detected in the groundwater samples collected during this round of groundwater monitoring. There were no exceedances of *National Primary Drinking Water Regulations* (i.e., MCLs or TTs) during this sampling round.
- Lead was detected in the samples from GZ-6, GZ-7S, GZ-8 and GZ-9 at concentrations of 3.5µg/L, 1.3µg/L, 2.4µg/L and 5.3 µg/L respectively during the December 2013 monitoring round, well below the Action Level of 15 µg/L.
- TCE, which was detected for the first time in samples collected from 10 of the 11 wells sampled during the September 2013 round, was not detected above the method detection limit in any of the samples during the December 2013 round. We will further evaluate the presence of TCE in Site wells during the next quarterly monitoring round in March 2014.
- Time series plots and trend tests identified seven statistically significant decreasing trends and no statistically significant increasing trends in groundwater contaminant concentrations.
- Five target parameters were detected in the sample collected from POT-1/PWSW during this sampling round. All detected parameters were below their respective MCLs/TTs and/or health-based screening criteria (i.e., RSLs). Note that the drinking water analytical method was used for the analysis of VOCs for the samples collected from this well.



- Seven of the 14 landfill soil gas monitoring locations were screened for methane during this round. As stated in the prior report, seven monitoring locations had been removed/destroyed during on-going construction activities. Methane was not detected above the instrument detection limit of 0.1% in any of the seven screened perimeter soil gas monitoring locations. Therefore, methane concentrations were all below RIDEM's regulatory limit (*i.e.*, <25% of the lower explosive limits (LEL) at the property boundary). Methane has never been detected above the instrument detection limit at the majority of screening locations around the perimeter of the Site.
- Based on groundwater analytical results for samples collected during this round of monitoring, it does not appear that recent construction activities performed at the Site have had any adverse effects on groundwater quality.
- Based on the findings presented herein, assessment monitoring is not required at this time.

The next round of groundwater and soil vapor monitoring will be conducted in March of 2014.

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TABLES

TABLE 1

**SUMMARY OF STABILIZED GROUNDWATER SCREENING RESULTS
MARCH 2013 TO DECEMBER 2013**

Former Jamestown Landfill - Jamestown, Rhode Island

Temperature	°C	8.7	11.9	15.9	8.1	11.3	13.1	14.3	12.0
pH	SU	5.6	5.4	5.4	5.4	6.2	6.1	6.2	6.2
Conductance	mS/cm	0.064	0.070	0.065	0.074	0.533	0.435	0.525	0.564
Dissolved Oxygen	mg/l	8.3	5.9	6.0	8.6	0.2	0.8	0.8	0.9
Turbidity	NTU	5	3	2	5	4	2	4	2
Depth to Water	FT	8.6	7.2	17.4	15.1	5.6	5.7	9.1	7.8
Temperature	°C	11	11.5	13.6	12.9	10.7	12.1	12.8	10.5
pH	SU	5.2	5.0	5.2	5.3	5.3	5.9	5.3	5.3
Conductance	mS/cm	0.261	0.190	0.186	0.210	0.081	0.092	0.079	0.102
Dissolved Oxygen	mg/l	5.2	5.0	5.4	6.0	7.9	6.8	6.3	7.4
Turbidity	NTU	2	4	4	2	2	5	5	5
Depth to Water	FT	5.5	6.2	10.0	8.7	4.6	4.7	NR ³	9.9
Temperature	°C	11.5	12.2	14.1	12.4	9.4	11.6	16	6.2
pH	SU	6.1	6.1	6.1	5.8	5.5	5.5	5.5	5.4
Conductance	mS/cm	0.184	0.177	0.116	0.12	0.067	0.075	0.073	0.075
Dissolved Oxygen	mg/l	1.4	1.6	1.9	3.6	9.3	7.7	5.6	12.5
Turbidity	NTU	5	3	4	5	5	4	4	13
Depth to Water	FT	14.6	15.6	27.7	30.1	12.5	14.0	21.4	22.7

Notes:

1. Temperature, pH, Conductance and Dissolved Oxygen were measured in the field using a YSI Pro multimeter. Turbidity was measured in the field using a Lamotte 2000 Turbidity Meter.
2. Turbidity below 5 NTUs could not be achieved after 2 hours of well purging at a low flow rate (<0.4 L/min).
3. Depth to water not recorded due to damaged well.

TABLE 1

**SUMMARY OF STABILIZED GROUNDWATER SCREENING RESULTS
MARCH 2013 TO DECEMBER 2013**

Former Jamestown Landfill - Jamestown, Rhode Island

Temperature	°C	8.7	12.3	12.7	11.8	12.2	12.3	12.5	12
pH	SU	5.6	6.1	6.2	6.0	6.1	6.0	6.1	6.0
Conductance	mS/cm	0.064	0.32	0.339	0.414	0.680	0.446	0.633	0.643
Dissolved oxygen	mg/l	8.3	0.2	0.4	0.3	0.3	0.4	0.4	0.5
Turbidity	NTU	5	2	5	1	2	2	5	3
Depth to water	FT	8.6	20.9	24.3	23.3	18.1	18.2	23.7	22.7
Temperature	°C	10.3	10.9	11.5	11.0	11.6	13	12.3	12.1
pH	SU	6.7	7.0	6.9	6.4	6.1	6.1	6.2	6.1
Conductance	mS/cm	0.193	0.192	0.205	0.214	0.617	0.480	0.590	0.574
Dissolved oxygen	mg/l	0.2	0.1	0.4	0.4	1.0	0.2	0.7	0.9
Turbidity	NTU	5	5	2	2	3	2	20 ²	5
Depth to water	FT	11.7	10.8	19.0	20.4	27.1	26.7	32.8	32.4
Temperature	°C	11.2	14.5	14.2	7				
pH	SU	6.5	6.1	6.3	6.1				
Conductance	mS/cm	0.115	0.117	0.122	0.121				
Dissolved oxygen	mg/l	0.5	0.2	0.3	6.2				
Turbidity	NTU	30 ²	22 ²	28 ²	31 ²				
Depth to water	FT	14.4	14.5	19.8	20.5				

Notes:

1. Temperature, pH, Conductance and Dissolved Oxygen were measured in the field using a YSI Pro multimeter. Turbidity was measured in the field using a Lamotte 2000 Turbidity meter
2. Turbidity below 5 NTUs could not be achieved after 2 hours of well purging at a low flow rate (<0.4 L/min).
3. EA-3 was retained to aid in groundwater contouring. Depth to water during each of the last four quarters was 27.9, 7.5, 16.1 and 16.6 feet.

**TABLE 2
SUMMARY OF DETECTED APPENDIX A
GROUNDWATER ANALYTICAL RESULTS
MARCH 2013 THROUGH DECEMBER 2013**

Former Jamestown Landfill - Jamestown, Rhode Island

Variable Constituents (µg/l)																	
Acetone	5	NONE	12,000	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Bromoethane	0.5	NONE	7	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Carbon Disulfide	5	NONE	720	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chlorobenzene	5	100	72	ND	ND	ND	ND	4.7	6.1	6.6	6.4	ND	ND	ND	ND	ND	ND
Chloroethane	5	NONE	21,000	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Dichlorodifluoromethane	5	NONE	190	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
1,1-Dichloroethane	5	NONE	2	ND	ND	ND	ND	1.3 J	0.87 J	0.79 J	ND	ND	ND	ND	ND	ND	ND
1,4-Dichlorobenzene	5	75	0.42	ND	ND	ND	ND	0.86 J	ND	0.73 J	ND	ND	ND	ND	ND	ND	ND
Cis-1,2-Dichloroethane	5	70	28	ND	ND	0.62 J	ND	ND	ND	0.73 J	ND	ND	ND	0.58 J	ND	ND	0.66 J
Styrene	5	100	1,100	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Trichloroethane	5	5		ND	ND	2.5 J	ND	ND	ND	2.4 J	ND	ND	ND	2.5 J	ND	ND	2.5 J
Water Quality Parameters:																	
Total Coliform (cfu/100ml)	20	<5%*	NONE	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
Nitrate/Nitrite as N (mg/l)	0.25	10/1*	25,000	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
Total Metals (µg/l)																	
Arsenic	1	10	0.045	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Barium	10	2,000	2,000	ND	ND	ND	ND	49	56	51	43	21	17	13	ND	ND	ND
Beryllium	1	4	16	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cadmium	1	5	7	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	2	100	NONE	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	19	ND	3.7
Cobalt	1	NONE	4.7*	1.2	3.2	2.6	1.0	230	200	200	230 B	1.1	ND	ND	ND	ND	ND
Copper	2	1,300	620	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Lead	1	15*	NONE	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Silver	1	NONE	71	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Nickel	1	NONE	300	11	14	14	11	41	39	45	40	5.6	4.9	4.9	3.6	8.5	8
Vanadium	5	NONE	78	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Zinc	5	NONE	4,700	9	11	11	8.6	7.6	6.3	6.9	8.3 B	11	10	8.9	8.1 B	9.2	9.6

Notes:

- (1) * Results are compared to USEPA's National Primary Drinking Water Regulation maximum contaminant levels (MCLs) updated May 2009 as required by RI/DEPA Solid Waste Regulations.
- (2) ND indicates the parameter was non-detected.
- (3) RI/DEPA Regional Screening Levels (RSL) promulgated November 2010 and revised in April 2012. Note, the RBC for cobalt was previously 11 µg/l.
- (4) If detected in two consecutive rounds, must sample for fecal coliform and E Coli bacteria.
- (5) NS indicates parameter not sampled.
- (6) Groundwater sample from POT-1/PWSW was analyzed employing drinking water methods (524.2).
- (7) Value is a Treatment Technique Action Level (TT).
- (8) *† indicates that the reported concentration is below the method quantitation limits (reporting limits) and is therefore an estimated value.
- (9) Yellow highlighted values exceed either MCL, TT Action Level or RSL.
- (10) †† indicates that the parameter was detected in a blank sample.
- (11) Turbidity was above 5 NTU at this location at the time of sample collection.
- (12) Appendix A refers to RI/DEPA's Appendix A list of hazardous inorganic and organic constituents from solid waste regulation No. 2 Solid Waste Landfills.

**TABLE 2
SUMMARY OF DETECTED APPENDIX A
GROUNDWATER ANALYTICAL RESULTS
MARCH 2013 THROUGH DECEMBER 2013**

Former Jamestown Landfill - Jamestown, Rhode Island

Volatile Organics (mg/l)																		
Acetone	5	NONE	12,000	5.8	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Bromochloroethane	0.5	NONE	7	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Carbon Disulfide	5	NONE	720	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chlorobenzene	5	100	72	ND	ND	ND	ND	ND	ND	ND	ND	3.9 J	2.8 J	3.2 J	3.6 J	0.69 J	0.92 J	0.72 J
Chloroethane	5	NONE	21,000	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Dichlorodifluoromethane	5	NONE	190	NS	NS	NS	ND	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
1,1-Dichloroethane	5	NONE	2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,4-Dichlorobenzene	5	75	0.42	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cis-1,2-Dichloroethene	5	75	28	ND	ND	ND	ND	ND	ND	0.52 J	ND	0.96 J	0.68 J	1.7 J	1.1 J	0.55 J	ND	1.3 J
Styrene	5	100	1,100	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Trichloroethene	5	5		ND	ND	1.7 J	ND	ND	ND	2.0 J	ND	ND	ND	2.0 J	ND	ND	ND	2.0 J
Water Quality Parameters:																		
Total Coliform (cfu/100ml)	20	<5% ⁴	NONE	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
Nitrate/Nitrite as N (mg/l)	0.25	10/1 ⁴	25,000	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
Total Metals (mg/l)																		
Arsenic	1	10	0.045	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Barium	10	2,000	2,000	11	11	ND	ND	ND	ND	ND	21	15	20	21	11	12	10	11
Beryllium	1	4	16	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cadmium	1	5	7	ND	ND	ND	ND	ND	2.9	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	2	100	NONE	2.4	ND	ND	ND	4.6	ND	ND	6.6	ND	ND	ND	ND	ND	ND	ND
Cobalt	1	NONE	4.7 ⁸	68	86	41	39 B	3.4	4.2	9.6	11	38	15	25	25 B	3.9	1.4	2.5
Copper	2	1,300 ⁹	620	ND	ND	ND	ND	14	15	24	30	ND	ND	ND	ND	ND	ND	ND
Lead	1	15 ¹⁰	NONE	ND	ND	ND	ND	ND	6.5 B	ND	3.5	ND	ND	1.3 B	ND	ND	ND	ND
Silver	1	NONE	71	ND	ND	ND	ND	ND	ND	3.3 B	ND	ND	ND	ND	ND	ND	ND	ND
Nickel	1	NONE	300	5.2	2.4	5.2	8.9	16	16	30	33	74	150	110	87	19	32	24
Vanadium	5	NONE	78	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Zinc	5	NONE	4,700	ND	ND	5.3	ND	14	15	27	36	16	20	19	16 B	ND	ND	ND

Notes:
 (1) * Results are compared to USEPA's National Drinking Water Regulations maximum contaminant levels (MCLs) updated May 2009 as required by RIDEM's Solid Waste Regulations.
 (2) ND indicates the parameter was non-detected.
 (3) USEPA Regional Screening Levels (RSLs) promulgated November 2010 and revised in April 2012. Note, the RBC for cobalt was previously 11 µg/l.
 (4) If detected in two consecutive rounds, must sample for fecal coliform and E. Coli bacteria.
 (5) NS indicates parameter not sampled.
 (6) Groundwater sample from POT-1/PWSW was analyzed employing drinking water methods (524.2).
 (7) Value is a Treatment Technique Action Level (TT).
 (8) "J" indicates that the reported concentration is below the method quantitation limits (reporting limits) and is therefore an estimated value.
 (9) Yellow highlighted values exceed either MCL, TT Action Level or RSL.
 (10) "B" indicates that the parameter was detected in a blank sample.
 (11) Turbidity was above 5 NTU at this location at the time of sample collection.
 (12) Appendix A refers to RIDEM's Appendix A list of hazardous inorganic and organic constituents from solid waste regulation No. 2 Solid Waste Landfills.

**TABLE 2
SUMMARY OF DETECTED APPENDIX A
GROUNDWATER ANALYTICAL RESULTS
MARCH 2013 THROUGH DECEMBER 2013**

Former Jamestown Landfill - Jamestown, Rhode Island

Volatile Organics (mg/l)														
Acetone	5	NONE	12,000	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Bromochloroethane	0.5	NONE	7	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Carbon Disulfide	5	NONE	720	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chlorobenzene	5	100	72	7	8.3	11	11	ND	ND	ND	ND	ND	ND	ND
Chloroethane	5	NONE	21,600	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Dichlorodifluoromethane	5	NONE	190	NS	NS	NS	ND	NS	NS	NS	ND	1.57	1.76	1.42
1,1-Dichloroethane	5	NONE	2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,4-Dichlorobenzene	5	75	0.42	2.1 J	2.0 J	2.3 J	2.3 J	ND	ND	ND	ND	ND	ND	ND
Cis-1,2-Dichloroethane	5	70	28	ND	ND	6.77 J	ND	ND	ND	ND	ND	ND	ND	ND
Styrene	5	100	1,100	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Trichloroethane	5	5		ND	ND	1.8 J	ND	ND	ND	1.6 J	ND	ND	ND	ND
Water Quality Parameters:														
Total Coliform (cfu/100ml)	20	<5% ¹	NONE	NS	NS	NS	NS	NS	NS	NS	NS	NS	ND	ND
Nitrate/Nitrite as N (mg/l)	0.25	10/l ²	25,000	NS	NS	NS	NS	NS	NS	NS	NS	NS	ND	ND
0.967														
Total Metals (mg/l)														
Arsenic	1	10	0.045	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Barium	10	2,000	2,000	78	69	190	85	66	43	45	33	ND	ND	ND
Beryllium	1	4	16	ND	ND	1.2	ND	1.5	ND	1.4	ND	ND	ND	ND
Cadmium	1	5	7	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	2	100	NONE	ND	ND	22	6.8	28	2.3	2.8	4.5	ND	ND	ND
Cobalt	1	NONE	4.7 ³	2.4	2.5	13	5.7 B	17	5.4	8.4	10	4.4	1.1	2.5
														6.2 B
Copper	2	1,300	620	ND	ND	12	ND	12	ND	ND	ND	ND	ND	ND
Lead	1	15 ⁴	NONE	ND	ND	8.4	2.4 B	8.6	8.1 B	9.2	5.3	5.1	ND	ND
Silver	1	NONE	71	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Nickel	1	NONE	300	34	32	55	40	35	11	14	19	9.2	1.9	4.6
														13
Vanadium	5	NONE	78	ND	ND	27	9.0	7.2	ND	ND	ND	ND	ND	ND
Zinc	5	NONE	4,700	5.3	6.2	43	16 B	63	14	25	36	5.8	ND	11 B

Notes:
 (1) * Results are compared to USEPA's National Primary Drinking Water Regulations maximum contaminant levels (MCL) updated May 2009 as required by RIDEM's Solid Waste Regulations.
 (2) ND indicates the parameter was non-detected.
 (3) USEPA Regional Screening Levels (RSL) promulgated November 2010 and revised in April 2012. Note, the RBC for cobalt was previously 11 µg/l.
 (4) If detected in two consecutive rounds, must sample for fecal coliform and E Coli bacteria.
 (5) NS indicates parameter not sampled.
 (6) Groundwater sample from POT-1/PWW was analyzed employing drinking water methods (524.2).
 (7) Value is a Treatment Technique Action Level (TT).
 (8) "J" indicates that the reported concentration is below the method quantitation limit (reporting limit) and is therefore an estimated value.
 (9) Yellow highlighted values exceed other MCL, TT Action Level or RSL.
 (10) "B" indicates that the parameter was detected in a blank sample.
 (11) Turbidity was above 5 NTU at this location at the time of sample collection.
 (12) Appendix A refers to RIDEM's Appendix A list of hazardous inorganic and organic constituents from solid waste regulation No. 2 Solid Waste Landfills.



Office of the Town Planner MEMORANDUM

TO: The Honorable Town Council
Ms. Kristine S. Trocki, Esq., President
FROM: Lisa W. Bryer, AICP, Town Planner
RE: Hazard Mitigation Plan Update Committee
DATE: February 25, 2014

We are beginning the process of updating our Hazard Mitigation Plan. Our Hazard Mitigation steering committee consists of myself, Chief Mello, Chief Bryer, Mike Gray, Fred Brown and the Town Administrator. The approving agency, FEMA, suggests coordinating with local officials during the Plan development process. The goal of the FEMA guidance on participation is to make sure the planning process is inclusive and that the plan has the backing of public officials that can implement it. Our consultant, VHB has suggested that we utilize a Town Council representative to fulfil this purpose. I appreciate your consideration on this important matter.

C: Tina Collins, Interim Town Administrator
Chief Mello
Cheryl Fernstrom, Town Clerk



JAMESTOWN POLICE DEPARTMENT

250 Conanicus Avenue, Jamestown, RI 02835

Tel: (401) 423-1212 Fax: (401) 423-3710

www.jamestownri.net/police



Edward A. Mello
Chief of Police

To: Jamestown Liquor Commission
From: Chief Edward A. Mello
Re: Spinnakers Liquor License Application
Date: February 3, 2014

Regarding the application for a Class B Liquor License by Spinnakers, I would make the following recommendations to the Liquor Commission to be set forth as conditions:

- Alcohol may not be served through take-out window on north side of building.
- No service outside at north side of building (sidewalk area).
- Define the rear service and alcohol area-limited to inside and rear deck area immediately adjacent to building.
- No patron may leave the defined service area with alcohol.
- Require signage to be posted at rear deck indicating service area (NO ALCOHOL BEYOND THIS POINT)



Jamestown Planning Commission MEMORANDUM

TO: The Honorable Town Council sitting as Alcoholic Beverage and Licensing Board
Ms. Kristine S. Trocki, Esq., President
FROM: Michael Swistak, Chair, Jamestown Planning Commission
RE: Spinakkers Cafe
DATE: August 7, 2013

At a meeting of the Jamestown Planning Commission held Wednesday, August 7, 2013 the Planning Commission has the following concerns and suggested recommendations:

1. The Planning Commission recommends that service of alcohol be prohibited at the outdoor seating at the front of the building.
2. The outdoor area where consumption of alcohol is permitted should be clearly defined, marked and strictly enforced.
3. If a Beer & Wine license is issued, any future BYOB arrangement should be prohibited.

In addition to the above concerns and recommendations Commissioner Swistak made a motion seconded by Commissioner Cochran to recommend approval to the Zoning Board for the Development Plan for Spinnakers Cafe, 3 Ferry Wharf - Plat 9 Lot 791 per Zoning Section 82-1101K. New Use - Request to add Beer & Wine Liquor License to establishment based on the following Findings of Fact:

FINDINGS

1. Lucky Ridge LLC dba Spinnakers Cafe - owned and operated by Michael Ridge - is a casual dining restaurant located at 3 Ferry Wharf in the Ferry Wharf East Condominium. Spinnakers Cafe is a tenant of Regnum LLC. The property is specifically identified as Plat 9, Lot 791D. It is located in the Commercial Downtown Zone.
2. Spinnakers Cafe seeks to add the service of Beer & Wine to its operations. Addition of the service of liquor triggers Development Plan Review as a new use, and the Planning Commission has purview under Article 11, specifically Section 82-1109 - Building Function and 82-1110 Parking & Density Calculations.
3. The current operation includes indoor counter service and seating, and outdoor seating at both the front and rear of the premises. There are currently 24 seats at the front of the building, located on the sidewalk, which is owned by the Condominium Association. The outdoor seating at the rear of the premises includes 8 outdoor seats directly behind the restaurant, and 6 seats along the southeast boardwalk, in an area which is under lease agreement with Conanicut Marine Services.

4. The Technical Review Committee reviewed and recommended approval of the application on on 11 July 2013. The minutes of this meeting are attached.
5. The applicant was represented at the Planning Commission meeting on 17 July 2013 by Attorney John Murphy, and testimony in support of the application was presented by the applicant, William Munger of Regnum LLC and Conanicut Marine Services, and Bob Bailey of Lila Delman Real Estate. There were no comments or testimony in opposition to the application.

FINDINGS SPECIFIC TO CHANGE OF USE

6. With regards to the addition of the service of Beer & Wine, the applicant's intent is to allow consumption of alcohol inside the building and at the rear outside seating only. The applicant stated that alcohol would not be served on the sidewalk at the front of the premises. Attorney Murphy confirmed that the current 'bring-your-own-bottle' arrangement will be permanently discontinued upon issuance of a new liquor license.
7. Prior to proceeding with the Town Application process for addition of a Beer & Wine license, the applicant sought and received unanimous approval from the five condo unit owners at Ferry Wharf East Condominium per the condo by-laws.
8. If alcohol is served at the 6 seats on the rear boardwalk, it was noted that there should be strict control of the service operation to limit service to a confined area, since these seats are outside the perimeter of the restaurant. This will be the purview of the Liquor Licensing Board.
9. There were no findings cited by the Planning Commission which were not in conformance with Section 82-1109 Building Function. The Planning Commission unanimously approves the Development Plan with 6 members voting.

Commissioner Swistak made a motion seconded by Commissioner Pendlebury to recommend approval of the special use permit required for serving alcohol and relief from Article 12 - Parking Regulations, which requires 9 parking spaces for the current/proposed 68 seats and 3 parking spaces are provided. Relief from additional 6 spaces is recommended based on the following Findings of Fact:

FINDINGS SPECIFIC TO PARKING

10. The current total seats approved for the restaurant is 29, according to the most recent victualing license signed by the applicant and approved by the Town Council. The Zoning Officer - Fred Brown concurs with this record.
11. The proposed seating configuration presented by the applicant is as follows:

Seating within the restaurant perimeter	38 (includes 8 not covered, on rear deck)
Seasonal outside seating – front sidewalk	24
Seasonal outside seating – rear (off site)	<u>6</u>
Total	68

12. The applicant testified that the Parking Requirement for the restaurant is regulated by the exception to Section 82-1203, which "applies to lots in CD with greater than 50% building lot coverage as of October 22, 2009. Based on this exception, the applicant will need to provide 1 parking space for every 8 seats. Therefore, with a total of 68 seats, the applicant needs to provide 9 parking spaces. The applicant currently provides 3 spaces in front of the establishment.

A site plan is attached verifying that the Condominium Building is greater than 50% of the lot coverage. Lot 791 contains 9,940 sq ft of land. The building area is 6,753 sq ft.

13. The applicant cited the following observations regarding their desire to obtain relief from the additional 6 required spaces:

- a. There are currently 17 spaces directly in front of the condominium building. These spaces have shorter allowable parking times than the other spaces at the East Ferry municipal lot.
- b. The addition of a beer & wine license is not expected to increase the number of patrons. Spinnakers has been operating within the current 800± sq ft of space since June, 2012.
- c. Shared Parking agreements were solicited from Bank Newport and Jamestown Designs. It is Bank Newport's policy to make their lot available to the public when the bank is closed, but is unable to offer a specific allocation of spaces to the applicant. Jamestown Designs is unable to offer a shared parking arrangement for various reasons.
- d. Some patrons of Spinnakers are common to Conanicut Marina, and either arrive by boat or take advantage of the shuttle service between the Conanicut Marina Taylor Point facility and Ferry Wharf.
- e. Employees of Spinnakers are encouraged to park their cars at Conanicut Marina's Taylor Point Lot to relieve congestion in the village.
- f. The two real estate offices at the Ferry Wharf Condominium have operating hours which are opposite from some of the busiest hours of Spinnakers.

14. The Planning Commission recommends relief from the additional 6 spaces with a majority vote of 5 in favor and one opposed.

Report from the Jamestown Traffic Committee

February 26, 2014

To the Jamestown Town Council

Honorable Councilors,

At a meeting of the Traffic Committee on February 26, 2014 the following items were discussed and voted upon:

By unanimous vote, to request that the Town Council seek permission from the state of Rhode Island to prohibit parking on the North side of Narragansett Avenue from Ocean Avenue westward to the West Ferry pier. This may also require a change in the Town Ordinance.

By 5 to 2, vote the Parking Committee approved a recommendation to eliminate the restriction of resident only parking at the West Ferry pier/bulkhead and make parking available to all. The committee requests the Town Council to authorize the Town Solicitor to prepare a change of the ordinance.

By unanimous vote, to send a letter from Jamestown resident Edwina Cloherty about the intersection of Hamilton Ave and Southwest Ave to the state traffic commission for their review and to ask the DPW director (who was present at the Parking Committee meeting) to follow up with any suggestions that he or Chief Mello have about the situation.

By unanimous vote, to request of the Town Council that they authorize the police department to do a traffic study at Helm Street for the purposes of possibly installing at least one 4 way stop at the intersection of Helm and Bow Street (recommended by a neighborhood petition.)

By unanimous vote, recommended that the parking ordinance governing the south side of Watson Avenue, between North Main Road and Pemberton Ave, not be changed.

The committee also reviewed a proposed parking plan developed and presented by DPW director and Town Engineer Michael Gray for the West Ferry pier and by consensus supported the changes he has proposed.

LEGAL ADVERTISEMENT: Please insert in the February 6th & 13th editions.

JAMESTOWN, RHODE ISLAND

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 license under said Act, for the year ending December 1, 2014:

NEW LICENSE:

CLASS B-VICTUALER-LIMITED

Lucky Ridge Co. LLC
Db: Spinnaker's Café
3 Ferry Wharf
Jamestown, RI 02835

The above application will be in order for hearing at a meeting of said Licensing Board on MONDAY, March 3, 2014 at 7 pm at the Jamestown Town Hall, 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 Fernstrom, CMC
Town Clerk

This meeting location is accessible to the physically challenged. If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-745-5555, or 401-423-1212, via facsimile at 401-423-7230, or contact the Town Clerk by email at cfernstrom@jamestownri.net not less than three (3) business days prior to the meeting.

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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 **March 3, 2014 at 7:00 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 ~~strikethrough~~ 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 non-harbor 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 15 until October 15 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 1 to October 1 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. If the area is delineated as a mooring area and where
9 public access is available members of the general public shall be entitled to apply for a
10 mooring permit there.

11
12 If more than four moorings are so permitted, the area must be delimited as a mooring
13 area, and, ~~where public access is available,~~ members of the general public shall be
14 entitled to apply for mooring permits therein.

15
16 *Class 2: Rights-of-way.*

17 a. Nonriparian property owners holding a freehold estate of record with a
18 deeded private right-of-way or easement to coastal waters granted in an original
19 property subdivision are entitled to apply, per property, for a single mooring permit
20 directly adjacent to that right-of-way or easement. The privilege of a mooring permit in
21 this category is subject to the reasonable availability of space as determined by the
22 harbormaster. Moorings shall be limited to the area created by a parallel extension of
23 the boundaries of the right-of-way into the coastal waters. This category of mooring is
24 not permitted in harbor waters, is dependent on available parking, may not be placed in
25 a town conservation zone, and may not be a guest mooring. If the area is delineated as
26 a mooring area and where public access is available members of the general public
27 shall be entitled to apply for a mooring permit there.

28
29 b. Nonriparian property owners holding a freehold estate of record within
30 1,000 feet of a public right-of-way to coastal waters are entitled to apply, per property,
31 for a single mooring permit per property directly adjacent to that right-of-way. The
32 privilege of a mooring permit in this category is subject to the reasonable availability of
33 space as determined by the harbormaster. Moorings shall be limited to the area created
34 by a parallel extension of the boundaries of the right-of-way into the coastal waters. This
35 category of mooring is not permitted in harbor waters, is dependent on available
36 parking, may not be placed in a town conservation zone, and may not be a guest
37 mooring. Where there are four or more such moorings adjacent to a given right-of-way
38 no new moorings shall be permitted. If the area is delineated as a mooring area and

1 where public access is available members of the general public shall be entitled to apply
2 for a mooring permit there.

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

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

17
18 (d) *Mooring area siting standards.* All designated mooring areas sited within the coastal
19 waters and harbor areas of the town shall be setback as follows:

20
21 (1) From riparian moorings and shoreline rights-of-way, a distance sufficient to
22 allow ingress and egress and to prevent interference with the exercise of private
23 and public rights.

24
25 (2) Fifty feet from all residential or commercial docks, piers, floats and public
26 launching ramps.

27
28 (3) Public mooring areas shall be setback from federal navigation projects at
29 least three times the U.S. Army corps of Engineers authorized project depth from
30 federal navigational projects.

31
32 (4) All moorings shall be prohibited in federal navigation projects.

33
34 (5) All new and significantly expanded mooring areas shall be sited to ensure that
35 tides and currents aid in flushing the mooring area.

36
37 (6) All new and significantly expanded mooring areas shall be sited to avoid
38 adverse effects on water quality

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

4
5 (8) Mooring areas shall be sited so as to not significantly affect finfish and or
6 shellfish resources, wetlands, submerged aquatic vegetation and aquatic habitat.

7
8 (9) Moorings areas shall be adequately serviced and pump out stations shall be
9 accessible and operationally maintained.

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

13
14 (11) All moorings and boats shall be located within the mooring areas, except for
15 riparian moorings, and moorings permitted through a Right-of-Way (ROW), where
16 no more than four (4) moorings are permitted via each ROW.

17
18 (e) *Private mooring application procedures.*

19
20 (1) *New mooring or outhaul applications.* Every applicant, riparian and
21 nonriparian, for a new private mooring or outhaul permit shall submit a mooring permit
22 waiting list application form. This form shall contain the name, mailing address, resident
23 status, and relevant telephone numbers of the applicant and the desired location of, and
24 point of access to, the proposed mooring or outhaul. The harbormaster or executive
25 director shall notify the applicant and the harbor clerk in writing within five days whether,
26 given the availability of space, the applicant may apply on the same schedule and on
27 the same application form as renewal applicants or must be placed on a waiting list. To
28 be placed and kept on the waiting list, applicants must, on an annual basis, fill out and
29 return a brief waiting-list renewal application sent to the applicant by the harbor clerk
30 and pay any waiting list fees requested. If the renewal application and fee are not
31 received by a date set in the renewal application, a second notice will be sent; if there is
32 no response within 30 days, the applicant will be deleted from the waiting list.

33
34 (2) *Renewal permit applications.* Mooring or outhaul permits must be renewed
35 annually. Every applicant for a private mooring or outhaul permit must show ownership
36 of a vessel in need of a mooring, except for the guest moorings of owners of riparian
37 property as granted in subsection 78-26(c), above. The harbor clerk shall mail renewal
38 permit applications in March to existing individual permit holders with a return deadline
39 of May 15. The completed application forms shall contain at least the following

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

12
13 a. *Leased vessels.* An applicant may apply for a mooring based upon a lease of
14 a vessel providing the applicant the exclusive use of the vessel for at least
15 the period of the season. Such applicants may not permit the actual owner or
16 another third party to use the leased vessel on a regular basis. The harbormaster is
17 directed to regularly monitor usage of any such leased vessel to ensure compliance
18 with this section.

19
20 (3) *General.* A private mooring or outhaul permit may not be held by more than
21 one individual or by more than one association, partnership, or corporation, or any other
22 legal entity at a time. All applications must be accompanied by the appropriate fee and
23 shall be received at the harbor office. No private mooring or outhaul permit shall be
24 granted for any vessel that has another private mooring or outhaul in the harbor waters,
25 mooring zones or coastal waters of Jamestown. Nonresident yacht clubs or other
26 organizations applying for private moorings to be used by more than one vessel during
27 a season must list the names of all vessels eligible to use the mooring and shall be
28 charged an appropriately higher fee.

29
30 (f) *Commercial mooring application procedures.*

31
32 (1) *New permit applications.* New applications for commercial mooring permits in
33 harbor waters must be approved by the Rhode Island Coastal Resources Management
34 Council, the Army Corps of Engineers, and the harbor commission. They must conform
35 to the percentage limitations for harbor waters stated in subsection 78-26(b), above.

36
37 (2) *Renewal permit applications.* Commercial mooring operators who have
38 approved permits from the Rhode Island Coastal Resources Management Council and
39 the Army Corps of Engineers will be considered to have made renewal applications for

1 the purposes of this article. For vessels on moorings to be leased seasonally
2 commercial mooring operators must provide the harbor office by July 15 with the
3 registration number, name and length of each vessel and the name of each owner. For
4 moorings leased seasonally after July 15 they must provide the information as soon as
5 reasonably practicable. Commercial operators shall provide inspection reports tri-
6 annually of their existing moorings, providing the same information required in
7 subsection 78-26(l)(3) below of inspection reports of private moorings. The inspection
8 reports provided by commercial operators may be provided in spreadsheet format.
9 Commercial mooring operators shall reach a mutually satisfactory arrangement with the
10 harbor commission for the deadlines for payment of the appropriate fees.

11
12 (3)*General.* Commercial moorings are prohibited in coastal waters. In harbor
13 waters commercial mooring operators must fulfill the requirements of Section 300.4.E.I
14 (a) and (b) of the Rhode Island Coastal Resources Management Program as they relate
15 to the provision of sanitary facilities and parking. They must also fulfill any additional
16 requirements of the harbor commission and this article, or any amendments thereof.

17
18 (g) *Relocation of existing permitted mooring.*

19
20 (1) All requests for relocation of existing permitted moorings must be submitted in
21 a written request to the harbormaster. Information for such a request must meet the
22 requirements for a mooring permit application, as well as show proof of a valid mooring
23 permit issued for the previous or current year. The reasons for a mooring relocation
24 must be clearly stated in the request. To be placed and kept on the relocation list,
25 applicants must, on an annual basis, fill out a brief relocation-list renewal form and pay
26 any waiting-list fees requested.

27
28 (2) Action on the relocation request will be taken by the harbormaster based
29 upon policies—written and fully available to the public—established by the harbor
30 commission, the availability of space, the requirements of this article, and the type and
31 size characteristics of the vessel. The harbor commission shall maintain a chronological
32 list of all applicants requesting a mooring relocation. The list shall be updated at least
33 twice a year and shall be available to the public at all times.

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

1 (h) *Occupancy; transfer.*

2
3 (1) Private mooring and outhaul permits: occupancy. Private permit holders may
4 not allow any vessel other than that described in the application to use the mooring or
5 outhaul permitted for more than seven consecutive days; provided, however, that i) the
6 harbormaster may permit the temporary use of a mooring or outhaul by another vessel
7 upon the written request of the mooring permit holder and ii) the harbor commission, if it
8 deems the action appropriate, may waive the restriction more generally and for a longer
9 period. Private permit holders are prohibited from charging a fee for the temporary use
10 of their moorings or outhaul. The harbormaster shall have the authority to move or
11 cause to be moved any vessel violating the provisions of these regulations, at the
12 expense and risk of the vessel owner. The vessel and/or owner of the vessel granted
13 the temporary use of a mooring may only request the temporary use of a mooring for
14 one season. In subsequent years, the vessel and/or vessel owner may not be the
15 recipient of another temporary use exemption, except by order of the harbor
16 commission.

17
18 (2) Mooring, outhaul permits and wait list position transfer: transfer: No private
19 mooring holder, outhaul space assignment or wait list position, shall be sold, assigned
20 or transferred (unless it falls under Section 78-26(m), below) except on a one time only
21 basis. ~~Private mooring and outhaul permits: transfer. No private mooring or outhaul~~
22 ~~space assignment shall be sold, assigned, or transferred by a mooring or outhaul permit~~
23 ~~holder, except that on written notice to the harbor commission a permit holder or a~~
24 ~~person on the waiting list may transfer a mooring or outhaul permit (unless it falls under~~
25 ~~subsection 78-26(n), below) or a place on the waiting list to a spouse, sibling, or child on~~
26 ~~a one-time only basis.~~ Any assigned mooring or outhaul space given up by a permit
27 holder reverts to the harbor commission for assignment, by the harbormaster, to the
28 next person on the relocation or waiting list whose vessel fits the mooring or outhaul
29 space, the appropriate mooring or outhaul class involved, and the relevant shoreside
30 requirements. In exceptional cases permit holders may apply to the harbor commission
31 for relief from this provision.

32
33 (3) Commercial mooring and outhaul permits may be leased or transferred to
34 other businesses subject to review and approval by the harbor commission. The
35 standard for review shall be the ability of the proposed transferee to comply with all the
36 provisions of [subsection] 78-26(f) as a commercial operator.

37
38 (i) *Fees.* The harbor commission shall annually recommend to the town council a
39 proposed schedule of fees as part of the annual operating and capital budget; and the

1 town council shall establish such rates not later than March 15 each year. The
2 commission may charge fees for all mooring permits; for dock, storage rack, outhaul,
3 and beach permits on town-owned property; for out hauls on riparian property, and for
4 waiting and relocation list applicants. Higher fees may be charged for nonresident and
5 commercial moorings and for other special situations. The commission may assess late
6 penalty fees provided these are indicated on, or enclosed with, the appropriate
7 application forms. For billing purposes the harbor clerk may establish informal
8 classification codes for moorings grouped by different levels of fee.

9
10 (j) *Marking.* The holder of a mooring permit shall mark the mooring buoy with the current
11 mooring number thereto in letters no less than three inches high. After 14 days' notice of
12 delinquency the harbormaster may fine the owner \$5.00 a day for any mooring not
13 properly marked.

14
15 (k) *Mooring specifications.*

16
17 (1) *Responsibility for moorings.* Although the town sets the following minimum
18 standards for moorings and mooring inspections for all moorings in the waters of the
19 town, owners of moorings shall be solely responsible for the safety and reliability of their
20 moorings. Heavier tackle and more frequent inspections than the required minimum are
21 strongly recommended in all cases. This is especially so where moorings are in
22 exposed locations or are holding vessels of greater than average displacement.

23
24 (2) *Anchors.* Mushroom anchors (in mud or soft sandy bottoms) or concrete or
25 granite blocks shall be used for moorings in the waters of the town, unless otherwise
26 authorized by the harbormaster or mandated by state or federal agencies. Authorization
27 must be in writing; and the harbor office will maintain records of any mooring anchor
28 deviations authorized in accordance with this provision.

29
30 The approximate shape of block anchors shall be square, both top and bottom,
31 with tapered sides (trapezoidal). The block shall not be allowed to become a hazard.
32 The link shall be of material not less than one inch in diameter and shall be securely
33 imbedded in the block. All shackles shall be one size heavier than the chain. All
34 shackles shall be load-rated, properly seized, and shall be forged (not cast).

35
36 (3) *Length and type of chain.* Total minimum length of chain (both bottom and
37 top) shall be determined as follows: Depth of water at mean high tide, plus five feet for
38 storm surge, times two. Normally, a minimum of 50 percent of the total length of chain
39 shall be heavy chain, with the remainder being light chain, as indicated in the table

1 below. (Where appropriate, a rode of nylon may be substituted for the light chain.) A
 2 higher percentage of heavy chain is recommended in exposed areas of relatively
 3 shallow depth. Use of greater scope is strongly recommended, especially in exposed
 4 areas and where there is sufficient space for vessels to swing without endangering each
 5 other. Excessive scope, as determined by the harbormaster, will not be allowed. A lower
 6 percentage of heavy chain may be appropriate for moorings of greater scope.

7
 8 (4) *Mooring float/buoy.* The mooring float carrying the weight of the mooring
 9 chain (or chain and rode) must be of sufficient size and buoyancy so that at least 50
 10 percent of it is visible above the surface of the water.

11
 12 (5) *Pennants.* Pennant length shall be determined as follows: take the distance
 13 from the chock to the waterline, multiply this distance by two and add the distance from
 14 the bow chock to the bow cleat. The result is the minimum pennant length.

15
 16 (6) *Chafeguards.* All pennant lines running through a chock or any other object
 17 where chafing may occur shall have adequate chafeguards.

18
 19 (7) Minimum tackle specifications for the waters of the town.

20

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	1/2	5/8	1/2 x 2
<u>30</u> to 34	500	2,000	5/8	1/2	3/4	5/8 x 2
35 to 39	600	3,000 or 2 x 1,500	3/4	1/2	3/4	3/4 x 2
40 to 49	800	4,000 or 2 x 2,000	3/4	1/2	7/8	3/4 x 2
<u>50</u> to 59	1,000	4,000 or 2 x 2,000	1	1/2	1	1 1/4 x 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

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

18

19 (2) *Maintenance of existing moorings.* All permit holders shall be required to
20 maintain their moorings in safe condition. Any chain, shackle, swivel, or other tackle that
21 has become warped or has become worn by one-third its original diameter shall be
22 replaced. Failure to maintain a safe mooring shall be cause for revocation of the
23 mooring permit and shall be deemed a violation of this article. The harbormaster or the

1 harbormaster's designee may inspect any moorings at any time to determine
2 compliance with this section of the ordinance. Any mooring washed ashore or having
3 moved so as to endanger another vessel shall be inspected by the harbormaster or the
4 harbormaster's designee before it is reset.
5

6 (3) *Schedule of inspections.* All moorings shall be inspected by a qualified
7 mooring inspector on behalf of the applicant at least once every three years and the
8 results of such inspection certified by the inspector and reported to the harbor office by
9 15 June of the year of inspection. The inspection process is to be carried out using the
10 "Guidelines for Establishing a Verified Mooring Location" procedure approved by the
11 Jamestown Harbor Commission on February 8, 2005. This inspection shall determine
12 compliance with the minimum mooring and tackle standards of this article. Inspections
13 may be made either by raising the mooring or by underwater inspection. The harbor
14 clerk shall establish a schedule for each mooring and indicate it clearly on the mooring
15 application. The harbor clerk shall provide a form on which information pertaining to the
16 inspection shall be provided, and such form shall be submitted by the applicant together
17 with the application and fee. The information to be reported shall include the following:
18 water depth, size and type of mooring buoy, adequacy of length, diameter and number
19 of pennant(s), adequacy of chafe guard(s), type, size and number of anchor(s), length
20 and size of bottom and top chains or top rode, number and size of shackles, the location
21 of the anchor, and the general condition of the mooring. The location of the anchor is to
22 be reported in decimal degrees, e.g., 41.234567 N, 71.456789 W. The inspection report
23 shall be signed and dated by the inspector. Commercial operators may submit multiple
24 inspection reports in spreadsheet form, but they must include all information specified
25 above.
26

27 (4) *Compliance.* Any mooring or component of a mooring reported not in
28 compliance with this section of the ordinance shall be replaced by the owner within 30
29 days of such notice. Within 45 days after the noncompliance is reported a second
30 mooring inspection must be completed to determine if the violation has been corrected.
31 The results of this second mooring inspection shall be reported to the harbormaster.
32 Failure to correct the violation within that period shall cause the mooring to be deemed
33 unsafe and, as a violation of this article, shall be cause for revocation of the mooring
34 permit and removal of the mooring from the waters of the town at the risk and expense
35 of the mooring owner. When the harbormaster deems it necessary, for the safety of a
36 vessel or of vessels nearby, to remove a vessel immediately from a noncomplying
37 mooring, and the owner is unable or unwilling to do so, the harbormaster or the
38 harbormaster's designee may remove the vessel at the owner's risk.
39

1 (5) *Costs.* All costs of any mooring inspection, of any relocation of vessels as a
2 result of noncompliance, or of any repairs or replacements required under the
3 provisions of this article shall be the responsibility of the mooring owner.
4

5 (m) *Forfeiture of mooring space.* Any holder of a mooring or outhaul permit for a
6 mooring located in the coastal or harbor waters, or in a mooring area of the town shall
7 be subject to forfeiture of that permit or the right to renew the permit by reason of any
8 the following:
9

10 (1) Failure to comply with any of the requirements of this article.
11

12 (2) Failure to respond to the harbormaster's and/or harbor commission's notice
13 that i) the mooring does not comply with the mooring specifications herein set forth, or ii)
14 that the mooring has been displaced or moved from its permitted location.
15

16 (3) Failure to resurface, repair, or replace mooring tackle within 60 days after
17 being advised to do so by the harbormaster.
18

19 (4) Occupying a mooring or outhaul with the vessel permitted for that mooring for
20 a total of fewer than 20 days during the course of a calendar year. If the vessel occupies
21 the mooring or outhaul exclusively outside the period of the season it shall be the
22 responsibility of the mooring or outhaul holder to establish to the satisfaction of the
23 harbormaster or harbor commission that the mooring or outhaul has been occupied for
24 at least 20 days.
25

26 (5) Any holder of a mooring or outhaul permit for a mooring located in the coastal
27 or harbor waters of the town shall be fined \$100.00 per month for: a) failure to renew an
28 existing valid mooring or outhaul permit by June 15 of any year; b) failure to commission
29 a mooring or outhaul by July 1; c) failure to occupy the mooring or outhaul for a least 20
30 days during the year. If the holder takes no action to comply with these requirements,
31 the permit will be deemed forfeited on October 1 and will not be subsequently renewed.
32

33 On written request the harbormaster may grant exceptions to clauses (3), (4), and (5),
34 above.
35

36 No mooring or outhaul will be deemed forfeited until notice of the violation has been first
37 mailed to the holder of the permit by registered mail, return receipt requested and
38 regular first class mail. If an appeal is not made within 30 days of the receipt of the
39 notice, the harbormaster will issue an order requiring that the mooring or outhaul be

1 removed at the owner's expense. If the owner fails to remove the mooring or outhaul
2 within 30 days upon order of the harbormaster, the owner will be billed for the cost of
3 the mooring or outhaul removal. If a vessel is tied to the mooring or outhaul, the vessel
4 will be removed and stored at the owner's expense.

5
6 *(n) Implementation of changes in mooring space assignments.*

7
8 (1) All private mooring permits and applications permitted prior to initial adoption
9 of the Harbor Management Ordinance by the town council on June 17, 2004, shall be
10 reclassified according to the criteria established in subsection 78-26(c) (above).

11
12 (2) All regulations concerning mooring permits and applications shall be applied
13 on the basis of the above reclassification.

14
15 (3) All mooring permits disallowed under this article shall be deemed permitted
16 nonconforming moorings. Rights to such moorings and use in accordance with the
17 ordinance and town rules and regulations may continue by the present owner only
18 unless the mooring is surrendered or revoked.

19
20 *(o) Implementation of changes in mooring tackle requirements.*

21
22 (1) All new moorings shall meet the minimum standards.

23
24 (2) All moorings in place shall meet the new minimum standards on the regular
25 schedule of mooring inspections required by the harbor commission.

26
27 *(p) Outhauls.*

28
29 (1) *On town property.* Outhauls may be established on town property where
30 recommended as appropriate by the harbor commission and approved by the town
31 council. Outhauls in existence as of the adoption of this article shall be deemed
32 conforming. Permits for the use of outhauls shall be issued by the harbor office in
33 accordance with a waiting list. If an outhaul is not occupied for a minimum of 20 days
34 during the course of the year the permit shall be deemed forfeited and will not be
35 renewed. No outhaul will be deemed forfeited until notice of the violation has been first
36 mailed to the holder of the permit by registered mail, return receipt requested and
37 regular first class mail. If an appeal is not made within 30 days of the receipt of the
38 notice, any vessel secured thereto will be removed and stored at the owner's expense.

1 (2) *On private property.* Up to two outhauls may be installed per riparian property.
2 Outhauls on private property may not exist in conjunction with a residential boating
3 facility on the same property. CRMC reserves the right to revoke any outhaul permit
4 that is not issued according to RICRMP.
5

6 (3) *In general.* The harbormaster shall have the power to direct that outhauls
7 deemed inadequate or unsafe be repaired or replaced. Placement of anchors for
8 outhauls is subject to approval by the harbormaster. The outhaul cabling system for all
9 riparian outhauls shall be removed between November 15 and April 15.
10

11 (q) *Miscellaneous.* Water-borne structures and anchors not specifically addressed
12 herein, such as but not limited to anchors for breast lines, are subject to approval of the
13 harbormaster.
14

15 **Sec. 78-27. Regulated activities.**

16 (a) *General.* The purpose of this section is to regulate the speed, management, and
17 control of vessels and the use of all anchorages, moorings, and town-owned waterfront
18 facilities within the jurisdiction of the Town of Jamestown as stated in section 78-23 and
19 as authorized by G.L. 1956, 46-4-6.9.
20

21 (b) *Management and control of vessels.*
22

23 (1) *Vessel operation.* Every person operating a vessel within the waters of the
24 town shall navigate in a careful and prudent manner, so as not to endanger the life,
25 limb, or property of another and not to interfere with or damage other vessels or
26 property.
27

28 (2) *Failure to stop.* It shall be a violation of this article for any person to refuse to
29 move, slow to headway speed, or stop when directed by the harbormaster or any other
30 duly authorized enforcement officer.
31

32 (3) *Prohibited areas.* No person shall operate or cause to be operated a vessel
33 within any area marked prohibited on the harbor map, except as otherwise provided for
34 in the article.
35
36

1 (c) *Vessel speed and operation.*

2
3 (1) Operators of vessels within the coastal and harbor waters of the Town of
4 Jamestown shall comply with all state and local laws and regulations on vessel speeds
5 and wakes that establish a maximum speed for vessels of five miles per hour, no wake
6 (G.L. 1956, 46-22-9) in the mooring zones of harbor waters.

7
8 (2) Vessel operation, mooring, or anchorage within 200 feet of the shore where
9 marked on the harbor map or by buoys is prohibited, except when a vessel is directly
10 approaching or leaving the shore, a town-approved launching ramp, or beach storage
11 area for dinghies when the sole purpose is to begin or end such activity.

12
13 (3) In all designated channels, fairways, and mooring zones of harbor waters,
14 paragliding, parasailing, windsurfing, water skiing, jet skiing, tubing, knee boarding, and
15 similar activities are limited to a five miles per hour maximum speed. In coastal waters
16 and in the transient and conservation zones of harbor waters, the named activities are
17 prohibited within 200 feet of the shore and within 100 feet of any vessels moored or
18 anchored. Any person who violates these regulations, inclusive of G.L. 1956, 46-27-2,
19 shall be subject to penalties under this article.

20
21 (4) Seaplanes and other airborne watercraft are prohibited from surface
22 operation within mooring zones or within 200 feet of the shore; they are prohibited from
23 taking off or landing in the waters under town jurisdiction as stated in section 78-24 of
24 this article.

25
26 (5) No vessel shall be moored or anchored so as to interfere with the free and
27 unobstructed use of channels, fairways, or berthing spaces within the areas under town
28 jurisdiction as defined in section 78-24 of this article.

29
30 (6) Where significant shallow water habitat is identified, boating activities shall
31 be restricted as necessary to decrease turbidity and physical destruction of such
32 habitat.

33
34 (d) *Prohibited discharges.*

35
36 (1) *Discharge of refuse.* The discharge of any waste, refuse, garbage, plastic,
37 chemicals, petroleum products or by-products, paint, varnish, dead animals, or any
38 other debris or litter into the waters of the town is prohibited under this article. The town

1 adopts G.L. 1956, 46-12-39 as part of its ordinance. Any person who violates this
2 provision shall be subject to penalties provided by G.L. 1956, 46-12-40.

3
4 (2) *Discharge of sewage.* No person shall cause or permit to pass or to be
5 discharged into the waters of the town any untreated sewage or other waste matter or
6 contaminant of any kind. The town shall monitor and report annually to the department
7 of environmental management on the effectiveness of its pumpout operations.

8
9 (e) *Other activities.*

10
11 (1) *Swimming, diving and fishing.* Swimming, diving, or fishing off town-owned
12 piers, floating docks, wharfs, and jetties is prohibited unless otherwise authorized and
13 posted by the town council. Water skiing is prohibited in harbor waters and in mooring
14 areas. Swimming and diving are prohibited in mooring areas and mooring zones more
15 than 150 feet from shore from sunset to sunrise or in periods of impaired visibility,
16 except in the immediate vicinity of a moored or anchored vessel, when accompanied by
17 an escort vessel, as part of a sanctioned swimming event, or as necessary to perform
18 service or maintenance to a vessel or mooring.

19
20 (2) *Property damage.* It shall be unlawful to destroy, damage, disturb or interfere
21 with, willfully or carelessly, any public or private property in the waters or waterfront
22 areas of Jamestown.

23
24 (3) *Litter.* Littering is prohibited on town property. Any person who violates this
25 law shall be subject to penalties under this article as provided for by local and state law.

26
27 (f) *Abandoned vessels and structures.* When, in the opinion of the harbormaster, a
28 vessel or structure has been abandoned in the waters of the town, the harbormaster
29 may take custody and control of such vessel and remove it, store it, or otherwise
30 dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of
31 such disposal shall be publicly given. The harbormaster shall assume all of the duties
32 and powers of the commissioner of wrecks and shipwrecked goods as delineated in the
33 G.L. 1956, 46-10-1 to [46-10-]13.

34
35 (g) *Anchoring.* Vessels shall not anchor or raft in a location that interferes with a moored
36 vessel. The harbormaster may direct a vessel to move or relocate.

37
38 (1) *Overnight anchoring* is permitted in all town waters, except conservation
39 zones, on a space available basis. The crew may go ashore, but shall not leave the

1 area. They shall be available to tend to the vessel in the event of heavy weather. It shall
2 be the anchored vessel's responsibility to remain clear of all moored vessels. No vessel
3 shall be anchored more than three days without the permission of the harbormaster. No
4 anchoring of any kind is permitted in Conservation Zones.
5

6 (2) Rafting. Vessels are permitted to raft on a mooring or at anchor provided that
7 the rafted vessels do not endanger any other moored or anchored vessels and that they
8 do not intrude into any channel or thoroughfare. Each rafted vessel must be manned at
9 all times. Rafting is not permitted when Coast Guard small craft advisories or other
10 severe weather warnings are in effect; rafted vessels must separate when these
11 conditions are announced or at the request of the harbormaster.
12

13 (h) *Use of vessels as abodes.* In accordance with the Rhode Island Coastal Resources
14 Management Program, Section 300.5, houseboats or floating businesses, as defined
15 therein, are prohibited from mooring or anchoring unless within the boundaries of a
16 marina. Houseboats or floating businesses shall tie into fixed marina pumpout facilities.
17 Applicants for floating businesses shall fulfill the additional Category "B" requirements of
18 Section 300.5. Applicants for either houseboats or floating businesses shall meet all the
19 pertinent standards given in "Recreational Boating Facilities" (Section 300.4) under
20 standards for residential docks, piers, and floats.
21

22 (i) *Penalties; fines.* Pursuant to this article and the powers granted in the enabling
23 legislation, G.L. 1956, 46-4-6.9 and the general laws of the State of Rhode Island, a
24 person who violates any law as stated therein shall be subject to penalties and fines as
25 set forth in the attached appendix B, unless otherwise established by the General Laws
26 of the State of Rhode Island. Each day a violation continues shall be deemed a
27 separate offense subject to an additional penalty. The district court of the State of
28 Rhode Island, or such other courts as are designated in the summons, shall have
29 jurisdiction for the enforcement of regulated activities.
30

31 (j) *Informal procedure for the payment of boating fines.*
32

33 (1) *Payment without personal appearance.* The harbormaster or any other duly
34 authorized enforcement officer who charges any person with an offense under this
35 article, in addition to issuing a summons for the offense, may provide the offender with a
36 form that shall allow the offender to dispose of the charge without the necessity of
37 appearing before the district court; provided that any offender who has been guilty of a
38 third or subsequent violation within 12 months of the first offense must appear before

1 the court on the date specified on the summons, and may not dispose of the third or
2 subsequent offense administratively.

3
4 (2) *Method of payment.* An offender electing to dispose of the charge without
5 personally appearing before the district, or other, court shall execute the form indicated
6 and return it to the Jamestown police station not later than 14 days from the date of the
7 summons either by mailing or delivering the form and summons accompanied by a
8 check or money order in the amount indicated by the schedule of fines on the form. The
9 fine shall be doubled if not paid within 14 days and tripled if not paid within thirty (30) 24
10 days.

11
12 (3) *Failure to answer.* An individual who fails to answer within thirty (30) 24-days
13 shall have waived the right to dispose of the summons without personal appearance
14 and must appear before the district court on the date specified on the summons.

15
16 (k) *Enforcement.* The primary responsibility for enforcement of regulated activities,
17 including ~~detention, arrest, and the~~ issuance of summonses for violations is delegated
18 to the harbormaster and the Jamestown Police Department. Police officers and the
19 harbormaster of the Town of Jamestown shall have the power and authority to enforce
20 the rules and regulations of this article and of the General Laws of the State of Rhode
21 Island.

22
23 **Sec. 78-28. Harbor commission.**

24
25 (a) *Authority, powers, and duties.* The harbor commission shall be the local advisory
26 and regulatory body authorized by the town council to manage the coastal waters and
27 harbor areas of the town through the implementation of the comprehensive harbor
28 management plan and subsequent ordinances. The harbor commission shall enforce
29 the provisions and ordinances of the harbor management plan as well as adopt
30 additional policies, rules, and regulations for the implementation of the harbor
31 management plan and such ordinances, subject to the approval of the town council and
32 the Rhode Island Coastal Resources Management Council.

33
34 The harbor commission shall adopt rules of procedure and operation for its meetings
35 and, among its powers and duties, is authorized to:

36
37 (1) Recommend to the town council the adoption of rules, regulations, fees,
38 penalties and other amendments to the comprehensive harbor management plan and

1 its subsequent ordinances that may be necessary to fulfill the goals and objectives of
2 that plan and meet the requirements of its ordinances.

3 (2) Recommend additional authorities and duties for the harbor staff, herein
4 detailed, with the approval of the executive director and the town council.
5

6 (3) Assist in the preparation of the annual budgets in accordance with the
7 provisions of the town and this article to expend monies in the harbor funds.
8

9 (4) Sit as a board of appeals to hear any person aggrieved by any decision, act,
10 or failure to act of the executive director or harbor staff in the enforcement and
11 implementation of this article, with the exception of section 78-27 of this article
12 ("regulated activities").
13

14 (5) Review and revise as necessary the comprehensive harbor management
15 plan and its subsequent ordinances for the town council and the Rhode Island Coastal
16 Resources Management Council approval. The comprehensive harbor management
17 plan shall be reviewed and revised at least once every five years.
18

19 (6) Monitor the condition of town-owned waterfront facilities generally and
20 develop with the town engineer an annual and five year capital maintenance,
21 replacement and improvement plan. The plans will include maintenance, repair, and
22 improvement of town-owned waterfront structures, such as docks, bulkheads, and boat
23 ramps. No budget will be approved without the capital improvement plan.
24

25 (b) *Composition.* The harbor commission shall consist of seven qualified electors and
26 residents of the town, appointed by the town council, chosen from a list of interested
27 parties maintained by the town administrator, after duly advertising the availability of
28 these positions. To achieve diversity, preference shall be given to representatives of
29 each of the following groups:
30

- 31 (1) The nonriparian recreational boating community;
- 32 (2) The nonriparian recreational boating community;
- 33 (3) Riparian property residents (harbor waters);
- 34 (4) Riparian property residents (coastal waters);
- 35 (5) The commercial fishing industry;
- 36 (6) The commercial mooring operators;
- 37 (7) A nonboating resident.
38

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

3
4 *Ex-officio member:* The executive director shall be an ex-officio, nonvoting
5 member of the commission, and shall not count as part of the quorum.

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

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

14
15 (d) *Organization.* A chair and vice-chair of the commission shall be chosen annually
16 from the membership by vote of the commission. The chair shall be responsible for
17 calling and conducting all meetings of the commission. In the absence of the chair, the
18 vice-chair shall assume those responsibilities. A quorum shall be defined as four voting
19 members.

20
21 (e) *Finances; budget.* The executive director and the commission, in collaboration with
22 the town administrator, shall be responsible for the preparation of the annual harbor
23 operating and capital facilities budgets to be submitted to the town council for approval.
24 All revenues from harbor operations, including but not limited to mooring and outhaul
25 fees and harbor management fines and penalties, shall be held in a harbor enterprise
26 fund maintained by the town finance department. The harbor enterprise fund shall be
27 maintained exclusively for the management and development of harbor programs and
28 maintenance and expansion of capital infrastructure. Nonbudgetary expenditures from
29 the harbor management account, including additional staff support, must be authorized
30 by the executive director with agreement of the commission and must be approved by
31 the town administrator and the town council. Annual lease revenue from taxpayer-
32 owned property at East Ferry, West Ferry, and Fort Wetherill may be used to fund
33 maintenance, repair, or improvements to harbor and waterfront capital facilities.

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

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

1
2 (f) *Compensation.* Commission members shall serve without pay, but may be
3 compensated for expenses incurred in the performance of their duties.
4

5 **Sec. 78-29. Administration.**

6 (a) *Executive director.* An executive director may be appointed by the town council to
7 supervise the harbor staff and to administer the provisions of this article and any
8 additional regulations subsequently required for the implementation of the article.
9

10 (b) *Harbor administrative staff.* The harbor administrative staff shall consist of a
11 harbormaster, a harbor clerk, and additional personnel as needed who are hired on
12 approval of the town council by the town administrator.
13

14 The responsibilities of the harbor staff under the supervision of the executive director
15 include the following:
16

17 (1) Administering and enforcing the provisions of the harbor management plan
18 and its ordinances;
19

20 (2) Processing applications for the issuance of mooring permits and assigning
21 placements of moorings in accordance with this article;
22

23 (3) Keeping proper records of all mooring application information, including the
24 locations of moorings, mooring owners and vessel usage of moorings, types of vessels
25 using moorings, etc;
26

27 (4) Preparing, keeping current, and making available a waiting list for mooring
28 permits in accordance with the provisions of this article when the demand for available
29 mooring permits is greater than the number of available mooring locations in any given
30 year, and maintaining a waiting list with respect to outhauls on town property;
31

32 (5) Keeping current and making available waiting lists for dinghy dock space and
33 outhauls on town property operated by commercial operators;
34

35 (6) Inspecting moorings and outhauls in accordance with the provisions of
36 section 78-26 of this article;
37

1 (7) Monitoring moorings and out hauls in accordance with the provisions of
2 subsections 78-26(h), (m), and (p) of this article.

3
4 (8) Carrying out all other powers and duties authorized to the harbormaster under
5 various state and federal marine laws, including but not limited to marine sanitation
6 device (MSD) inspection and discharge responsibilities afforded through the U.S. Coast
7 Guard, MARPOL Annex V, Section 312 of the Clean Water Act, G.L. 1956, tit.[ch.] 46-
8 22, and future laws yet to be enacted.

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

11
12 (c) *Conflicts of interest.* All members of the harbor administrative staff shall adhere to
13 the requirements of the Rhode Island Code of Ethics, set forth at G.L. 1956, tit. 36, ch.
14 14, as amended, and all regulations promulgated by the Rhode Island Ethics
15 Commission.

16
17 **Sec. 78-30. Appeals.**

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

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

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

28
29 2) For just reasons, failure to timely file the appeal was due to mistake,
30 inadvertence, excusable neglect; or

31
32 3) Would result in a substantial injustice to the appellant rights as provided for
33 under this article.

34 Any party aggrieved by a decision of the harbor commission may make a final
35 appeal to the town council. Notice of appeal shall be made in writing and filed with the
36 town clerk within 20 days of the mailing date of the decision. The town clerk shall obtain

1 the record of the commission's proceedings and schedule a hearing with notice to the
2 appellant.

3 **Sec. 78-31. Liability.**

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

7 **Sec. 78-32. Severability.**

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

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

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

Introduced by the Jamestown Town Council on:

February 3, 2014

Advertised for public hearing on:

February 20, 2014

Adopted by the Jamestown Town Council on:

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

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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 **March 3, 2014 at 7:00 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.

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EXHIBIT A

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JAMESTOWN COMPREHENSIVE HARBOR MANAGEMENT PLAN

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I. INTRODUCTION

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A. THE PURPOSE OF THE PLAN

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

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

B. THE HISTORY OF THE PLANNING PROCESS

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

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

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

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

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

6 3. Conservation Commission 7

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

14 E. GOALS FOR THE FUTURE 15

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

24 The goals of the Harbor Commission are:
25

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

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

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

44 II. JAMESTOWN (CONANICUT ISLAND) DESCRIPTION 45

46 A. HISTORICAL BACKGROUND

1
2 The Narragansett Indians were early inhabitants of Conanicut Island, and the
3 English colonists named the island for Canonicus, an important seventeenth-century
4 Narragansett sachem. In 1966 archaeological excavations in the West Ferry area
5 uncovered graves from the 1600s as well as cremation burials from 3,000 years earlier.
6 Additional excavations in 1988 revealed the largest documented Native American burial
7 ground in New England, consisting of more than 200 separate graves.
8

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

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

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

41 At the beginning of the twentieth century the Navy and War Departments also
42 developed a significant presence in the area. The Navy Department expanded its
43 facilities and sent a substantial part of its Atlantic fleet to spend summers stationed in
44 Narragansett Bay. To help protect the East and West Passages in case of wartime attack
45 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
35 southern terminus of Maple Avenue less a 50-foot setback band extending
36 seaward from 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* (287.3 acres). All harbor waters from the westernmost
43 point of the northern boundary to a line extending from the Dutch Island pier
44 ruins to a point due east on shore;

1 *South (Sheffield Cove) conservation zone* (96.6 acres). All harbor waters south of
2 a line from the pier at Fort Getty to a point at the southern terminus of Maple
3 Avenue.
4

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

10 2. Coastal waters/boundaries
11

12 Coastal waters consist of all waters bordering the town from the shore to a
13 distance of five hundred (500) feet seaward that are not included in the designation
14 "harbor waters", excluding mooring areas as defined below.
15

16 3. Mooring areas
17

18 Mooring areas are areas located within the water otherwise classed as coastal
19 waters, in which a group of private non-riparian moorings are permitted. Three areas,
20 known as Head's Beach, Park Dock, and Cranston Cove, were identified by the CRMC in
21 2006 as non-conforming mooring areas, that is, as having a sufficiently dense group of
22 moorings that formal recognition as mooring areas is required.
23

24 Mooring area siting standards. All designated mooring areas sited within the coastal
25 waters and harbor areas of the town shall be setback as follows:
26

- 27 (1) From riparian moorings and shoreline rights of ways, a distance sufficient to
28 allow ingress and egress and to prevent interference with the exercise of
29 private and public rights.
30
- 31 (2) Fifty (50) feet from all residential or commercial docks, piers, floats and
32 public launching ramps.
33
- 34 (3) Public mooring areas shall be setback from Federal Navigation projects at
35 least three times the U.S. Army Corps of Engineers authorized project depth
36 from federal navigational projects.
37
- 38 (4) All moorings shall be prohibited in Federal Navigation Projects.
39
- 40 (5) All new and significantly expanded mooring areas shall be sited to ensure
41 that tides and currents aid in flushing the mooring area.
42
- 43 (6) All new and significantly expanded mooring areas shall be sited to avoid
44 adverse effects on water quality
45

- 1 (7) Mooring areas shall be sited so as to not substantially interfere with
2 designated shellfish management areas, traditional fishing grounds, public
3 recreational areas and conservation areas.
4
5 (8) Mooring areas shall be sited so as to not significantly affect finfish and or
6 shellfish resources, wetlands, submerged aquatic vegetation and aquatic
7 habitat.
8
9 (9) Moorings areas shall be adequately serviced and pump out stations shall be
10 accessible and operationally maintained
11
12 (10) The Army Corps of Engineers (ACOE) “open to all” policy supersedes any
13 Town or State regulation, policy, ordinance, or statute.
14
15 (11) All moorings and boats shall be located within the mooring areas, except for
16 riparian moorings, and moorings permitted through a Right-of-way (ROW),
17 where no more than four (4) moorings are permitted via each ROW.
18
19

20 4. Federal Exclusion Zone

21
22 In August 2008, the Town became aware that by Federal regulation (33 CFR
23 §334.80, originally dated March 13, 1968), the US Navy has established an exclusion
24 zone within which all activities such as anchoring and fishing are prohibited. This
25 exclusion zone includes a portion of the coastal waters of the northeast Jamestown
26 shoreline, including the Park Dock area mentioned above. Historically, Jamestown has
27 permitted not only these activities but also mooring in this zone, and there are also a
28 number of docks attached to riparian properties in this zone. Navy representatives have
29 assured Jamestown representatives that the existing uses may continue.
30

31 C. PHYSICAL SETTING AND NATURAL RESOURCES

32 33 1. Physical Setting

34
35 Geography; Geology: Conanicut Island is at the entrance to Narragansett Bay,
36 dividing the Bay into East and West Passages. The island, running north and south, is
37 about 9 miles long and 1.5 miles wide at its widest point. It has about 23 miles of
38 shoreline and a land area of 9.2 square miles. (Dutch and Gould Islands add another 0.2
39 square miles.) Despite its small size, the island is divided into two almost separate
40 sections: the smaller Beavertail section in the south is connected to the rest of the island
41 only by a strip of beach at the head of Mackerel Cove. (The main part of the island itself
42 is less clearly divided by the "Great Creek" complex that runs almost across the island
43 just east of the Pell [Newport] Bridge toll plaza).
44
45

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

15
16 Winds; Flood Zones: The summer months have prevailing south/southwesterly
17 winds. Winds are more variable in the winter. Storms come usually either from the
18 northeast or the southeast. The combination of wind, velocity, direction, fetch, and
19 duration creates wave action on both sides of the island, with the west side generally
20 being more active.

21
22 Parts of the island are particularly subject to storm surge, flooding, and/or velocity
23 waves during coastal storms. Along the south coast the high cliffs reduce the risk of
24 flood damage; but the island has a generally low elevation--its highest point is about 140
25 feet above sea level and most of it is well under 100 feet. Both the East and West Harbor
26 areas have the possibility of flood zones of class A (flood elevation 10.2 feet above mean
27 sea level) and V (areas subject to velocity waves that reach 15 feet above sea level).
28 Beavertail is occasionally shut off from the rest of the island temporarily as storm
29 damage blocks the road across the head of Mackerel Cove; and the Great Creek and
30 Sheffield Cove areas are especially susceptible to coastal flooding. The specific location
31 of the island's flood zones are noted on the Federal Emergency Management Agency's
32 flood insurance maps. (Appendix A-2)

33
34 Water Depths; Navigational Hazards: Conanicut Island is surrounded by water of
35 considerable depth, especially along the southern part of its eastern coast, where readings
36 of more than forty, and occasionally sixty, feet may be found within 500 feet of the shore.
37 Water near the shoreline is shallower in Mackerel Cove and to the north (especially in
38 Dutch Harbor and north of the Jamestown-Verrazzano Bridge). Specific water depths of
39 various locations around the island are indicated on NOAA charts #13223 and #13221.

40
41 Navigation to, from, and around the island is generally straightforward. Some
42 unmarked dangers to navigation do exist. There are occasional submerged or semi-
43 submerged boulders situated around the island very near the shore. There are a few
44 submerged ledges in deeper water, notably near Kettle Bottom Rock and in the
45 Dumplings area. Otherwise, as the charts indicate, navigation around the island and into
46 the harbors from any direction is well-marked and direct.

1
2 Federal Dredging and Navigation Channels: At present Jamestown has no federal
3 dredging or navigation project and no federally maintained navigation channels, turning
4 basins, anchorages, or special anchorage areas.

5
6 2. Natural Resources

7
8 **Finfish and Shellfish:** With its diversity of coastal habitats, location within
9 Narragansett Bay and its proximity to the Atlantic Ocean, Conanicut Island is provided
10 with a rich diversity of marine life. Both finfish and shellfish can be found in abundance
11 in the marine and estuarine waters around the island. Recreational and commercial
12 fisherman catch striped bass, bluefish, tautog, scup, fluke, squeteague, winter flounder,
13 mackerel, bonito and squid. Lobster, hard clams (quahogs) and mussels are also
14 harvested around the island. There are ongoing efforts to re-establish the once abundant
15 oyster and bay scallop populations.

16
17 **Eelgrass:** Probably the most important habitat found around the island are the
18 lush eelgrass beds. These areas provide spawning and nursery habitat for many marine
19 species. Recent mapping of eelgrass show the waters around Conanicut Island have the
20 most extensive eelgrass beds in Narragansett Bay. (Maps showing the location of eelgrass
21 beds are available from the Town's GIS Department.) Of the 466 acres mapped in 2007,
22 approximately 163 acres were found around Conanicut Island. Most are found on the
23 east side of the island. Every effort should be made to protect this important habitat.

24
25 **Coastal Wetlands:** Conanicut Island has extensive salt marshes. The Round
26 Marsh located in the center of the island is the most extensive totaling over 100 acres.
27 This is followed by the Fox Hill Marsh just east of Ft. Getty at around 25 acres, Sheffield
28 Cove marsh at approximately 15 acres, Hull Swamp Marsh at 2.8 acres and Racquet
29 Road marsh at .7 acres and South Pond Marsh at 2.6 acres. (Maps showing the location
30 of these marshes are available from the Town's GIS Department.) As in the case of
31 eelgrass, these marshes are an important spawning and nursery habitat for many estuarine
32 and marine species. Every effort should be made to protect these marshes.

33
34 **Intertidal Flats:** In spite of Conanicut Island's 3-5 ft. tidal range there are few
35 areas around the island that may be considered true tidal flats (areas that become dry
36 during low tide on a regular basis). Only Sheffield Cove has tidal flats exposed on a
37 regular basis. However, during extreme spring low tides and when strong winds coincide
38 with an outgoing moon tide there are additional areas around the island where large tidal
39 flats are exposed. The primary areas are Sheffield Cove, East Ferry and Potters Cove.
40 All of these areas have good shellfish populations with Sheffield Cove and Potters Cove
41 harvested on a regular basis.

42
43 3. Conservation Areas

44
45 Jamestown is committed to the conservation of its natural resources. The Town
46 Council, Planning Commission, Conservation Commission and Harbor Commission have

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

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

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

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

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

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

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

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

43 Hull Cove and Franklin (Austin) Hollow Sites: A ten acre conservation site on
44 either side of Beavertail Road stretching from Hull's cove to Franklin (Austin) Hollow,
45 owned by the Conanicut Island Land Trust.
46

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

3
4 Dutra and Neale Farms: In 2008 the Town of Jamestown purchased the
5 development rights to 80.8 acres of the Dutra Farm and 39.8 acres of the Neale Farm.

6
7 Watson Farm: Although not permanently protected, this 259-acre working farm
8 located on the west side of the island and owned by Historic New England (formally
9 Society for the Preservation of New England Antiquities) is protected under a deed of gift
10 from Thomas Carr Watson as land held with conservation intent.

11
12 Ft. Wetherill Marine Laboratory: This facility is located on the eastern end of Ft.
13 Wetherill State Park (see II-F-3 below). It is owned by the State of Rhode Island and is
14 operated by the RI Department of Environmental Management's Marine Fisheries
15 Section. The facility consists of three recently restored military buildings housing office
16 space, a research laboratory, aquarium facility and dockage for six research vessels
17 ranging in size from 21 to 50 feet. Fisheries and habitat monitoring and management is
18 conducted at this facility.

19
20 More detailed information on the town's physical setting and natural resources may be
21 found in the 2002 Jamestown Comprehensive Community Plan, pp. 43-91, 107-22.

22 23 24 D. WATER QUALITY/WATER TYPE

25
26 Because of its lack of industrial pollution, its tidal currents and deep water close
27 to shore, and its location near the mouth of Narragansett Bay, Jamestown has waters that
28 are comparatively clean. Despite its good fortune in that respect, however, there is
29 clearly room for improvement. There are, for example, occasional sewer overflows after
30 heavy rain and occasional septic system malfunctions--problems that the town has
31 addressed by completing the construction of the new wastewater treatment plant in 2009,
32 and a new wastewater management ordinance provides for better inspection and control
33 of septic systems.

34
35 In 1999 the DEM declared all of Rhode Island's waters to be a "no discharge"
36 zone--a regulation that not only requires all vessels with marine sanitation devices
37 (MSDs) to have holding tanks but that prohibits the discharge of waste overboard. There
38 are two ~~now five~~ pumpout facilities for boats in Jamestown's harbor waters. The town
39 owns and manages ~~three~~ (one unit each on East and West Ferry docks. ~~as well as a~~
40 ~~mobile unit;~~ ~~One~~ marina owns and manages a pumpout boat at East Ferry. Marina
41 owners at both East and West Ferry own and operate a pumpout boat. ~~one at West~~
42 ~~Ferry). (To help clean up oil spills the town also possesses an oil skimmer, a boat that it~~
43 ~~shares with other communities.)~~

44
45 The DEM and the CRMC each have water classification systems by which they
46 set standards for appropriate uses of Narragansett Bay's waters. While these standards

1 are set for somewhat different purposes and therefore do not always coincide, the DEM
2 and the CRMC cooperate to solve problems that may result where their jurisdictions
3 overlap. The harbor commission works with these two agencies where matters of either
4 water quality or water use are concerned.

5
6 1. DEM Water Quality Designations

7
8 The DEM establishes surface water quality standards for the waters of the Bay,
9 along with uses appropriate to them. It divides the bay waters into four classes, each
10 defined by the most sensitive designated uses. It then regulates these uses for the
11 purposes of water quality protection and enhancement.

12
13 The DEM considers some use designations to be suitable for all four DEM
14 classes: aquaculture uses, navigation, and industrial cooling (and all "shall have good
15 aesthetic value"). It also considers some to be not suitable for any class: waste
16 assimilation and waste transport.

17
18 The DEM distinguishing water quality standards, as described by DEM and as
19 applied to Jamestown, are as follows:

20
21 Class SA [the most ecologically sensitive designation]: "These waters are
22 designated for shellfish harvesting for direct human consumption, primary and secondary
23 contact recreational activities, and fish and wildlife habitat." (In the DEM descriptions
24 "primary contact recreational activities" include swimming, diving, water-skiing, and
25 surfing; secondary ones include boating and fishing.) Jamestown's SA waters include
26 almost all the waters surrounding Conanicut Island, as well as the waters surrounding
27 Dutch Island and all but the northern tip of Gould Island.

28
29 "SA{b}" refers to SA waters that have "a partial use designation due to impacts
30 from a concentration of vessels." Jamestown's designated SA{b} waters are: a) in East
31 Harbor, west of a line running 1000 feet from shore that extends south from the Pell
32 (Newport) Bridge to a line running from Bull Point to buoy G "11", excluding those areas
33 designated "SB" below; and b) in West Harbor, inside the lines drawn from a point on
34 Jamestown due east of the Dutch Island pier, to the Fort Getty pier, and then to a point at
35 the southern end of Maple Avenue.

36
37 Class SB: "These waters are designated for primary and secondary contact
38 recreational activities; shellfish harvesting for controlled relay and depuration [i.e.,
39 purification]; and fish and wildlife habitat." Jamestown's SB designated waters are: a) a
40 1000-foot wide band that runs south along the coast from the northernmost point of
41 Taylor's Point to a line running due east from a point 1000 feet south of the Pell
42 (Newport) Bridge; b) in the East Ferry area of East Harbor--west of a line from Bryer
43 Point to Lincoln Street; c) in the area of the Dumplings around the Jamestown and
44 Clarke's Boat Yards; d) in Fort Cove (i.e., the Fort Wetherill boat basin); and e) around
45 the northern tip of Gould island.

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

6
7 Class SC: This classification involves industrial processes. Jamestown has no
8 waters classified SC.

9 10 2. CRMC Water Use Type-Designations

11
12 The Rhode Island Coastal Resources Management Plan (CRMP) classifies all waters of
13 the State into six categories. This classification is based on characteristics of the adjacent
14 shoreline uses and does not take into consideration the characteristics of the intertidal and
15 sub-tidal habitats adjacent to these shorelines. As a result some critical habitats (eg.
16 eelgrass) are not fully protected under the CRMP. A complete description of these water
17 types and the policies associated with each can be found in the CRMP or online at
18 <http://www.crmc.state.ri.us/regulations/RICRMP.pdf>.

19
20 Type 1--Conservation Areas: ~~[not to be confused with the town's harbor~~
21 ~~Conservation Zones]~~—Areas that "abut shorelines in a natural undisturbed condition,
22 where alterations, including the construction of docks and any dredging, are considered
23 by the Council as unsuitable." Jamestown's Type 1 waters extend: a) southwestward
24 from Fort Cove (the Fort Wetherill boat basin) along the entire shoreline around
25 Beavertail (including all of Mackerel Cove), then north along the west side of the island
26 to Fort Getty, and around it to a line running from the end of the Fort Getty pier to the
27 southern end of Maple Avenue; b) south from a straight line extension of Weeden Lane
28 (i.e., just north of the Pell (Newport) Bridge toll plaza) to the southern side of that bridge;
29 and c) around Dutch Island.

30
31 The intended uses of Type 1 waters are minimal impact only, in order to preserve
32 the natural habitat. No motorized vessel may enter Conservation Areas. Access is
33 limited to kayaks, canoes, small sailing vessels without the capacity to become
34 motorized, etc.

35
36 Type 2--Low-Intensity Boating: "adjacent to predominantly residential areas,
37 where docks are acceptable, but more intense forms of development . . . would change
38 the area's character and alter the established balance among uses." Jamestown's Type 2
39 waters extend: a) north from the southern end of Maple Avenue along the entire
40 shoreline around the north end of the island, then south to a straight line extension of
41 Weeden Lane; and b) around Gould Island.

42
43 The intended use for Type 2 waters is to provide access to the water for
44 residential areas. Riparian moorings are present in Type 2 waters, as well as some small
45 residential mooring areas off neighborhood beaches that are private, through deeded right
46 access. Note: West Ferry Harbor and Dutch Harbor Boat Yard are located within Type 2

1 waters. Records indicate CRMC approved the marina perimeter of Dutch Harbor Boat
2 Yard in 1993 or 1994.

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

9
10 The intended use for Type 3 waters is recreational boating. In Jamestown there
11 are three commercial boating facilities shoreside to the only Type 3 water around the
12 island. Additionally, there are two yacht clubs and a boat owner's association marina
13 located in the Type 3 water. There is a high demand for boating facilities and access to
14 the water in Jamestown.

15
16 Type 4--Multipurpose Waters: "include the open waters of the Bay and the
17 Sounds, where a balance must be maintained among fishing, recreational boating, and
18 commercial traffic." Type 4 waters near Jamestown include those waters surrounding
19 Conanicut, Dutch, and Gould Islands not given other water-type designations. The Type
20 4 waters are out of the jurisdiction of the Town of Jamestown.

21
22 Type 5--Commercial and Recreational Harbors: "ports, [where] a mix of
23 commercial and recreational activities must co-exist." Jamestown has no Type 5 waters.

24
25 Type 6 Industrial Waterfronts and Commercial Navigation Channels: waters
26 where "water-dependent industrial and commercial activities take precedence over all
27 other activities." Jamestown has no Type 6 waters.

28
29 See Map A-14 in Appendix A for CRMC's water use type designations in Jamestown's
30 waters. More detail on the CRMC designations may be found in the Council's Coastal
31 Resources Management Program as Amended (the "Red Book"), 1996 and ongoing,
32 section 200.

33 34 35 E. FACILITIES, USES, AND ACTIVITIES

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

39
40 With its excellent summer climate, ample winds, proximity to Newport, and easy
41 accessibility both to lower Narragansett Bay and the open ocean, Jamestown is a natural,
42 almost an inevitable, center for boating. Its appeal in this respect brings boaters to the
43 island both to visit and to reside. Indeed, over the past few decades boating's growth in
44 scope and intensity has been one of the most striking aspects of Jamestown's economic
45 and recreational life. Appendix A-3 includes a Zoning Map.

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

7
8
9 1. Commercial Boating Facilities

10
11 Marinas/Boat Yards: There are four commercial marinas/boat yards available to
12 the general public in Jamestown: three in East Harbor (Conanicut Marine Services, Clark
13 Boat Yard, Jamestown Boat Yard), and one in West Harbor (Dutch Harbor Boat Yard).
14 These businesses make a considerable contribution to the local economy. They also
15 provide access to the water for any members of the public--resident or non-resident--who
16 wish to take advantage of their services.

17
18 *Clark Boat Yard*, a little less than a mile south of East Ferry (also known as
19 Round House) has 45 rental moorings; a service dock; launch service; two railway lifts; a
20 boat ramp; and a repair shop. It has on-site winter storage and on-site summer parking.

21
22 *Conanicut Marine Services* (CMS), at East Ferry, has its own pier and leases two
23 others from the town. It has 160 rental moorings; over 100 rental slips with electricity
24 and water; the only marine fuel (diesel and gasoline) pump on the island; a launch
25 service; a ship's store; showers and heads; a pumpout boat; and a repair shop. It has off-
26 site winter storage and off-site summer parking. The Jamestown and Newport Ferry,
27 operated by CMS, which is based at East Ferry, provides summer transportation between
28 Jamestown, Newport, and other nearby points.

29
30 *Dutch Harbor Boat Yard* (DHBV), at the west end of Narragansett Avenue, has
31 its own service dock and leases part of the old West Ferry landing from the town. DHBV
32 has ~~100~~108 rental moorings, a launch service, showers and heads, a pumpout boat, a
33 railway lift, and a full repair shop on site. It has on-site winter storage and on-site
34 summer parking.

35
36 *Jamestown Boat Yard* (JBY), south of the Clark Boat Yard, in the center of the
37 Dumplings residential area (and the oldest boatyard on the island) has a railway lift; a
38 service dock; ample shop facilities; and is able to do extensive repairs on site. JBY also
39 has 57 rental moorings; 13 outhauls; and launch service. It provides on-site winter
40 storage and on-site summer parking.

41
42
43 2. Yacht Clubs and Other Private Associations

44
45 Yacht Clubs: There are two yacht clubs on the island, both centered in East
46 Harbor. The Conanicut Yacht Club, located in the northern part of the harbor, has 19

1 moorings (17 designated commercial) and its own club building and pier. It runs a
2 children's sailing program for members that is also open, if space is available, to the
3 public. The Jamestown Yacht Club has no building or moorings of its own and uses the
4 marina facilities or general public access at East Ferry.

5
6 Private Associations: A private boating association located at the Fort Wetherill
7 boat basin, the Fort Wetherill Boat Owners Association, has 40 slips that it rents to
8 Jamestown residents. Two private beach associations at the southern end of East Harbor,
9 the Cottrell Pier Association and the Dumplings Association, have one mooring as of
10 2014~~3~~ and have swimming piers and beaches that some of their members use for access
11 to their boats.

12 13 3. Town-Owned Waterfront Structures

14
15 Jamestown owns a number of waterfront properties and structures. Those that the
16 harbor commission has been involved with one way or another are described briefly
17 below.

18
19 East Ferry: Beach and Concrete Ramp: Jamestown issues beach permits each
20 year that enable holders to store their small boats on the East Ferry Beach. In 2013~~21~~ the
21 ~~27~~ ~~195~~ permits raised \$2331 ~~16541365.00~~ for the harbor commission. At the same time,
22 the boats interfere to some extent with the public's free movement about the beach.

23
24 The concrete ramp is used free of charge by resident and non-resident private boat
25 owners and by commercial operators to launch small boats, usually from trailers.
26 General parking congestion in the East Ferry area, along with specific limits on trailer
27 parking, often make the ramp inconvenient both for the users and for passing traffic. ~~The~~
28 ~~ramp is in fair condition and is in need of some repair.~~

29
30 East Ferry: "Steel" Pier: Jamestown constructed this pier in the 1970's to
31 encourage marina development. ~~Some sections of t~~The pier ~~are~~ is currently under lease
32 to Conanicut Marine Services until 2015. CMS uses the pier to launch boats by crane, to
33 provide access to the floating docks, and to provide fueling services. By a recent
34 agreement the north side of the pier is now open to free public use for loading and
35 unloading on a short-term basis.

36
37 The combined basic lease for both this pier and for the adjacent wood pile pier is
38 \$14,000 with an escalation clause based on rises in CMS's slip and dockage fees that
39 made the lease worth \$376,000 to the town in 2012~~2013~~. As part of its lease CMS pays
40 taxes, insurance, etc., allows free pedestrian access to the piers, and is responsible for
41 regular maintenance of both piers as well as for all repairs that cost under \$2,500 (also
42 with an escalation clause) for each single repair. ~~In addition to its contractual obligations,~~
43 ~~CMS provides a number of other marine services for the town, such as helping boaters~~
44 ~~with the pumpout station, commissioning and decommissioning the pumpout station and~~
45 ~~the touch and go float on the wood pile pier, providing free dumpster service for all~~
46 ~~boaters, etc. The last repairs preformed contemplated completion of the curbs and rails to~~

1 conform to the remainder of the area, such that rebar for the pouring of concrete curbing
2 remained exposed, and the utilities had been installed in a temporary, makeshift fashion.
3 As of 2009 the needed repairs and the curbs and rails have been completed.
4

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

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

37 Fort Wetherill: Boat Basin (Fort Cove) and Highway Barn Area: The Fort
38 Wetherill boat basin has been leased by the Fort Wetherill Boat Owners Association
39 (FWBOA) since 1979. The FWBOA is a private association that has constructed, and
40 owns, its piers and floating docks. With town permission it is able to use public facilities
41 for parking and float storage. It maintains a waiting list for vacancies that is open to all
42 Jamestown residents. In 2008 Jamestown and the FWBOA negotiated a seven-year lease
43 with a first year payment of \$22,000 and a second year payment of \$25,000 with a yearly
44 \$500 increase. The lease expires in 2015.
45

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

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

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

28 In 2011 the harbor commission and the town made necessary repairs to the Ft.
29 Getty boat ramp. In 2013 the Ft. Getty outhauls were redone.
30
31

32 West Ferry: Wharf: The West Ferry wharf (the old West Ferry landing area) is a
33 long, wide, paved and clamshell-graded facility extending into Dutch Harbor. The town
34 has CRMC permission for 20 outhauls on the south side of the wharf. The town also
35 owns and maintains a dinghy dock at the west end, for which in 2013~~4~~ it charged, on a
36 space available basis, \$450 a season for tie-up privileges (usually ten to twenty dinghies
37 are involved). The town has a pumpout station at the west end. During the summer
38 months the wharf surface is used for parking by the public and by the customers of the
39 Dutch Harbor Boat Yard, which is located just north of the wharf. The harbor
40 commission spent almost \$200,000 in 2001 on repairs both to the surface of the wharf
41 and to its north side and west end. (The town made repairs the south side of the wharf in
42 the early 1990's and it is in good condition.)
43

44 The Dutch Harbor Boat Yard leases part of the wharf from the town for boat
45 storage from after Labor Day through June 14 each year. Its lease is set at a base of
46 \$10,000 annually, with an escalation clause that brought the town a total of \$15,000

1 14,500 in 2013~~21~~. As part of the lease, the boat yard commissions and decommissions
2 the town's docks and gangways each year without charge (perhaps a \$42000 value),
3 shares the cost of summer trash removal, and manages both the town's outhaul rentals
4 (for which Dutch Harbor Boat Yard ~~it~~ receives one-half the income) and the town's
5 dinghy dock (for which Dutch Harbor Boat Yard ~~it~~ receives all the income). The ten-year
6 renewable lease runs to 2015. All repairs are the responsibility of the town. Some
7 concern has been expressed that the yard's boat storage and parking may limit effective
8 public access; and the boat yard and the town have been working together to resolve the
9 issue. As of the winter of 2008-09 some erosion has been noted, ~~and the Town is~~
10 planning to make repairs., and repairs are underway as of 2012.
11

12 Jamestown Shores (Head's) Beach; Broad Street/Park Dock: Head's Beach was
13 acquired by the Town of Jamestown in 1996 with funding from the Rhode Island Open
14 Space and Recreational Area Bonds Act. Head's Beach has three rough stone jetties
15 made of large, unsurfaced boulders and a natural launch ramp. In 2013~~21~~ the town
16 issued nine beach permits for boats at this site, for which it received a total of \$954
17 ~~828705~~. In recent years the harbor commission has issued mooring permits adjacent to
18 the waters of Head's Beach. Park Dock has the remains of an old stone jetty. RIDEM
19 Shoreline Access Grant provided for improved public access at this site. Moorings have
20 been permitted in waters adjacent to Park Dock Public funding and DEM recreational
21 easements have contributed to an increase of use and associated user conflicts. (*For*
22 *further information on these two facilities see section II-F-3, below*). CRMC as of 2007
23 is requiring that the Head's Beach and Park Dock mooring fields be formalized as
24 mooring areas, along with another area used for non-riparian moorings at Cranston Cove.
25

26 Maple Avenue: The town makes available beach storage of small boats by
27 permits as issued by the Jamestown harbor office. In 2013~~21~~ the town issued fifty
28 ~~nineteen~~ permits for kayaks and dinghies at this site, for which it received \$3880 ~~3413~~
29 ~~1112~~. ~~Nineteen dinghy or other type of vessels were permitted at this site, generating~~
30 ~~\$1400.~~
31

32 Boardwalks: There are no boardwalks in Jamestown.
33
34

35 4. Waterfront Parking 36

37 Parking, particularly at East Ferry and West Ferry, has been a perennial problem
38 during summers in Jamestown. It was that way when the ferries were running fifty years
39 ago; it is that way now. Business owners maintain there is not enough parking for their
40 customers; boaters maintain they have too far to walk to get to their boats; nearby
41 residents maintain they are hemmed in by visitors outsiders parking on local streets. At
42 the same time, for well over half the year, the boating season is over, the tourists and the
43 summer residents have gone, and the parking problem seems to vanish. In a 1998
44 planning commission community survey 28% of the respondents said there was a general

1 parking problem in the downtown area; 53% said there was a problem, but only in the
2 summer season.

3
4 The town's planning commission and its parking committee have been working on
5 ways to address the issue of parking for a number of years. They have found it difficult
6 to obtain useful statistics to analyze effectively the source of the congestion. While the
7 harbor commission, for example, asks private mooring owners where they access their
8 boats and (if they drive) where they park, its questions do not always elicit helpful
9 answers. Some private mooring holders park in different places depending on the time of
10 day or week--on whether races, weekends, holidays, or special events bring more cars to
11 the center of town. Some drive when they have heavy loads to carry and walk or bicycle
12 when they do not. Some provide ambiguous, incomplete, or confusing answers to the
13 commission's questionnaire. And, of course, the questionnaire is concerned only with
14 boaters who have private moorings: it does not deal with the larger number of boaters in
15 harbor waters who use the services of the commercial operators, or who launch their
16 primary boats from the beaches--let alone with people who have driven to the harbor
17 waterfronts in summer to fish, look around, eat, shop, or otherwise enjoy themselves.

18
19 Parking is a matter of particular concern to many boaters. To meet these concerns
20 the harbor commission will work with the planning commission, to which the
21 comprehensive community plan has assigned initial responsibility for addressing matters
22 related to parking in the town. In doing so, the harbor commission will pay particular
23 attention to the needs of boaters.

24 25 5. Moorings

26
27 ~~[Note: Most of the statistical information provided in this section may be found~~
28 ~~in tabular form on adjacent pages.]~~

29
30 A mooring permit is required for all moorings located in the waters of Town of
31 Jamestown. Jamestown has over 1000 private and commercial moorings at different
32 locations around the island. In 2012~~4~~ it issued a total of 1077~~88~~ mooring permits--a
33 figure slightly up from the 1072 recorded twenty-one years earlier in 1991.

34
35 Private moorings fall into the following classes:

36
37 Class 1(a) riparian: owners of riparian property are entitled to apply, with priority
38 over other mooring permit classes, for up to two moorings per property parcel directly
39 adjacent to the shorefront property parcel. Only owners of riparian property may have
40 guest moorings. Only one of the two moorings permitted Class 1a permit holders may be
41 a guest mooring.

42
43 Class 1(b) riparian on coastal waters: property owners holding a freehold estate of
44 record with a deeded right of access to riparian property are entitled to apply for a single
45 mooring permit per property directly adjacent to that riparian property. If the area is
46 delineated as a mooring area and where public access is available members of the general

1 public shall be entitled to apply for a mooring permit there.

2
3 Class 2 (a) private easement: a non-riparian property owner holding a freehold
4 estate of record with a deeded private right-of-way or easement to coastal waters granted
5 in an original property subdivision are entitled to apply, per property, for a single
6 mooring permit directly adjacent to that right-of-way or easement. If the area is
7 delineated as a mooring area and where public access is available members of the general
8 public shall be entitled to apply for a mooring permit there.

9
10 Class 2(b) right-of-way: a non-riparian property owner holding a freehold
11 estate of record within one thousand (1,000) feet of a public right-of-way to coastal
12 waters is entitled to apply, per property, for a single mooring permit per property directly
13 adjacent to that right-of-way. If the area is delineated as a mooring area and where public
14 access is available members of the general public shall be entitled to apply for a mooring
15 permit there.

16
17 Class 3 is the general class of mooring permit holders, under which anyone can
18 apply for a mooring permit. Applications for moorings, resident and non-resident, will be
19 considered in the order in which they are received.

20
21 In ~~2013~~ there were ~~39080~~ commercial mooring permits issued: 2820 in East
22 Harbor and 1080 in West Harbor. (The commercial mooring operators reserve some of
23 their moorings for transient boaters, the exact number each year depending to some
24 extent on the number of seasonal rentals.)

25
26 In East Harbor there are three commercial boating facilities which manage town
27 issued mooring permits:

28
29 **Clark's Boatyard** is issued 46 mooring permits annually, to be rented
30 out seasonally or as transient moorings. Clark's Boatyard is a private entity that leases no
31 land from the town. The business is self-sufficient and manages itself, other than the
32 mooring fees and reports due to the town.

33
34 **Conanicut Marina** is issued 160 town mooring permits annually, and
35 conducts its business from a combination of private land and land leased to Conanicut
36 Marina from the town. There is collaboration between the town and the commercial
37 business to manage and maintain the facilities.

38
39 **Jamestown Boat Yard** is issued 57 town mooring permits. Jamestown
40 Boatyard is a private entity that leases no land from the town. The business is self-
41 sufficient and manages itself, other than the mooring fees and reports due to the town.

42
43
44 In West Harbor, there is one commercial boating facility:

1 **Dutch Harbor Boat Yard.** This boatyard is issued 108 town mooring
2 permits annually, and conducts its business from a combination of private land and land
3 leased to Dutch Harbor Boat Yard from the town. There is collaboration between the
4 town and the commercial business to manage and maintain the facilities.

5
6
7 All commercial operators are required to show proof of mooring inspections
8 every three years, and are required to provide reports to the Harbor Office regarding the
9 number of seasonally rented moorings, transient moorings, boat lengths, etc. A fee is
10 also charged for each permit, based on the length of boat moored. For transient
11 moorings, the average length of all of the vessels moored seasonally is averaged, and the
12 average is used to calculate transient mooring fees due to the town.

13
14 The remainder of the mooring permits are private permits issued by the Harbor
15 Office. The permit is managed by the Harbor Office, and information regarding the
16 vessel and vessel owner is kept on file and up to date. Mooring inspections must be
17 completed every three years, by a certified mooring service provider, and the report must
18 be submitted to the Harbor Office before the permit will be renewed.

19
20 In 2012 ~~4~~there were ~~696 707~~private mooring permits, of which ~~3149~~were Class
21 1a (riparian); ~~12784~~of the ~~314 9~~were guest moorings. ~~17 6~~Class 1b (deeded rights to
22 riparian land) permits were issued. Over half of the private mooring permits (that is,
23 ~~400398~~) were for the two harbor areas: ~~2378~~(54 of them Class 1) for East Harbor and
24 ~~1630~~(~~386~~of them Class 1) for West Harbor. In coastal waters ~~2229~~of the ~~296 309~~
25 private mooring permits (~~90 64~~) of them guest moorings) were Class 1a. There were ~~38~~
26 ~~42~~private mooring permits for south of the harbor areas ~~34 5~~of them in Mackerel Cove--
27 and ~~2967~~ for the long coastline around both sides of the island to the north. (In 2012~~4~~
28 there were ~~112 97~~vessels on private moorings over 25 feet in length moored in East
29 Harbor and ~~9474~~moored in West Harbor.)

30
31 In 2012~~4~~the total number of non-resident private moorings in Jamestown was
32 ~~659~~, or ~~9.347~~% of the total ~~696 707~~private mooring permits granted. Exclusion of the
33 ~~3149~~Class 1a mooring permits would change this figure to ~~659~~of the ~~3828~~private
34 mooring permits (~~178~~%).

35
36 There are three proposed mooring areas on the north end of the island – Park
37 Dock (5 moorings), Cranston Cove (12 moorings) and Head’s beach (13 moorings). All
38 three areas have only private mooring permits located within, and there are no
39 commercial operations within at least 2 miles of each mooring area. The water Type is 2
40 for all three areas, and the town believes this form of low intensity boating, mainly by
41 residents of the north end of the island, is consistent with the CRMC Type 2 water. The
42 permit holders are responsible for maintaining the mooring tackle, as with all private
43 mooring permits. The town maintains the ROW’s to the water, where applicable, and in
44 the case of deeded rights to riparian lots, the private associations maintain and manage
45 the private riparian lot access.

1 There is always extreme pressure for additional private moorings. At the end of
2 2012~~4~~, the harbor commission had a waiting list for mooring permits totaling ~~342299~~
3 names: ~~12205~~ for the West Harbor, ~~18357~~ for East Harbor, and 37 elsewhere. Non-
4 residents constitute ~~6980~~ of the ~~342299~~ places on the waiting lists. This is approximately
5 207% of this list. The pressure for new moorings has always been particularly severe on
6 the East Harbor mooring field. Some East Harbor applicants have been on the list over
7 eight years, and at the present rate of turnover the most recent applicants will be waiting
8 over ten years.

9
10 Moorings in Jamestown have traditionally included a heavy concrete block or
11 other heavy anchor, a length of heavy chain that normally lies on the seabed, and a length
12 of lighter chain that is supported by a mooring ball, to which is affixed a rope bridle.
13 Standards for these traditional moorings are written into the harbor ordinance. The
14 harbor commission believes that modern mooring tackle, involving a resilient member
15 between the anchor and the mooring ball in lieu of both lengths of chain, are a distinct
16 improvement, in that they appear to result in less stress on the boat's cleats and other
17 hardware, because less scope is required, so that moorings can be placed closer together,
18 and because the habitat-destructive scrubbing action of the heavy chain on the seabed as
19 the boat and mooring are moved by wind, waves, and current is eliminated. As of spring
20 2009, the harbormaster has been encouraging the use of such resilient tackle where
21 possible for the past several years. The accompanying amended ordinance specifically
22 encourages the use of such resilient tackle.

23 24 6. Fishing

25
26 Fishing has always been, and will continue to be, an integral part of Jamestown
27 life. There is a richness of fishing opportunities around the island that attracts both
28 commercial and recreational fishermen.

29
30 Shellfishing takes place in the tidal wetlands along inlets, on intertidal flats, and
31 in concentrated areas in near-shore waters. Although the island waters contain an
32 abundance of shellfish, some shellfish areas are closed either permanently or seasonally
33 when the waters are not certified.

34
35 Note: The DEM has permanently closed to shellfishing "the waters on the east
36 shore of Jamestown, in the vicinity of East Ferry and Taylor Point, west of a line from the
37 House on the Rocks located in the Dumplings to buoy C13, west of a line from buoy C13
38 to buoy M15, and south of a line from buoy M15 to the northernmost tip of Taylor
39 Point." The DEM has seasonally closed to shellfishing "the waters on the west shore of
40 Jamestown, in the vicinity of West Ferry, which are south and east of a line from the
41 landward side of the northeast corner of the Fort Getty pier to the south side of the mouth
42 of Great Creek." (See DEM, Shellfish Closure Areas, May, 2000-May, 2001.) Seasonal
43 closure extends from the Saturday before Memorial Day to the Tuesday after Columbus
44 Day.

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

8
9 As of 2012, there were two additional CRMC applications for aquaculture projects in the
10 vicinity of Jamestown. It is expected, due to recent trends, that the occurrence of
11 aquaculture projects will increase in the coming years.

12
13 Jamestown's waters have both advantages and disadvantages for aquaculture. Its
14 waters are relatively pure, but relatively high in salinity and low in nutrients. Despite its
15 mixed appeal for aquaculture, the town may reasonably expect further interest from
16 aquaculturists in future years. One of the policies of the 2002 comprehensive community
17 plan is for the town council to "support Aquaculture in and around Jamestown while
18 minimizing detrimental impacts of such operations" (p. 261), with the harbor commission
19 as a cooperating partner.

20
21 It is possible that to the current inconspicuous "bottom" aquaculture may be
22 added, from time-to-time, research projects in the Bay that are suspended from rafts or
23 constructed with floating or fixed netting. If this occurs in Jamestown's waters it may
24 result in some physical obstruction or other inconvenience for local boaters. The state
25 agencies involved have the final authority over aquaculture projects in bay waters, no
26 matter how close the projects may be to the shoreline. However, CRMC policy is to
27 notify towns and individuals likely to be affected by an aquaculture project before any
28 decision is made about it, so that they may express their views at a preliminary
29 determination ("PD"): the CRMC is interested of course not only in aquaculture but in
30 the aesthetic and recreational qualities of the bay.

31
32 **Commercial fishermen** based in Jamestown have access to Narragansett Bay's
33 finfish, lobster, and shellfish resources. While Jamestown is not itself a large center for
34 commercial fishing, the business has always been part of the fabric of the community.
35 Commercial fishermen include lobstermen, quahoggers, draggers, hook-and-liners,
36 aquaculturists, and those who fish in diving gear and from the shore. Many, both full-
37 time and part-time, target multiple species of finfish and shellfish. In 2002 there were
38 not only a number of commercial fishing vessels berthed or moored at Jamestown, but
39 many others trailered in and launched from various points on the shore.

40
41 **Recreational fishing** in Jamestown is a popular activity for residents and non-
42 residents alike. At one time the world record for the largest striped bass caught from the
43 surf was held in Jamestown. Almost all the published guides to New England saltwater
44 fishing recommend Jamestown as a site for excellent striped bass. Newspapers in
45 Providence and Newport report on the fishing in and around Jamestown in seasonal

1 weekly columns, as does the *Jamestown Press*. At present the activity helps support one
2 seasonal bait and seafood shop.

3
4 Sites for shore fishing may be found all around the island--from the big state
5 parks at Beavertail and Fort Wetherill to small access points such as Head's Beach and
6 Park Dock. The most popular shore sites are probably Beavertail, East Ferry, Fort
7 Wetherill, Fort Getty, and Taylor Point. East Ferry, because of its central location,
8 relatively limited access, and competing activities, almost always has intense problems
9 with space and parking. Similar problems exist in other areas, such as Head's Beach.

10
11 Fishing from boats--moored, docked, and trailered--is also a popular activity
12 around Jamestown. Residents and non-residents launch boats at the East Ferry, Fort
13 Wetherill, and Fort Getty ramps. The only designated parking area for boat trailers is at
14 Fort Getty.

15
16 There are no anadromous fish runs that affect Jamestown.

17
18
19
20 7. Other Water-Based Activities

21
22 Swimming: In addition to the designated and regulated Mackerel Cove Beach,
23 described below, there are a number of unnamed and unregulated publicly-owned
24 beaches and rocky coves around the island where people swim at their own risk, such as
25 at Beavertail, Fort Getty, Fort Wetherill, Head's Beach, Cranston Cove, Park Dock, and
26 other accessible public waterfronts. There are also private associations, such as the
27 Cottrell Pier Association and the Dumplings Association, both in the southern section of
28 East Harbor.

29
30 Scuba Diving: Scuba diving is a popular sport around the island, both shore-
31 based and from boats, particularly because of the deep and clear water close to shore.
32 Fort Wetherill, recognized as one of the premier scuba diving sites on the east coast,
33 attracts large numbers of divers throughout the warmer months. Many of the weekend
34 divers are students in scuba classes in Rhode Island and the adjacent states who are
35 brought to Fort Wetherill for their first open water dives.

36
37 Windsurfing; Water Skis and Jet Skis: The most popular public areas for
38 launching windsurfers are probably at Fort Getty, East Ferry, at Head's Beach, and at
39 Taylor Point. There is a five mile per hour, no-wake speed limit for all vessels in harbor
40 waters. But in harbor waters the speed limits are not always adhered to; and in coastal
41 waters there have been complaints from around the island about the noise and
42 disturbance created by jet-skiing, water-skiing, and other kinds of powerboating.

43
44 **F. RECREATION AREAS AND PUBLIC ACCESS**

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

15 16 1. Recent Developments

17
18 In 1998 the town's parking committee appointed a subcommittee to report on the
19 town's ROWs and to make recommendations for their future utilization in terms of
20 parking and of renovation or expansion. The subcommittee (which included as members
21 the town planner and the then chair of the harbor commission) reported in April, 1999, in
22 a report entitled: *The Parking Committee's Report on Public Shoreline Access and*
23 *Rights-of-Way in Jamestown.* Building on prior work, most notably the planning
24 department's Shoreline Access and Improvement Plan of July 1992, the report discussed
25 39 sites. For each site it provided a locating map, a description, at least two photographs,
26 and recommendations for the future. The parking committee submitted the report to the
27 town council, which approved it with minor changes.

28
29 The 2002 comprehensive community plan (p. 246) takes up the parking
30 committee report under its section entitled "Water Resources (Coastal Resources)" policy
31 #2: to "encourage land management that provides opportunities for public waterfront
32 access." The draft lists four "actions" to be taken: 1) to implement the recommendations
33 outlined in the parking committee report [*Initiator*: parking committee; *Resources*:
34 recreation department; conservation commission, harbor commission, tax assessor, 1999
35 parking committee report]; 2) to maintain a current ROW inventory [*Initiator*: planning
36 department; *Resources*: CRMC, 1999 parking committee report]; 3) to actively seek
37 outside funding for enhancement of selected right-of-ways [*Initiator*: recreation
38 department; *Resources*: planning department; harbor commission]; 4) to create
39 requirements for easements to the waterfront in subdivisions where appropriate
40 [*Initiator*: planning commission; *Resources*: subdivision regulations].

41 42 43 2. The 1999 Parking Committee Report

44
45 The parking committee report provided a rating (of 1, 2, or 3) for each site it
46 discussed to provide a priority recommendation for future action, as follows:

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

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

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

27 3. Checklist of Public Access Sites

28 The following checklist has only brief descriptions of sites that provide, or that
29 might in future provide, public access to the shore. There are fuller descriptions of most
30 of these properties and sites, along with discussion of the issues relevant to them, in the
31 1992 planning department study and the 1999 parking committee report. (Indeed, much
32 of the following list is based on--and paraphrases--material in one or both of those two
33 reports.) The checklist takes up in order: a) federal and state-owned properties; b) town-
34 owned properties developed for public use; c) properties of whatever ownership that have
35 CRMC designation as ROWs; d) sites that may be considered potential ROWs for
36 possible future CRMC designation; and e) coastal conservation areas that permit at least
37 some public access. In the list below the parking committee's priority numbers are given
38 in parentheses just after the name of the site.
39

40 Federal and State-owned Parks

41
42 Beavertail State Park (1): a state and federally-owned park on Beavertail Point
43 managed by the DEM Division of Parks. The park consists of 183 acres and has over
44 1.25 miles of accessible coastline (rocky cliffs interspersed with, on its west side,
45 occasional small beaches). There are spectacular ocean views to the south, east, and
46 west. The Beavertail lighthouse, with a small museum, is at the end of the point. The

1 park has parking lots for over 120 vehicles, portable toilets, ocean overlooks, and a
2 number of walking trails. Fully accessible as a public ROW.

3
4 Fort Wetherill State Park (1): a state-owned park in the Dumplings area, managed
5 by the DEM Division of Parks. The park consists of 58 acres and has almost a mile of
6 coastline (high granite cliffs with one pebbly beach). There are spectacular views east to
7 the East Passage and south to Rhode Island Sound. The park has a picnic area, walking
8 trails, World War II gun emplacements that may be visited, and a boat ramp on the beach
9 much used by scuba divers. Fully accessible as a public ROW.

10
11 Fort Wetherill State Park Extension (3): a state and town-owned site of 10.5
12 acres, of which the state owns 7 acres and the town 3.5. The park consists of rocky cliffs,
13 adjacent to Fort Wetherill State Park, extending south and west of the Fort Wetherill boat
14 basin (Fort Cove). The DEM has recently renovated three old military buildings on the
15 site to serve as the Fort Wetherill marine laboratory, housing the marine fisheries section
16 of the DEM Division of Fish and Wildlife. *(There are more details in the Fort Wetherill*
17 *boat basin section of II-E-3, above.)*

18
19 Dutch Island, Gould Island: Accessible only by water, these two islands, of 75
20 and 41 acres respectively, deserve mention with respect to public access even though they
21 lie outside the scope of the parking committee's report. While the two islands are within
22 Jamestown's jurisdiction, they are at present each owned jointly by the state and the
23 federal government. The state has designated its portion of each island to be part of the
24 state's bay island park system in the future.

25 26 Town-Owned Properties Developed for Public Access

27
28 Conanicut Battery/DAR Memorial (unrated [under development]): a park of 22
29 acres on the west side of Beavertail surrounding the site of a Revolutionary War battery
30 (on the National Register of Historic Places) and several early-20th century military
31 installations. The park has about 100 feet of waterfront, but virtually no access to it
32 because of high and steep cliffs. When the parking committee report was written the park
33 was undergoing renovation to preserve the ruins of the fort, to provide nature walks and
34 appropriate signage, and to open the excellent views of the West Passage. The
35 renovation was completed and the park formally dedicated, in June 2002, as the
36 Conanicut Battery on Prospect Hill.

37
38 East Ferry (1): a .75 acre complex at the foot of Narragansett Avenue consisting
39 of a marina, two town piers, a town square, a memorial square, a beach extending about
40 one-quarter mile to the north, and a short, non-adjacent, shoreline nearby to the south.
41 *(See the fuller descriptions in the East Ferry sections of II-E-3, above.)* The site has
42 parking--which is likely to be crowded in the summer months--and is fully accessible.

43
44 Fort Getty Park (1): a 41 acre site, largely surrounded by water, at the northwest
45 corner of Beavertail, with a trailer park, camping area, restrooms, and other recreational
46 facilities. The Jamestown recreation department maintains Fort Getty, and the town is

1 improving its recreational potential on the basis of a master plan developed in 1994. (*For*
2 *more details see the Fort Getty section of II-E-3, above.*) The park has an admission fee
3 for automobiles. There is ample parking and waterfront access.

4
5 Hull's Cove (1): a 50 foot wide ROW with a narrow path running about a
6 hundred yards from Beavertail Road to Hull's Cove beach. The parking area for four to
7 six cars at the road's edge has little room for expansion. There is trash pick-up at the
8 roadside. The path is level but uneven, the pebbly beach has excellent ocean views. A
9 boardwalk is in the planning stage.

10
11 Jamestown Shores (or "Head's") Beach (1): a 1.7 acre site on the west side of the
12 island north of the Jamestown-Verrazzano Bridge. The site has a gently-sloping grassy
13 area with a pebbly beach. There are three stone jetties, a natural boat ramp, a picnic area,
14 trash pick-up, boats moored directly off shore, boats landing on the beach, and a parking
15 area for perhaps 20 cars. In the summer the area is often overcrowded.

16
17 Mackerel Cove Beach (1): a wide and sandy public beach at the head of
18 Mackerel Cove, with lifeguards, restroom, shower, and trash pick-up in the summer
19 months. Parking is available, for a \$15 daily fee (or a \$15 annual sticker for residents),
20 for over 50 cars. Fully accessible to the water.

21
22 Maple Avenue (2): a rough, potholed town road, with some still unresolved
23 ROW legal aspects, that terminates in a muddy, grassy area abutting an Audubon Society
24 restricted wildlife refuge and CRMC-designated conservation waters. The area is not
25 much used at present, although there are a number of dinghies. A dinghy rack under
26 town control was provided in 2002 in order to help protect the adjacent conservation
27 areas.

28
29 Potter's Cove/Taylor's Point (1): a 25 acre site just east of the Pell (Newport)
30 Bridge toll plaza, consisting of a long sandy and pebbly beach extending south toward
31 Taylor Point, which has rocky cliffs and informal trails. Parking is available in both parts
32 of the site. There are paths to the cliffs. A new set of wooden steps leads to the beach.
33 The site is accessible to the water.

34
35 West Ferry (1): the old town ferry wharf at the western end of Narragansett
36 Avenue--*more fully described in the West Ferry section of II-E-3, above.* There is
37 usually adequate parking and the site is fully accessible to the water.

38 39 CRMC-designated ROWs

40
41 The CRMC designated the following rights of way in two stages. Some years ago
42 the town surveyed the first group of seven (indicated by an asterisk [*] below) and
43 marked them with wooden stakes that, it appears, may now be missing or hard to find. In
44 2001 the town surveyed and marked the second group of six with stone markers, and it
45 will revisit the first seven at a later date.

1 The following list gives the CRMC identifying number just after the Parking
2 Committee priority designation.

3
4 Broad Street/Park Dock* (2): CRMC G-1. A 50' wide paved town road near the
5 north end of the island that runs from East Shore Road to the bay. There are the remains
6 of a stone jetty, some beach, and a small grassy area. The site is not well maintained and
7 has very limited parking space.

8
9 Buccaneer Way (3): CRMC G-9. A 40' wide ROW with an unpaved path in the
10 Jamestown Shores Area (off Seaside Drive).

11
12 Capstan Way (3): CRMC G-12. A 40' wide ROW with a narrow path over
13 difficult terrain in the Jamestown Shores area (off Seaside Drive). This site is
14 dangerously situated at the base of a hill and at present has a guard rail at its entrance.

15
16 Carr Lane (3): CRMC G-10. A 30' wide ROW with a narrow path through thick
17 underbrush running from East Shore Road to the shore, where there is a pebbly beach.
18 There is no parking either in the ROW or on East Shore Road.

19
20 Champlin Way (3): CRMC- 8. A 40' wide ROW with a broad path to the water
21 in the Jamestown Shores area (off Seaside Drive). In a particularly crowded residential
22 neighborhood.

23
24 Decatur Avenue (3): CRMC G-13. A long 50' wide ROW with a narrow road
25 leading past residential driveways that runs from East Shore Road to the bay. There is
26 room for only three or four cars at the end of the ROW, the road is difficult, and there is
27 other access to the water nearby.

28
29 Eldred Avenue* (2): CRMC G-5. A 136' wide state-owned ROW of over half an
30 acre underneath the two Jamestown Bridges. The area is generally grassy and has a steep
31 drop from the bank to the shore. There is potential for parking, but if developed the site
32 would also need stairs to the beach and trash pick-up.

33
34 Garboard Street (3): CRMC G-11. A 40' wide ROW in the Jamestown Shores
35 area (off Seaside Drive) overgrown with grass and small trees.

36
37 High Street (3): CRMC G-?. A 50' wide ROW that is 600' from the access
38 point to the water. Located at the end of High Street in a residential neighborhood.
39 There is a 20' drop from the bank to the shore.

40
41 Hull Street *(3): CRMC G-7. A 44' wide ROW with a gravelly, overgrown path
42 down to the beach in the Jamestown Shores area (off Seaside Drive).

43
44 Mast Street* (3): CRMC G-6. A 50' wide ROW in the Jamestown Shores area
45 (off Seaside Drive). There is a path, partially paved and partially through brush, that

1 terminates in a ledge outcrop and boulders and an abrupt 15' drop to a pebbly beach.
2 Also in a congested area, with private docks on either side.

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

7
8 Spirketing Street *(3): CRMC G-2. A 40' wide ROW in the Jamestown Shores
9 area (off Seaside Drive). A grassy strip ends in a metal stairway running down a 20' high
10 embankment. There is a rough beach with several large boulders and a 36" water out-fall
11 pipe.

12
13 Steamboat Street* (3): CRMC G-3. A 40' wide ROW in the Jamestown Shores
14 area (off Seaside Drive). There is a section of the ROW encroached by an abutter and a
15 much overgrown section with a gentle slope to the water.

16 Potential ROW's

17
18
19 The 1999 parking committee report listed 13 "potential" rights-of-way in
20 Jamestown. Five of these were classified unrated, either because of the difficulty of
21 access or physical unattractiveness of the site or because of legal uncertainty as to
22 ownership and abutting private rights. The other potential rights-of-way were rated 3.
23 Interested readers may find more details about these sites in the Parking Committee's
24 report.

25
26 Additionally, there are paper roads in Jamestown that may qualify as potential ROW's.

27 Coastal Conservation Areas with Some Public Access

28
29
30 Some of the coastal conservation areas (*identified in II-C-4, above*) provide
31 limited access for pedestrians: the Marsh Meadows and the Conanicut Island Sanctuary
32 sites at Great Creek; the state and town-owned portions of the Hodgkiss Farm; the Fox
33 Hill Audubon Site; the Sheffield Cove Audubon Site; the Racquet Road Audubon
34 Thicket Site.

35
36 ~~In any area deemed a shallow water habitat, where the use of motorized vessels could~~
37 ~~have an adverse effect on the on the existing ecosystem, the use of motorized vessels of~~
38 ~~any type is prohibited. The intent of this restriction is to preserve the existing habitat.~~
39 Where significant shallow-water habitat is identified, boating activities shall be restricted
40 as necessary to decrease turbidity and physical destruction of such habitat.

41 G. EMERGENCIES: STORM PREPAREDNESS

42
43
44 Inevitably emergencies will occur on and in the waters surrounding Jamestown,
45 from minor ones to major ones such as hurricanes and oil spills. Inevitably the
46 Harbormaster will play a role in responding to these events.

1
2 The town's procedures for responding to emergencies are based on its
3 "Emergency Operations Plan ~~2012 November 1992~~", developed under the authority of
4 the Rhode Island Civil Defense Preparedness Act of 1973, and updated in 1994. The
5 ~~2012 1992~~ plan established a "Jamestown Emergency Management Agency" to develop
6 plans, and to be responsible, for any kind of emergency the town might have to confront.
7 Response to specific emergencies as they arise is the responsibility of the "Council of
8 Emergency", which reports to the town council and town administrator (who together
9 constitute the "Council of Defense"). In this command structure the harbormaster reports
10 to all three organizations and is a member of the "Council of Emergency"--along with the
11 chief of police, the fire chief, the town engineer, etc. The harbor commission has no role
12 to play.
13

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

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

44
45 Jamestown, Town of
46 Conservation Commission, Planning Department, and Recreation Department,

1 Recreation, Conservation, & Open Space Plan, September 1994 (under revision)
2 Emergency Management Agency
3 Emergency Operations Plan, January 2012
4 Hurricane Defense, Jamestown, Rhode Island, August, 1992
5 Fort Getty Reuse Committee
6 Fort Getty Park Master Plan, December 1994.
7 Harbor Management Commission
8 Comprehensive Harbor Management Plan, 1995
9 Harbor Management Ordinance, 1990
10 "Team A" informal reports on future Harbor Management Commission
11 responsibilities, etc., dated August 31, October 6 and 11, 2000
12 Wright, H.M., position paper on Harbor Management Commission
13 responsibilities, etc., dated December 10, 2000
14 Parking Committee
15 The Parking Committee's Report on Public Shoreline Access and Rights-
16 of-Way in Jamestown, April 1999
17 Planning Commission
18 Jamestown Comprehensive Community Plan, 2002
19 Shoreline Access and Improvement Plan, prepared by Rebecca J Carlisle,
20 July 1992 Rhode Island, State of: Coastal Resources Management
21 Council
22 Coastal Resources Management Program ("Red Book"), 1996 and
23 ongoing
24 Guidelines for the Development of Municipal Harbor Management Plans,
25 June 1998
26 Public Access to the Rhode Island Coast, written by Pamela Pogue and
27 Virginia Lee, February 1993
28
29 Rhode Island, State of: Department of Environmental Management
30 Water Quality Regulations, August 1997 and ongoing
31 Shellfish Closure Areas, May, 2000-May, 2001, Narragansett Bay, May 2000
32
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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 2002 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.

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

10
11

D. TOWN-OWNED WATERFRONT STRUCTURES

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

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

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

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It is self-apparent as well that the existing waterfront structures are in various degrees of disrepair, and that further action is needed to resolve conflicts between user groups. The Wood Pile Pier has been surveyed, and repairs need to be carried out. Repairs have been made to the steel pier, and the utility installation there has been finished off properly. Both the East Ferry and the Ft. Getty boat ramps should be

1 repaired and/or upgraded. The dock at Ft. Getty needs some repair, as do the the
2 dolphins to which outhaul tackle is secured there.

3
4 The principal user group conflict at East Ferry is between recreational (and, in the
5 spring, subsistence) fishermen and boaters who both desire to use the outer floating touch
6 and go dock. A floating dock is not a suitable place for fishing; nonetheless, if fishing is
7 to be permitted on the wood pile pier at all, the seaward end will always be the preferred
8 spot. To address this issue, the JHC has constructed a new touch-and-go dock for the
9 WPP; fishing is not allowed on this dock, so fishermen are now restricted to the pre-
10 existing touch-and-go dock. To an extent, this has displaced commercial fishing dock
11 space, at present (2010) commercial fishing is in decline and the space seems to be
12 available. Nonetheless, it is to be hoped that commercial fishing will recover, and then
13 the space will be again required. Given that the Town's policy is to encourage
14 commercial fishing, we should not hasten to permanently eliminate the town-constructed
15 portion of the wood pile pier as a commercial fishing dock.

16
17 Finally, the old ferry dock at East Ferry is an eyesore and hazardous, with rusty
18 rebar protruding through gaping holes in the sagging, concrete deck. This should be
19 repaired or removed entirely. Properly repaired, the space might serve as a sort of scenic
20 lookout, perhaps with picnic tables and the like. Proposals for improvements here are
21 being investigated as of late 2011.

22
23 The commission cannot resolve these issues on the town's behalf. It must work
24 with the planning commission, the recreation department, other appropriate town
25 departments, and tenants before making recommendations to the town council. But as
26 the town body most immediately involved in the management of waterfront structures, it
27 should initiate discussion of the issues pertaining to them.

28
29 Issue: The Long-term Future of the Town's Waterfront Structures (and Adjacent
30 Properties)

31
32 Goal: To make timely recommendations to the Town Council on this subject over
33 the next five years. More specifically, resolve the conflicts between user groups,
34 especially at the wood pile pier. Further, survey the condition of the town-owned
35 structures and make repairs and upgrades as needed.

36
37 Policy: To find the best possible long-term use for the town's waterfront
38 structures and associated properties and make repairs and improvements so as to achieve
39 those uses.

40
41 Recommendation: That the commission immediately determine the order in
42 which it believes the various structures should be discussed and that it then work with the
43 planning commission, the recreation department, other appropriate town agencies, and
44 tenants to make recommendations to the town council on the future of these structures.

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46 Implementation:

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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 particularly concerned that non-point sources of pollution and activities in sensitive areas may threaten the food web and water quality and thus the viability of marine resources.

1 Their distinctive character is that they are businessmen providing food for the general
2 public and that they are dealing with a perishable product.

3
4 Goal: To ensure that, with appropriate regard for the needs of others interested in
5 the water and the waterfront, commercial fishermen are adequately supported in
6 their activities.

7
8 Policy: To make a commitment to provide priority space for fishing vessels at all
9 appropriate town-owned waterfront facilities and to support the leasing of dock
10 space at other facilities at equitable rates. To work with the state to preserve and,
11 where possible, to upgrade the water quality and marine habitat of the near-shore
12 waters.

13
14 Recommendations:

15
16 a) That the town gives first priority to the town-constructed portion of the
17 wood pile pier at East Ferry to any commercial fishermen requesting dock space.

18
19 b) That the town attempt to provide ample dock and outhaul space for
20 commercial fishermen at other town-owned locations on the island and to provide
21
22 and ensure access to docks from shoreside and from the water to facilitate
23 commercial fishing operations.

24
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.

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G. OUTHAULS

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

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

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

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

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

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

Recommendations:

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.

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

Introduced by the Jamestown Town Council on:

February 3, 2014

Advertised for public hearing on:

February 20, 2014

Adopted by the Jamestown Town Council on:

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk



JAMESTOWN HARBOR OFFICE

TOWN HALL

93 NARRAGANSETT AVENUE
JAMESTOWN, RHODE ISLAND 02835

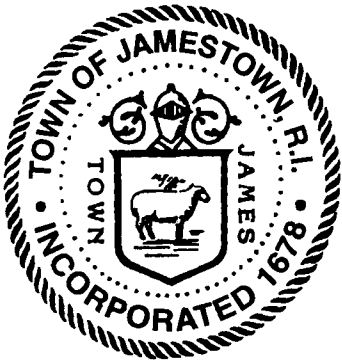
Phone 401.423.7262

Fax 401.423.7229

2014 PROPOSED PERMIT RATES

Approved by the JHC on 2-12-2014

PERMIT TYPE	RATE
Mooring - Resident	\$4.15/ft
Mooring - Non-Resident	\$8.30/ft
Mooring-Commercial	\$8.30/ft
Mooring - Yacht Club	\$1,240
Outhaul- Recreational	\$500
Outhaul- Commercial	\$430
Pier- Recreation	\$80/ft of length
Pier-Commercial	\$40/ft of length
Beach 11' and under	\$63
Beach 12' and over	\$25/ ft of beam
DHBY dinghy dock	\$450



JAMESTOWN HARBOR OFFICE
TOWN HALL
93 NARRAGANSETT AVENUE
JAMESTOWN, RHODE ISLAND 02835

Phone 401.423.7262
Fax 401.423.7229

Date:	2/26/2014
To:	The Honorable Town Council
From:	Executive Director Chief Mello
Re:	2014 Rates

Pursuant to Section 78-26(i) of the Harbor Management Ordinance: "The harbor commission shall annually recommend to the town council a proposed schedule of fees as part of the annual operating and capital budget; and the town council shall establish such rates not later than March 15 each year."

I respectfully request the Town Council consider approving the rates at this time. I would like to present the Jamestown Harbor Commission approved budget, long range infrastructure plan and the asset management plan at the March 17 meeting of the town council.

At the February 12, 2014 meeting of the Jamestown Harbor Commission, the following motion unanimously passed:

Vice-Chairman Cain moved to keep the current rates for the 2014 season, Chairman deAngeli seconded. So voted (5 ayes, 0 nays).

See Attachments:
1) Rates



Town of Jamestown

Tax Assessor

93 Narragansett Avenue

Jamestown, Rhode Island 02835

401-423-9802

To: PRESIDENT, JAMESTOWN TOWN COUNCIL

From: JAMESTOWN TAX ASSESSOR

Subject: ABATEMENTS/ADDENDA OF TAXES FOR MARCH 3, 2014 MEETING

14 FEB 25 11 03

ABATEMENTS TO 2013 TAX ROLL

#02-0050-00 Baird, Delores J.	Plat 3, Lot 530 - Property Transfer 1-8-14 To Account #02-0050-10	\$8,026.25
#02-0460-00 Belloni, Paul, Trustee	Plat 8, Lot 98 - Property transfer 12-31-13 To Account #01-0001-58	\$2,873.25
#03-0686-00 Chrisler, Patience et al Benoist Trust	Plat 9, Lot 301 - Tax Appeal - Reduced land value New Value \$3,647,400	\$1,892.63
#03-0940-06 Clavin, Leo F.	Plat 14, Lot 172 - Property Transfer 1-10-14 To Account #19-0054-98	\$3,647.75
#03-0960-00 Cleveland, Douglas B. & Gifford, Holly	Plat 8, Lot 232 - Property Transfer 2-11-14 to Account #01-0001-75	\$6,282.25
#03-1001-00 Coble, Paul, Trustee	Plat 3, Lot 225 - Assessment Reduced - No finished basement, no greenhouse - New Value \$286,700	\$91.88
#03-1153-75 Connelly, Robert (Estate of)	Plat 2, Lot 243 - Property Transfer 1-30-14 to Account #03-0981-55	\$6,215.88
#03-1405-51 Coviello, Madeline A. (Estate of)	Plat 16, Lot 228 - Property Transfer 1-14-14 to Account #23-0815-00	\$3,023.88
#04-0863-00 Driscoll, Patrick M.	Plat 11, Lot 9 - Property Transfer 2-11-14 to Account #02-0808-80	\$11,438.75
#04-0998-01 Dutch Harbor, LLC	Plat 8, Lots 2, 597, 463 - Property Transfer 1-17-14 to Account #16-1234-00	\$15,022.62
#05-0002-00 Eannarino, Richard P. & Patricia M.	Plat 8, Lot 488-301 - Property Transfer 1-15-14 to Account #13-1997-60	\$7,776.41
#08-0461-10 Hetrick, Susan	Plat 14, Lot 390 - Property Transfer 1-31-14 to Account #08-0713-40	\$3,655.63
#11-0271-00 Kincaid, Charles J. (Estate of)	Plat 9, Lot 637 - Property Transfer 1-13-14 to Account #11-0265-00	\$2,739.30
#13-0557-10 Martin, David S. Trustee & Stearns Farm	Plat 1, Lot 283 - Tax Appeal - Reduced land value based on shape of lot - New Value \$955,200	\$1,071.88
#13-1997-60 Morgan, Stewart B. & Martha M.	Plat 12, Lot 151 - Property Transfer 1-15-14 to Account #11-0216-00	\$7,517.00
#14-0452-00 Novack, Janet L.	Plat 5, Lot 76 - Property Transfer 1-30-14 to Account #01-0165-00	\$2,697.50
#16-0127-00 Palumbo, Donald R. & Carolyn H.	Plat 8, Lot 170-3C - Property transfer 1-2-14 To Account #13-0707-20	\$4,725.39
#16-0538-00 Perez, John R. & Elizabeth	Plat 2, Lot 106 - Tax Appeal - Reduced land value to equalize neighborhood values - New Value \$2,496,500	\$2,144.63

#18-0028-60 Rappaport, James W. & Cecelia C.	Plat 12, Lot 217 - Property Transfer 2-6-14 to Account #07-0657-90	\$13,342.00
#18-0128-50 Reis, Frederick E. & Brenda Lee	Plat 10, Lot 38 - Tax Appeal - Reduced land value to equalize neighborhood values - New Value \$2,324,000	\$3,499.13
#19-0575-12 Shaffer, Joan	Plat 14, Lot 200 - Property transfer 1-2-14 To Account #19-0168-10	\$1,872.38
#20-0033-76 Tanner, Christine G. & Sweet, Robert A.	Plat 15, Lot 170 - Property Transfer 1-31-14 to Account # 15-0318-80	\$2,561.00

ADDENDA TO 2013 TAX ROLL

#01-0001-58 302 Seaside Drive Associates, LLC	Plat 8, Lot 98 - Property transfer 12-31-13 From Account #02-0460-00	\$2,873.25
#01-0001-75 A-1 Properties, LLC	Plat 8, Lot 232 - Property Transfer 2-11-14 from Account #03-0960-00	\$6,282.25
#01-0165-00 Allen, Alexander E. & Merrill M.	Plat 5, Lot 76 - Property Transfer 1-30-14 from Account #14-0452-00	\$2,697.50
#02-0050-10 Baird, Harry J. Jr.	Plat 3, Lot 530 - Property Transfer 1-8-14 From Account #02-0050-00	\$8,026.25
#02-0808-80 Boal, Jeffrey H. & Jenkins, Abigail B.	Plat 11, Lot 9 - Property Transfer 2-11-14 from Account #04-0863-00	\$11,438.75
#03-0622-00M Chemical Company (TCC)	Motor Vehicles -- 2011 MB #4JGBF2FE4BA712543 (\$621.13) & 2013 MB #4JGDF2EE0DA146412 (\$69.97) Transfer from Warwick	\$691.10
#03-0981-55 Cloud, John A. & Mary E.	Plat 2, Lot 243 - Property Transfer 1-30-14 from Account #03-1153-75	\$6,259.63
#07-0657-90 Goodman, Jonathan H. & Henry, Robin A.	Plat 12, Lot 217 - Property Transfer 2-6-14 from Account #18-0028-60	\$13,342.00
#08-0713-40 Hoogasian, Stephanie L. & Volpe, Catherine F.	Plat 14, Lot 390 - Property Transfer 1-31-14 from Account #08-0461-10	\$3,655.63
#11-0216-00 Kerr, John R. & Ward-Kerr, Victoria	Plat 12, Lot 151 - Property Transfer 1-15-14 from Account #13-1997-60	\$7,560.75
#11-0265-00 Kincaid, Ethan & Jennifer	Plat 9, Lot 637 - Property Transfer 1-13-14 from Account #11-0271-00	\$2,783.05
#12-0895-01 Lovegreen, Charles W. Jr. (LE)	Plat 16, Lot 157 - Charles Lovegreen Jr. died 12-18-13 Prorated loss of Blind & Veterans exemptions	\$93.01
#13-0140-50 Madden, Mary A. & John J., Trustees	Plat 12, Lot 214 - To partially rescind previous abatement -- No shared septic - New Value \$3,109,400	\$1,071.88
#13-0707-20 Mathieu, Robert C. & Nancy O., Trustees	Plat 8, Lot 170-3C - Property transfer 1-2-14 From Account #16-0127-00	\$4,725.39
#13-1997-60 Morgan, Stewart B. & Martha M.	Plat 8, Lot 488-301 - Property Transfer 1-15-14 from Account #05-0002-00	\$7,776.41
#15-0318-80 O'Neil, Richard E. & Watson-O'Neil, Joyce M.	Plat 15, Lot 170 - Property Transfer 1-31-14 from Account # 20-0033-76	\$2,561.00
#16-1234-00 Presbrey, Frederic G.	Plat 8, Lots 2, 597, 463 - Property Transfer 1-17-14 from Account #04-0998-01	\$15,022.62
#19-0054-98 Sanchez, Julio	Plat 14, Lot 172 - Property Transfer 1-10-14 From Account #03-0054-98	\$3,647.75
#19-0168-10 Saunders, Deborah A.	Plat 14, Lot 200 - Property transfer 1-2-14 From Account #19-0575-12	\$1,872.38

#23-0815-00 Whitney, Jonathan T. & Mary E.	Plat 16, Lot 228 - Property Transfer 1-14-14 from Account #03-1405-51	\$3,023.88
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TOTAL ABATEMENTS	\$112,117.39
TOTAL ADDENDA	\$105,404.48

RESPECTFULLY SUBMITTED,

Kenneth S. Gray

KENNETH S. GRAY,
TAX ASSESSOR