

CHAMPLIN'S REALTY
ASSOCIATES

2020-168MP
2020-169MP

V.

COASTAL RESOURCES MANAGEMENT COUNCIL, ET AL

JOINT MOTION OF CHAMPLIN'S REALTY ASSOCIATES
AND COASTAL RESOURCES MANAGEMENT COUNCIL


Now come Petitioners in the above-entitled cause and represent to the Court that:

- I. In October of 2003, Champlin's Realty Associates ("Champlin's") filed an application with Coastal Resources Management Council ("CRMC") for a pennit to expand its existing marina in the Great Salt Pond, New Shoreham, Rhode Island.
2. On the 19th day of October 2020, this Honorable Court granted Champlin's petition for writ of certiorari to review the decision of the Superior Court. The CRMC voted unanimously to enter into Inediation with Champlin's with retired Chief Justice Williams serving as the Mediator.
3. The Town of New Shoreham, the Committee for the Great Salt Pond, the Block Island Land Trust, The Block Island Conservancy and The Conservation Law Foundation were previously allowed to intervene by the CRMC.
4. The Town of New Shoreham was invited to participate in the mediation and was joined by Attorney Daniel Prentiss, counsel before this Court for all other intervenors, so called, at a town council meeting to consider whether or not to join the Parties in the then upcoming Mediation. The town and the other Intervenors elected not to participate in the Mediation.

5. Because the town and all other Intervenors refused to participate in the Mediation that resulted in this settlement, they each and all have waived any further opportunity to participate herein.
6. Notwithstanding seventeen (17) protracted years of continuous litigation, six (6) years of which the parties waited for a decision of the Superior Court, Champlin's and CRMC reached a settlement through the Williams' mediation, which resolved all issues between them. The settlement agreement was reduced to a written Memorandum of Understanding between Champlin's and CRMC, which is attached hereto and made a part hereof.
7. At a duly advertised meeting, CRMC voted unanimously to (1) approve the proposed mediated settlement, and (2) approve the Memorandum of Understanding, thus to granting a negotiated expansion permit to Champlin's.
8. Public notice of the CRMC meeting whereby CRMC unanimously approved the Settlement and Memorandum of Understanding is attached hereto and made a part hereof.

WHEREFORE, CRMC and Champlin's hereby move this Honorable Court to incorporate and merge the Memorandum of Understanding attached hereto into a consent order of this Court.

Champlin's Realty Associates,
By Its Attorney,



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(401) 728-1510
(401) 725-3355 (fax)

Dated: 12/7/21

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of January, 2021, I served this document, via U.S. Mail, upon the following parties:

R. Daniel Prentiss, Esq.
R. DANIEL PRENTISS, P.C.
56 Pine Street, Suite 200
Providence, RI 02903

Katherine Merolla, Esq.
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Warwick, RI 02886

Anthony DeSisto, Esq.
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James Crowley, Esq.
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A handwritten signature in blue ink, appearing to read "Susan E. Prentiss". The signature is written in a cursive style with a large, looping initial "S".

JOINT MEMORANDUM OF UNDERSTANDING

Now come Champlin's Realty Associates LP and the Rhode Island Coastal Resources Management Council, being all the Parties [not the Intervenors] to those matters entitled Champlin's Realty Associates vs. Coastal Resources Management Council, SU-2020-0168 and SU-2020-0169, and hereby pray to this Honorable Supreme Court as follows;

1. Champlin's Realty Associates LP (herein, "Champlin's") did in 2003 file an application with the Coastal Resources Management Council (herein, "CRMC") for an expansion of its existing marina.
2. Champlin's application for expansion, governed by the regulations in effect on the date the application was filed (herein, the "Regulations"), has been the subject of 23 CRMC Subcommittee Hearings, numerous CRMC votes, multiple evidentiary hearings before the Rhode Island Superior Court, no fewer than 3 Superior Court remands to CRMC, various appeals to the Supreme Court, a remand by the Supreme Court to CRMC, and now the instant Writ of Certiorari pending before this Honorable Supreme Court (collectively, the "Litigation").
3. Following the Supreme Court's grant of Champlin's Petition for Writ of Certiorari, the CRMC voted unanimously to enter into Mediation with Champlin's. The Parties agreed that Retired Chief Justice Frank Williams should serve as the Mediator.
4. Whereas the Litigation has spanned 17 years, and continues to this day, the Parties are desirous of achieving a fair and equitable settlement in conformance with the applicable Regulations and Rhode Island Law.
5. As a result of the Mediation before Chief Williams, the Parties have achieved a Settlement and request that the Settlement, and the terms thereof, be incorporated by reference into the Order and/or Consent Decree of this Honorable Supreme Court.
6. Based upon the forgoing, the Parties agree to the following;
 - a. That marinas are a principal means by which the boating public gains access to tidal waters, and thereby provide an important public service.
 - b. There is sufficient room between Champlin's existing docks and the Town's Mooring Field to permit some expansion of Champlin's existing docks, accommodate the moorings historically located within the Town's Mooring Field, and maintain navigational safety.
 - c. The Council's Subcommittee which conducted the 23 hearings on the Champlin's application recommended a 170 foot seaward expansion.
 - d. Champlin's is permitted to extend its existing fuel dock up to sixty five (65) feet on its western edge, and up to twenty (20) on its eastern edge so that both the

- western edge and the eastern edge approximate the east/west width of the dock immediately landward thereof. The revised fuel dock will be approximately 314 feet east – west.
- e. Champlin's is permitted to extend piers, seaward up to one hundred and fifty six feet (156) seaward off of the revised fuel dock (herein, "the Seaward Expansion"), and laterally (east-west) to the same extent as the revised fuel dock, i.e., 314 feet.
 - f. Champlin's Marina Perimeter Limit shall be extended 10 feet beyond the outer edge of all new docks, provided however that Champlin's is permitted without restriction to dock boats with a beam of up to 25 feet "side-to" along the seaward side of the new face dock at the seaward end of the 156 foot Seaward Expansion (herein, the "Face Dock"). There shall be no med-mooring off of the Face Dock. This approximates a 1.5 acre expansion to Champlin's Marina Perimeter Limit.
 - g. Champlin's is granted a variance to CRMP Section 300.4.e.1(b) for vehicular parking.
 - h. Notwithstanding the boat capacity increase as set forth in the DEM issued Water Quality Certificate, Champlin's boat count shall be limited to its current 250 boat maximum.
 - i. There will be no med-mooring seaward of the 156 foot dock extensions.
 - j. In-slip pump-outs shall be provided on any new finger docks.
 - k. Current standards of fire protection shall be incorporated into all additional dockage constructed pursuant to this Memorandum of Understanding.
 - l. Pedestal lighting shall be installed on new finger docks. Overhead lighting is not permitted on new finger docks.
7. Whereas it is the intention of the Parties hereto that this Memorandum of Understanding will be incorporated by reference and merged in an Order and/or Consent Decree of the Rhode Island Supreme Court, this Memorandum of Understanding shall serve as the CRMC's Decision relative to this matter. In addition to each Party's respective responsibility as set forth above, and in order to effectuate the terms and intent of this Memorandum of Understanding, CRMC will endeavor to expedite review of Champlin's plans and any engineering that is necessary, and forthwith issue the Assent to flow from this Memorandum of Understanding, said Assent also being incorporated and merged in the Order and/or Consent Decree of the Rhode Island Supreme Court. The aforementioned plan and engineering review and Assent issuance are subject to the terms of this Memorandum of Understanding.
8. Each Party shall be responsible for its own legal fees incurred throughout the course of this Litigation.
9. The Supreme Court shall maintain jurisdiction over this matter and Retired Chief Justice Frank Williams shall monitor the Parties' compliance herewith and shall serve as the

agreed upon arbitrator of any disputes between the Parties, which decision shall be binding on the Parties.

Frank J. Williams, mediator

Frank J. Williams, Chief Justice, Retired

Anthony DeSisto

Anthony DeSisto, Counsel for RI CRMC

Robert D. Goldberg 1751

Robert D. Goldberg, Counsel for
Champlin's Realty Associates, LP

Jeffrey Willis

RI Coastal Resources Management Counsel,
By Jeffrey Willis, Executive Director,
Authorized by Unanimous Consent of the
RI Coastal Resources Management Council on
December 29, 2020



(https://www.youtube.com/channel/UC7-YbK2dYh_6uhERj6WX6ag)



(<https://www.facebook.com/RICRMC>)



(https://twitter.com/RI_CRMC)



(mailto:ldwyer@crmc.ri.gov?subject=CRMC eNewsletter Signup&body=Name: Town or City:)



RI Coastal Resources Management Council

...to preserve, protect, develop, and restore coastal resources for all Rhode Islanders

AGENDA

Semi-Monthly Meeting – Full Council

Tuesday, December 8, 2020; 6:00 p.m.

This meeting will be held utilizing Zoom Meeting, and Council members will be participating remotely.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89919000204?pwd=cTlrdnBGOXlnTEM4WmNLL3c2TGtQdz09>

(<https://us02web.zoom.us/j/89919000204?pwd=cTlrdnBGOXlnTEM4WmNLL3c2TGtQdz09>)

Webinar ID: 899 1900 0204

Passcode: 458017

Please see meeting participation information at the end of the Agenda

Approval of the minutes of the previous meeting — December 8, 2020

Subcommittee Reports

Staff Reports

Request for Executive Session pursuant to RIGL § 42-46-5(a)(2), litigation, discussion on Champlin's Realty Associates v. Lemont Supreme Court appeal.

Discussion and action on matters discussed in executive session.

* Please be aware that upon entering the virtual meeting, all audience participants will have their audio automatically muted and their video turned off. All such participants will still be able to see and hear the Council members. Should an audience participant wish to speak or ask a question, please use the "Raise Hand"

option or type in a question using the Chat Feature. We request that you identify yourself to the Moderator prior to entrance into the meeting. Upon recognition by the Chair, you may be asked to present yourself and/or ask your question.

CALENDAR INDEX (../calendars.html)

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(<http://www.ri.gov/>)

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