

LOCAL

Matunuck Oyster Bar tried to expand its farm. The permit may be denied because of water-skiing

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Summer may be over, but Matunuck Oyster Bar's crushed-shell parking lot is still packed with cars, and you're probably not going to be able to get a dinner reservation for this Friday unless you're willing to eat at 8:30 p.m. The "pond-to-table" restaurant in South Kingstown is as popular as ever — and practically synonymous with the resurgence of Rhode Island's aquaculture industry.

It's also a prime example of how the oyster boom is facing backlash in coastal communities across the state.

In 2017, owner Perry Raso asked to lease additional space in Potter Pond so he could expand his shellfish-growing operation. Nearby homeowners swiftly mobilized in opposition, creating a group called "Save Potter Pond" and hanging posters that featured a drawing of a frightened child drifting toward an oyster farm in an inner tube. And they lined up a stable of attorneys from some of the top law firms in Rhode Island.

On Tuesday, nearly four years into the drawn-out and increasingly costly battle, the Coastal Resources Management Council subcommittee tasked with reviewing Raso's application voted unanimously to recommend rejecting the proposal.

Devoting three acres of the pond to the cultivation of oysters and scallops would reduce the amount of space available for recreational activities like water-skiing and tubing, the panel explained in its report to the council. Only two boats would be able to tow water-skiers at a time, where previously there was room for three.

It's now up to the full council to make the final decision on whether to approve Raso's application. But since four of its eight current members sit on the subcommittee and have signaled they believe it should be denied, the odds don't appear to be in his favor.

Raso and his attorney did not respond to requests for comment on Tuesday.

As oyster farms have sprung up throughout Rhode Island, tensions have often followed. Part-time residents and summer visitors who view Narragansett Bay and the coastal salt ponds as a place for recreation often end up at odds with year-round inhabitants who see the water as a place to make a living. In Matunuck, the majority of letters of objection sent to the CRMC about Raso's application came from people who were not Rhode Island residents.

Robert 'Skid' Rheault, the president of the East Coast Shellfish Growers' Association, told The Providence Journal earlier this year that opposition to oyster farms is nothing new. What's changed in recent years, he said, is that coastal homeowners are hiring high-priced lawyers and having a “disproportionate impact” on the application process. (Rheault, who founded Moonstone Oysters in South Kingstown, testified as an expert witness on behalf of Raso's application.)

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Opponents used to claim that oyster farms would be bad for the environment, Rheault said, but those arguments have been soundly discredited. As a result, it's now more common to see objectors focus on the potential impact on recreational boaters.

In Matunuck, Raso had proposed growing oysters and scallops in a sheltered corner of Potter Pond known as Segar Cove. In his application, he said he'd spent six years living on the cove and commuting to work by boat, and rarely saw anyone in that part of the pond. He later told the CRMC's subcommittee that he chose the site because he "felt that was the least used part of the pond and would make the least impact on other users."

To reduce objections from neighbors, Raso agreed to use low-profile oyster cages that are mostly submerged and less visible from land. He promised to keep noise to a minimum by banning pressure washers and radios at the site.

But some residents took exception to his claim that Segar Cove was rarely used, saying that it was one of the only parts of Potter Pond where the water was deep enough for water skiing. The farm would make the area more crowded, they argued, which could lead to dangerous collisions.

Others raised another objection: Matunuck Oyster Bar had gotten too big. The restaurant's runaway success hasn't always thrilled its neighbors, who have raised concerns about parking, noise and traffic.

"I know that he's our state's poster child whose restaurant is advertised as one arrives at the airport," Dorothy Woodcock, whose family has a home on Potter Pond, testified at one hearing. "I appreciate that he's an extraordinary entrepreneur, but he always wants more. I know that he's applying for more, but I have seen no evidence that Perry really needs more."

Like numerous other objectors, Woodcock hastened to add that she was a fan of Matunuck Oyster Bar — "particularly those wonderful beet [and] goat cheese salads." But the number of boaters on the pond had gone up, she said, and it didn't seem safe to reduce the space available for them.

"Our pond cannot take more," she told the subcommittee. "Too many have discovered this beautiful and secluded recreational treasure."

More: Potter Pond in South Kingstown reopened to shellfishing

Since Raso was only asking to expand his oyster farm, the CRMC subcommittee couldn't take complaints about the restaurant into account.

But concerns about the farm's impact on recreational boating carried weight: The agency's guidelines state that anyone applying for an aquaculture lease must prove that it will not "result in significant conflicts" with water-dependent uses. Ultimately, the subcommittee concluded that Raso had failed to do that.

When debates about how to balance the needs of recreational boaters and commercial shellfishermen arose more than a decade ago, the CRMC instituted a policy that no more than 5% of a coastal salt pond could be devoted to aquaculture — leaving 95% for other uses.

Raso's seven-acre oyster farm is the only active aquaculture lease in Potter Pond, taking up 2% of the pond's acreage. Adding three additional acres in Segar Cove would bump up the total to 3%.

But David Latham, whose family owns a home overlooking Segar Cove, told The Providence Journal this summer that he finds that 5% threshold to be "very deceptive" because it doesn't account for the fact that large portions of a pond may be too shallow for some recreational uses.

Latham, a member of the Save Potter Pond group, was one of the first people to rally neighbors against Raso's planned expansion. The approval of the initial oyster farm had caught him by surprise, he said, and he didn't want to allow that to happen again.

"I'm pro-aquaculture and our group is pro-aquaculture," he said. "We're just not in favor of this location."

Pushing back on the claim that Segar Cove was rarely used, Latham and other members of the group put together PowerPoint presentations with hundreds of photographs of people waterskiing, tubing, paddleboarding, kayaking and sailing, and submitted them to the CRMC.

More: South Kingstown pond closed to shellfishing after seven people sickened from raw shellfish

Raso provided hundreds of photos of his own, explaining that he'd taken pictures of the cove at the same time every day for three months to show how little it was used, even in the summer. Objectors countered that he'd taken those photos around noon, and that boaters had probably gone home for lunch.

Ultimately, the CRMC subcommittee sided with the objectors: The farm would get in the way of recreational boating, particularly water-skiing and tubing, and fishing. It would reduce the "overall space for water sports" in Segar Cove by 23%, acting chair Raymond Coia wrote in the panel's report to the full Council.

"Granted, while this space may be sufficient for one or two vessels engaged in towed water sports to operate safely, it prevents a third vessel from participating," Coia wrote.

Having a smaller amount of space available for water-skiing and tubing could also be an issue for other boaters, the report noted. Traditionally, sailboats and motorboats stick to the unofficial "slow lane" on the sides of the cove, while water-skiers take up the "fast lane" in the middle. With little room to maneuver between the oyster farm and the shore, slower-moving boats could be forced into the fast lane.

"Dangerous conflict is likely," the subcommittee's report warns.

The CRMC panel also concluded that the three-acre farm would displace kayakers and paddleboarders. Raso had testified that people would be welcome to paddle between the rows of cages, a popular pastime in place like Wellfleet, Massachusetts, that are known for oysters. But the subcommittee suggested that they "may not feel welcome or safe" and likely wouldn't do so.

Notably, the CRMC's own aquaculture director had come to a very different conclusion. "The notion in the objections that recreational boating activities will disappear because of this

aquaculture site is just outrageous," David Beutel testified to the subcommittee before he retired last year.

Separately, in a scathing report to CRMC director Jeff Willis, Beutel said that the Save Potter Pond website contained inaccurate information about the proposed oyster and scallop farm. "In this age of social media the mis-information provided to people was substantial," he wrote.

Beutel had also concluded that there would be no significant impact on fishing, which could still occur in more than 90% of the pond, but the subcommittee took issue with the idea of making three acres (or approximately 1%) of the pond unusable. The panel also gave weight to opponent's claims that they used the area for quahogging, rather than studies performed by the CRMC and Department of Environmental Management that concluded there were very few quahogs in the area.

The vote comes as a House committee is considering whether to reorganize the CRMC, which is in the unusual position of having a staff that is made up primarily of professional scientists and engineers, and a council comprised of political appointees who are not required to have experience with coastal issues.