

**Designation of
Public Rights-of-Way
to The Tidal Areas of The State**



PROGRESS REPORT FOR

July 2020 through June 2021

Submitted by

**THE COASTAL RESOURCES MANAGEMENT COUNCIL
Subcommittee on Rights-of-Ways**

As Amended JUNE 2021

CRMC Progress Report on Public Rights-of-Way Designations

July 2020 through June 2021

SUMMARY

During the report period of July 1, 2020 through June 30, 2021 and in accordance with its legislative mandate at RIGL 46-23-17, the Coastal Resources Management Council (CRMC) has continued to address the discovery and designation of public rights-of-ways to the tidal areas of the state.

The General Assembly has mandated the CRMC with the continuing task of discovering and designating public rights-of-ways to the shore. In response CRMC established the Rights-of-Way (ROW) Subcommittee in 1978.

Any decision resulting in a public right-of-way designation by the Council is permanently recorded with the Secretary of State. The cumulative efforts of the CRMC and its ROW subcommittee are as follows. Please note that the potential ROWs listed in this report are compiled in an appendix. They are subject to legal review by CRMC counsel should new information be discovered that might change their current status. Any changes in the status of these potential ROWs will be reflected in subsequent CRMC annual ROW reports.

Total Number of Potential ROWs Reviewed:	359
Sites Designated as Public ROWs:	229
Sites with Insufficient Evidence for Designation:	71
Sites that are Not Resolved:	34
Sites Under Review:	9
*Sites that are On Appeal:	0

**Sites that are on Appeal are not included in the Total Number of Potential ROWs Reviewed*

GOAL

The goal of the CRMC is to designate at least one (1) public right-of-way for each mile of shoreline. With 226 sites designated as public, and with 420 miles of Rhode Island shoreline, the CRMC is better than half-way to reaching its goal.

ACTIVITIES OF THE CRMC

Significant previous accomplishments and new activities conducted during this report period by the CRMC staff and ROW Subcommittee follow:

- 1) Five (5) ROW Subcommittee meeting were held during the report period, July 1, 2020-June 30, 2021, during which an updated set of potential ROWs that had been received from various municipalities and reviewed by staff was submitted for consideration. These potential ROWs include the Allen Harbor Complex, the Town Dock, and Wilson Park (North Kingstown), Cory’s Lane, East Power Street, Beach Street at Cedar Avenue, Fountain Avenue, and Cedar Avenue (Portsmouth), Public Street (Providence), and Water’s Edge Road, the Spring Avenue Extension, and a path at the Weekapaug Breachway

(Westerly). In addition, a public coalition requested that CRMC consider designating a boat ramp at Water Street in South Kingstown as a ROW. Of these the Subcommittee held public hearings to consider the Allen Harbor Complex, the Town Dock, and Wilson Park, North Kingstown, and Public Street in Providence. Each of these Rights of Ways that were heard in public hearings have been officially established and are included in this report.

2) The CRMC and the RI Attorney General's Office signed a Memorandum in support of a ROW Protection Initiative to memorialize a partnership by which each agency agrees to coordinate and support their common interest in preserving shoreline public access at CRMC designated ROWs. A key element of this Initiative is the establishment of a two-tiered approach to enforcing RIGL 46-23-7.4 *Penalty for blocking or posting of rights-of-way* which provides penalties of up to a fine not exceeding \$500 dollars or imprisonment for not more than three months or both. As such, should a party served a Notice of Violation by CRMC Enforcement staff relative to RIGL 46-23-7.4 fail to respond within a given timeframe, the RI Attorney General's office will notify said party that it may take an action against them in Superior Court without further notice for their failure to correct the obstruction.

3) The Special Legislative Commission to Study and Provide Recommendations on the Issues Relating to Lateral Access Along the Rhode Island Shoreline was created upon the passage of RI House Bill H5469 (Dem 8-0) in June of 2021. CRMC Executive Director Jeffrey Willis has been selected to sit on this committee, which meets on the last Thursday of each month and includes special sessions that welcome public comment. The study commission is expected to release recommendations on the issue of lateral coastal access in early 2022.

4) The CRMC, alongside the Attorney General's office and the City of Newport, reached a preliminary agreement to restore access to the previously obstructed Right-of-Way on Lee's Wharf in downtown Newport. This preliminary determination, signed in early October of 2021, will reestablish public access to the Lee's Wharf right-of-way and provide site improvements to the area for the public to enjoy. This restoration of access is the result of a partnership between the CRMC, Rhode Island Attorney General's Office and Save the Bay, who established a right-of-way initiative to clear obstructions within CRMC-designated right-of-ways across the state.

5) The CRMC is continuing its review of five potential ROWs located in the Buttonwoods Fire District in the City of Warwick; this research was conducted and submitted by Mr. Richard Langseth, a fire district resident. In addition to Mr. Langseth's contention that Andrew Comstock Road and Buttonwoods Avenue are potential ROWs, which the Subcommittee is currently reviewing (see item #1 above), he further continues to contend that Promenade Avenue, Claflin Road, and Lorna Avenue have been accepted by the City of Warwick as public ways that lead to the shore, making them candidates for designation by the CRMC.

6) The CRMC, in conjunction with RI Sea Grant, hosted three educational webinars regarding public access to the shore between the months of June, 2021 and September 2021. These webinars provided an overview of the public access program at CRMC, including the Adopt-an-Access point program, the discovery and designation of CRMC Rights-of-Ways, and the partnership required for success Right-of-Way programs between municipalities and the CRMC. Speakers during these webinars included CRMC Executive Director Jeffrey Willis, CRMC Coastal Policy Analyst Leah Feldman, and CRMC Outreach and Education Coordinator Laura Dwyer. Each of these webinars included a question-and-answer period and was recorded to be shared on the CRMC website, found here: <http://www.crmc.ri.gov/publicaccess.html>

7) The CRMC continues its partnership with Save The Bay to update the CRMC’s ArcGIS Online ROW map. CRMC staff photographed every ROW as part of this project and they are available to STB as they contribute toward updating the map. Additionally, former CRMC Coastal Geologist Janet Freedman and Coastal Institute Assistant Director Nate Vinhateiro have contributed integral map updates for the effort. The ArcGIS Online ROW map can be accessed via the following link: <http://www.crmc.ri.gov/maps.html>

8) The CRMC continues its cooperative program with the municipalities to accelerate the discovery process of potential rights-of-way to the shore through the Harbor Management Planning process. The proposed ROWs mentioned above in the Towns of North Kingstown, Portsmouth, and Warren were all identified via this process.

9) The CRMC created further public shoreline access opportunities when it developed and approved the Aquidneck Island SAMP. A stated purpose of the SAMP is that through its implementation, the CRMC will apply, where appropriate, the US Environmental Protection Agency and National Oceanic and Atmospheric Administration’s adopted Waterfront and Coastal Smart Growth Elements, which among other goals includes the creation of walkable waterfronts and shoreline communities with visual and physical access to and along the waterfront for public use. Similar to the Metro Bay SAMP, the Aquidneck Island SAMP creates shoreline public access through regulatory processes. As such, the Aquidneck Island SAMP provides permit applicants the option to create shoreline public access that is, a “coastal greenway” on their property and avoid the more restrictive setback and buffer requirements as respectively specified in Sections 1.1.9 “Setbacks” (formerly § 140) and 1.1.11 “Coastal Buffer Zones” (formerly § 150) of the RICRMP. To date, the first Coastal Greenway via the Aquidneck Island SAMP has been established in the Town of Portsmouth through a permit to Northern Waterfront Associates to establish a resort community. The public shoreline access amenities provided by the coastal greenway include a walking path to the shore, public parking, and a storage rack for small vessels such as kayaks.

10) The CRMC has created numerous public access opportunities via assent stipulations under section 1.3.6 “Protection and enhancement of public access to the shore” (formerly § 335) of the RI Coastal Resources Management Program regulations. Section 1.3.6 stipulates that a public access plan must be prepared when the following activities are proposed: 1) Commercial and industrial development and redevelopment projects as defined in section 1.3.1 (C) “Residential, commercial, industrial, and recreational structures”; 2) New and significant expansions to marinas as defined in section 1.3.1 (D) “Recreational Boating Facilities”; and, 3) Activities which involve the filling of tidal waters as defined in section 1.3.1 (J) “Filling in tidal waters”), other than those considered as maintenance as defined in section 1.3.1 (G) “Construction of shoreline protection facilities”. The following cumulative list (as shown in the table on page 5) includes various types of public access created under section 1.3.6 such as boardwalks, parking facilities, shoreline access paths, and others:

Projects with Section 1.3.6 Stipulated Public Access Plan <i>See file # listed with each project for public access plan details</i>	City/Town
Stone Harbour Condominiums: file# 2002-08-031	Bristol
Thames Street Landing: file# 2001-04-033	Bristol
Weetamoe Farms: file # 1986-05-008	Bristol
Sakonnet Point Club: file # 2002-05-083	Little Compton
Spring Wharf Marine Holdings, LLC file # 1997-01-003	Newport
Newport Onshore: file # 1994-04-33	Newport

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Spring Wharf Marine file # 1997-01-003	Newport
The Inn at Long Wharf (Marina) file # 2003-04-122	Newport
West Wind Marina: file # 2001-11-029	Newport
Public Dinghy Dock: file # 2018-04-057	New Shoreham
Block Island Landfill: file # 2016-02-090	New Shoreham
Blue Beach (EDC): file # 2002-10-045	North Kingstown
Compass Rose Beach: file # 2002-10-045	North Kingstown
Jamestown Bridge (RIDOT) file # 1991-11-21	North Kingstown
Keifer Park: file # 2002-10-045	North Kingstown
North Kingstown Town Marina: file # 2000-06-082	North Kingstown
Quonset Development Corporation: file # 2002-10-045	North Kingstown
Calf Pasture Point: file # 2002-10-045	North Kingstown
Maritime Way Conservation Area: file # 2002-10-045	North Kingstown
Spink's Neck Beach file # 2004-09-045	North Kingstown
Wickford Shipyard file # 2008-03-128	North Kingstown
Carnegie Abbey file # 2001-10-086	Portsmouth
Sakonnet Point Club: file # 2002-05-083	Portsmouth
Collier Point Park (Narragansett Electric) file # 1991-12-011	Providence
Point Street Landing file # 1995-12-11	Providence
Providence Place Mall file # 1995-07-345	Providence
India Point Association (RIDEM property) file # 1987-8-50	Providence
Gotham Greens file # 2018-05-099	Providence
Matunuck Beach Trailer Association file # 2010-02-050	South Kingstown
Village at Mount Hope Bay (Starwood) file # 2001-04-109	Tiverton
Sakonnet River Bridge (RIDOT) file # 2012-01-052	Tiverton

Wharf Tavern file # 1982-11-4	Warren
279 Water Street (Restaurant) file # 1982-11-4	Warren
American Tourister file # 2015-05-016	Warren
Dickerson's Marina file # 2002-05-097	Warwick
Harbor Lights Marina file # 2013-11-069	Warwick
Greenwich Bay Marina file # 1999-12-037	Warwick

11) The CRMC has established an Adopt-An-Access Program by which public/private partnerships preserve, protect, and enhance public access at CRMC ROWs. The Program is implemented via MOUs that stipulate each partner’s role and responsibilities. The CRMC is a committed partner with Clean Ocean Access which adopted six ROWs in the Town of Middletown during the report period 2017-18. Whether officially adopted or not COA monitors every ROW on Aquidneck Island and hopes to adopt the ROW at Marine Avenue (Z-24) in Newport which was designated after every other ROW in the City had been adopted by COA. There are 42 adopted ROWs in the state as shown in the table below, with ROW S-40 (Old Ferry Road) in Bristol set to increase the total to 43 given its pending adoption by Roger Williams University at the time of this writing. Roger Williams University and RIDOT, the state agency which owns Old Ferry Road, have already agreed to the terms established in a draft Adopt-An-Access MOU by which CRMC’s next Adopt-An-Access site will be established and reported in the 2019-2020 ROW report.

(See table on following page)

CRMC ROW (Designation #)	Municipality	Adopting Entity
“Daunis”/Nyatt Road (P-2)	Barrington	RI Saltwater Anglers Assoc.
Gibson Road (S-2)	Bristol	B. Highlands Improv. Assoc.
Constitution Street (S-4)	Bristol	Save Bristol Harbor
Union Street (S-5)	Bristol	Save Bristol Harbor
Walley Street (S-6)	Bristol	Save Bristol Harbor
Poppasquash Road (S-19)	Bristol	Save Bristol Harbor
Oliver Street (S-22)	Bristol	Save Bristol Harbor
Tuckerman Avenue (Y-1)	Middletown	COA and the Milnes Family
Shore Drive (Y-3)	Middletown	Clean Ocean Access (COA)

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S.E. end esplanade & Shore Dr. (Y-5)	Middletown	Clean Ocean Access
Taggerts Ferry Road (Y-6)	Middletown	Clean Ocean Access
Kingfisher Avenue (Y-7)	Middletown	Clean Ocean Access
Western end of Purgatory Road (Y-9)	Middletown	Clean Ocean Access
Shore Drive, opposite Lot 107 (Y-10)	Middletown	Clean Ocean Access
Tuckerman Avenue (Y-11)	Middletown	RI Saltwater Anglers Assoc.
Bass Rock Road (C-6)	Narragansett	Coastal Society URI Chapter
Conant Avenue (C-7)	Narragansett	Narragansett Surfcasters
Knowlesway Extension (C-1)	Narragansett	Narragansett Con. Comm.
Webster Avenue (Z-1)	Newport	Clean Ocean Access
Narragansett Avenue (Z-2)	Newport	Clean Ocean Access
Ledge Road (Z-3)	Newport	Clean Ocean Access
Ruggles Avenue (Z-4)	Newport	Clean Ocean Access
Seaview Avenue (Z-5)	Newport	Clean Ocean Access
Cypress Street (Z-6)	Newport	Clean Ocean Access
Van Zandt Street (Z-7)	Newport	Clean Ocean Access
Battery Street (Z-8)	Newport	Clean Ocean Access
Pine Street (Z-9)	Newport	Clean Ocean Access
Cherry Street (Z-10)	Newport	Clean Ocean Access
Chestnut Street (Z-11)	Newport	Clean Ocean Access
Walnut Street (Z-12)	Newport	Clean Ocean Access
Willow Street (Z-13)	Newport	Clean Ocean Access
Poplar Street (Z-14)	Newport	Clean Ocean Access
Elm Street (Z-15)	Newport	Clean Ocean Access
Goat Island Connector 28-B (Z-16)	Newport	Clean Ocean Access
Goat Island Connector 28-A (Z-17)	Newport	Clean Ocean Access
Brown & Howard Wharf (Z-18)	Newport	Clean Ocean Access
Lee's Wharf (Z-19)	Newport	Clean Ocean Access
Howard's Wharf (Z-20)	Newport	Clean Ocean Access
Sisson's Wharf (Z-21)	Newport	Clean Ocean Access
Waites Wharf (Z-22)	Newport	Clean Ocean Access
Spring Wharf (Z-23)	Newport	Clean Ocean Access
Ruth Avenue (V-11)	Portsmouth	M. D'Ellena; R. Surprenant, Jr.

12) Although the following activity did not occur during the report period, it is included due to its significance regarding public access to the shore at Misquamicut Beach in the Town of Westerly. In the RI Supreme Court case “Peter F. Kilmartin, Attorney General of the State of Rhode Island v. Joan M. Barbuto, et al.” [Supreme Court No. 2015-195-Appeal. (WC 12-579)], the court upheld the RI Superior Court’s denying the Attorney General’s request for declaratory judgement that a 1909 Plat created an incipient dedication of an easement to a disputed part of the beach at Misquamicut. In the RI Superior Court case of Kilmartin v. Barbuto the RI Attorney General Peter F. Kilmartin brought suit against certain homeowners at Misquamicut Beach in the Town of Westerly. At issue was an approximately two-mile long stretch of land bordering the shore of the Atlantic Ocean and extending landward from the sea (Disputed Area). The Attorney General claimed the original owners of the Disputed Area recorded a subdivision (1909 Plat) by which they offered an easement across the Disputed Area to the general public.

The Attorney General sought declaratory judgment from the Court to forbid the present homeowners from interfering with the public’s right to use the Disputed Area as a public easement to the shore. The Court’s task was to determine whether the 1909 Plat effectively offered the Disputed Area to the public through dedication as an easement. The Court denied the Attorney General’s request for declaratory judgement, concluding that the 1909 Plat did not create an incipient dedication of an easement across the Disputed Area to the shore. At the time of this writing the Attorney General’s office had announced that it will appeal the Court’s judgment. (Adapted in part from RI Superior Court case C.A.No. WB-12-0579, filed 9/4/14). That appeal occurred on June 15, 2016 when the Attorney General filed a brief appealing the judgement by the Superior Court to the Rhode Island Supreme Court (C.A. NO.: SU-15-0195; Appeal of C.A. NO.: WC 12-0579).

13) The CRMC uniquely addressed public access to the shore in Narragansett Bay’s urban core when it promulgated the Urban Coastal Greenway regulations (UCG) under the Metro Bay SAMP. The UCG offers development projects the option to create an easement for public access to the shore as compensation for allowing a more compact vegetated coastal buffer zone than required by Section 150 (Coastal Buffer Zones) of the Red Book. The goal of the public access option is to create the Urban Coastal Greenway – a public access pathway along the shores of Cranston, Providence, Pawtucket, and East Providence – that includes vehicular parking and arterial public access from the street side of a coastal parcel to the shore. While the UCG clearly provides a significant public benefit, the allowance of a compact buffer zone increases the useable area of an urban coastal parcel; such parcels typically cannot meet the buffer zone requirements of Section 150 (which target more rural parts of the state) and remain economically viable. A more recent addition to CRMC’s public access initiatives is the establishment of Coastal Greenways via the Aquidneck Island SAMP. Modeled on the UCG approach of establishing a continuous public access pathway along the shore on a project-by-project basis, the first such link of a Coastal Greenway is in place as shown on the table below. To date, the following projects have contributed to the establishment of the Urban Coastal Greenway and the Coastal Greenway:

Project	Municipality	UCG or CG Easement
American Locomotive file # 2007-02-038	Providence	Public path along the Woonasquatucket River, minimum of eight parking spaces, and public access signage. (UCG)
Division Street Hotel file# 2006-08-016	Pawtucket	Public path along the Seekonk River, minimum of eight parking spaces, and public access signage. (UCG)
East Point Development Project file # 2021-06-074	East Providence	Public path along the Seekonk River, public parking spaces and signage, walkways leading to the shoreline public path. (UCG)
Johnson and Wales University file # 2006-07-012	Providence/Cranston	Public access path along Narragansett Bay, public parking spaces and a recreational public access ramp. (UCG)
Kettle Point file # 2013-06-080	East Providence	Public access pathway along the Providence River with public parking provided. (UCG)
Newport Beach Club File # 2011-05-120	Portsmouth	A Coastal Greenway; a public access path by Narragansett Bay with public parking provided.

14) A Memorandum of Agreement (MOA) between the Rhode Island Department of Environmental Management (DEM) and the Rhode Island Coastal Resources Management Council (CRMC) was promulgated on June 1, 2020 to recognize that properties under the custody of DEM which are located in the coastal zone under CRMC's jurisdiction, are primarily for the purpose of public access and enjoyment of recreational activities, among other things. This MOA further creates greater efficiencies by exempting certain routine maintenance activities which ensure the public's continuous and safe use of such properties from the CRMC's permitting processes.

15) The CRMC partnered with the DEM to produce *Beaches and Sand Trails of Southern Rhode Island (Regulations and Information Pamphlet)* that addresses the regulation of vehicular traffic on the beaches and sand trails along Rhode Island's southern shore. Topics include rules for driving on beaches and sand trails, camping in these areas, environmental concerns such as erosion and programs that manage beaches for piping plovers, a migratory shorebird that nests along Rhode Island's southern shore and is protected by the federal Endangered Species Act. The pamphlet is available free of charge and can be accessed through the CRMC website via the following link: http://www.crmc.ri.gov/offroadvehicles/BeachesTrails_RegsInfo.pdf

16) The CRMC has produced pamphlets and signs in seven languages (English, Spanish, Portuguese, Vietnamese, Hmong, Laotian, and Cambodian) which establish a code of conduct while using ROWs. The pamphlet discusses the public's constitutional privileges to the shore, but it also strongly emphasizes the importance of respecting private property rights in the vicinity of ROWs. The pamphlet identifies littering, trespassing onto private property, and blocking private driveways with illegally parked cars, as primary problems to be avoided by users of ROWs. The CRMC installs the multi-language signs at its Adopt-An-Access sites and the pamphlets are available at no charge in hard copy at the CRMC office in Wakefield.

17) The CRMC has published a public access guide as part of a Special Area Management Plan for Greenwich Bay. The public access guide lists CRMC designated ROWs that lead to Greenwich Bay. The inclusion of technical and physical descriptions, locus maps, aerial photographs, and GIS maps which pinpoint the locations of and directions to the ROWs, makes this the most comprehensive and "user-friendly" public access guide the CRMC has produced to date. The guide also identifies other public access sites along Greenwich Bay, including municipal rights-of-ways to the shore and publicly-owned open spaces. The guide is available at the CRMC office in Wakefield at no charge and via the CRMC website at: http://www.crmc.ri.gov/publicaccess/gb_row_guide.pdf

18) The CRMC continues to distribute its *Coastal Briefing: Public Rights-of-Ways CRMC's Designation Process* fact sheet which describes the process for designating ROWs, and its *Citizen's Guide to Assisting in the Right-of-Way Designation Process* which was designed for municipal officials and the general public. The *Citizen's Guide* provides step-by-step information on how to conduct background research to identify potential ROWs. Both the *Fact Sheet* and *Citizen's Guide* are available via the CRMC website at: <http://www.crmc.state.ri.us/publicaccess.html>

19) The CRMC continues to complete and update this annual rights-of-way report which is available to the public at no charge at the CRMC office in Wakefield. As the CRMC designates new public rights-of-way, the report is updated to document the location of these right-of-ways. The report serves as an inventory and planning tool for coastal communities as well as serving a public interest. This report is also available via the CRMC website at: <http://www.crmc.ri.gov/publicaccess.html>

20) The CRMC continues its cooperative efforts with the municipalities to promote the continual process of discovery and designation of new ROWs. CRMC staff continues to update a contact list of municipal officials in Rhode Island's coastal communities, and to initiate periodic contact with these individuals to solicit information on potential new ROWs in each municipality, and to offer assistance regarding ROW issues.

21) During this report period, the CRMC designated three new rights-of-way in North Kingstown. At its February 23 meeting, the Council adopted the Allen Harbor Complex, Town Wharf, and Wilson Park ROWs. The Allen Harbor ROW consist of a lot running along the northwesterly side of Bruce Boyer Street approximately 1,870 feet along the end of Main Street, and consists of a wharf facility jutting into Wickford Cove. Wilson Park ROW is located at the northern end of Intrepid Drive, bordered on three sides by Mill Cove. With the designation as a CRMC ROW, these spots will be offered an additional layer of protection so they are preserved and protected as shoreline public access spots for the public to use in perpetuity.

22) During this report period, the CRMC worked alongside Roger Williams University School of Law Fellows Program to leverage program graduation requirements with CRMC ROW research needs. The partnership between Roger Williams University Law Fellows and CRMC proved to be very successful and has resulted in almost one dozen sites being investigated as potential public Rights-of-Way. The results of this work will be reported on in upcoming Annual Reports.

FUNDING

The lack of funding remains a chronic problem for the rights-of-way program. Original federal funding for the task of discovering and designating ROWs was established at \$30,000 per fiscal year. However, in response to subsequent budget problems the appropriations specifically earmarked for this task were level funded at \$5,000 per fiscal year, until FY13 when the federal share was eliminated.

The reduced monies must still cover legal, stenographer, travel, advertising, and staff costs. The CRMC has continued to discover and designate new ROWs, though at a lower annual rate than when the ROW Program originated. This is primarily due to the current funding constraints, which, as noted above, includes comprehensive legal research, and time-consuming public hearings (the purpose of which is to exhaust evidence), resulting in site designations that span reporting periods. The CRMC has had to reduce funding to the ROW program due to overall decreases in program funding.

Therefore, notwithstanding partnerships like the one previously mentioned with the Roger Williams University Law School Fellow program, it is likely that due to further decreases in appropriations, and the resulting decreases in federal monies (a 1:1 match is required with federal funding), it may be necessary for the CRMC to come close to zero-funding its rights-of-way program next fiscal year. As state appropriations have become non-existent for this task, the CRMC is faced with using federal funding to cover operational costs, thereby losing such programs as the ROW designation process. Further, if one were to take into consideration the monetary cost of trying to purchase those CRMC designated public access areas at current market value, it would easily amount in the millions of dollars. Thus the state has reaped a high rate of return for monies expended on this program. By demonstrating how successful the CRMC's efforts vis-à-vis rights-of-way designations and its impact to the state's quality of life, the Council will attempt to foster partnerships that will allow ROW designations to go forward in spite of funding constraints

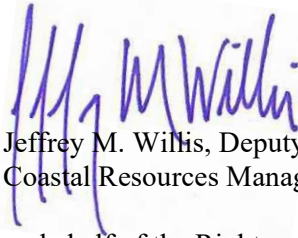
FUTURE ACTIONS

One of the prime objectives of the right-of-ways subcommittee is to continue to seek opportunities to foster partnerships that further the ROW discovery and designation.

Additional state funding will be sought, which will result in additional sites being reviewed, and therefore possibly being designated as public ROWs to the shore.

The subcommittee's task of designating public ROWs to the shore continues to be one of the CRMC's highest action items to ensure the public right-of-access to the coastal waters of Rhode Island.

Respectfully submitted by,



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

on behalf of the Rights-of-Way Subcommittee:

Raymond C. Coia, Chair
Patricia Reynolds, Vice Chair
Janet Coit, DEM Director

TOWN-BY-TOWN ANALYSIS
OF THE COUNCIL'S ACTIONS REGARDING
SITE DESIGNATIONS AND PUBLIC RIGHTS-OF-WAY TO THE SHORE

The following represents a town-by-town analysis of the CRMC's actions regarding the review of various sites and their potential designations as public rights-of-way to the shore. This is the official listing of the Council's actions regarding its designation process for public rights-of-way.

Where applicable, the following terms mean:

Insufficient Evidence: The CRMC reviewed these sites and based on the evidence submitted into the record at the time of the hearing; found that insufficient evidence existed to designate these sites as public rights-of-way to the shore. However, further review may occur for these sites given new evidence.

Not Resolved: The CRMC previously investigated these sites and made no determination as to whether or not these sites are public rights-of-way to the shore. They are not currently being investigated by the CRMC, however further review may occur for these sites given additional evidence.

Under Review: Sites which are currently being considered by the subcommittee.

On Appeal: Decisions of the CRMC which are being challenged through the courts.

WESTERLY

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Bluff Avenue	A-2
Manatuck Avenue	A-3
Atlantic Avenue (1)	A-6
Atlantic Avenue (2)	A-7
Atlantic Avenue (4)	A-8
Atlantic Avenue (5)	A-9
Atlantic Avenue (6)	A-10
Atlantic Avenue (7)	A-11
Atlantic Avenue (8)	A-12
Atlantic Avenue (9)	A-13
Avondale Road	A-14
TOTAL DESIGNATED ROWs: 11	

CHARLESTOWN

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Breachway	B-1
East Beach Road	B-2
TOTAL DESIGNATED ROWs: 2	

SOUTH KINGSTOWN

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Stalice Drive	D-1
Dawn Drive	D-2
Daybreak Drive	D-3
Ocean Avenue	D-4
TOTAL DESIGNATED ROWs: 4	

NARRAGANSETT

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Knowlesway Extension	C-1
Extension of Pilgrim Avenue	C-2
Calef Avenue	C-3
Black Point	C-5
Bass Rock Road	C-6
Conant Avenue Road End	C-7
South Ferry Road	C-8
Hazard Avenue Road End	C-9
Pettaquamscutt Avenue	C-10
Conanicus Road	C-11
Foddering Farm Road Extension	C-12
Newton Avenue Road End	C-13

Wandsworth Street Extension C-14
TOTAL DESIGNATED ROWs: 13

NEW SHOREHAM (BLOCK ISLAND)

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Settlers Rock	E-1
Scotch Beach Road	E-2
Scup Rock property	E-3
Conneymus Road	E-4
Coast Guard Road	E-5
Andy's Way	E-6
West Beach Road	E-7
TOTAL DESIGNATED ROWs: 7	

NORTH KINGSTOWN

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Phillips Street	F-5
Loop Drive	F-6
Loop Drive (2)	F-7
Allen Harbor Complex	F-8
Town Wharf	F-9
Wilson Park	F-10
TOTAL DESIGNATED ROWs: 6	

JAMESTOWN

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Broad Street	G-1
Spirketing Street	G-2
Steamboat Street	G-3
Spindrift Street	G-4
Eldred Avenue	G-5
Mast Street	G-6
Hull Street	G-7
Champlin Way	G-8
Bucaneer Way	G-9
Carr Lane	G-10
Garboard Street	G-11
Capstan Street	G-12
Decatur Avenue	G-13
High Street	G-14
TOTAL DESIGNATED ROWs: 14	

EAST GREENWICH

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
London Street	H-1
Rocky Hollow Road	H-2
Long Street	H-3
King Street	H-4
Bridge Street	H-5
Division Street	H-6
TOTAL DESIGNATED ROWs: 6	

WARWICK

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Bradford Avenue	J-1
Elkins Avenue	J-2
Charlotte Drive (north side) #1	J-3
Charlotte Drive (north side) #2	J-4
Charlotte Drive (north side) #3	J-5
Charlotte Drive #4	J-6
Beachwood Drive (east side) #1	J-7
Beachwood Drive (east side) #2	J-8
Sylvia Drive	J-9
Sheffield Street	J-10
Reynolds Avenue	J-11
North Shore Street	J-12
Waterfront Drive	J-13
Cooney Street	J-14
Progress Street	J-15
Burnett Road (east side) #1	J-16
Burnett Road (east side) #2	J-17
Burnett Road (east side) #3	J-18
Shawomet Avenue (north side)	J-19
Shawomet Avenue (south side)	J-20
Bellman Avenue	J-21
Gaspee Point Drive	J-22 (Abandoned and Relocated)
Butler Court	J-23
Nausauket Road	J-24
Ives Road	J-25
Tiffany Avenue/Progress Street	J-26
Narragansett Bay Avenue	J-28
Off Shawomet Avenue	J-29
Off Ship Street (Ship Court)	J-30
Suburban Parkway - Formerly Delaware Avenue	J-31

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Peck Lane - Pawtuxet Village	J-32
Off Cooney Street/Extension of Lilac Street	J-33
Rock Avenue/Bromle Avenue	J-34
Off Reynolds Avenue	J-35
Priscilla Avenue	J-36
Masthead Drive - Old Courtland Lane	J-37
Ogden Avenue off Burnett Road	J-38
Alger Avenue & John Wickes Avenue	J-39
Bradford Avenue	J-40
Overlook Drive	J-41
TOTAL DESIGNATED ROWs: 40	

CRANSTON

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Aborn Street (south side)	K-1
Aborn Street (westerly side)	K-2
Seaview Avenue (west side)	K-3
TOTAL DESIGNATED ROWs: 3	

PROVIDENCE

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Irving Avenue	L-1
Butler Avenue	L-2
East Transit Street	L-3
TOTAL DESIGNATED ROWs: 3	

PAWTUCKET

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Bishop Street	M-1
TOTAL DESIGNATED ROWs: 1	

EAST PROVIDENCE

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Narragansett Beachway	N-1
First Beachway	N-2
Second Beachway	N-3
Third Beachway	N-4
Fourth Beachway	N-5
Fifth Beachway	N-6
Sixth Beachway	N-7
Seventh Beachway	N-8
Eighth Beachway	N-9
Ninth Beachway	N-10

Tenth Beachway	N-11
Eleventh Beachway	N-12
Riverside Drive	N-13
TOTAL DESIGNATED ROWs: 13	

BARRINGTON

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Shore Road	P-1
Daunis R-O-W	P-2
TOTAL DESIGNATED ROWs: 2	

WARREN

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Maple Street	R-1
Parker Avenue	R-2
Patterson Avenue	R-3
Harris Avenue	R-4
Shore Drive (3)	R-6
Shore Drive (5)	R-7
Shore Drive (6)	R-8
Shore Drive (7)	R-9
Road to Town Landing	R-10
Baker Street	R-11
Beach Street	R-12
Bridge Street	R-13
Riverview Drive	R-14
TOTAL DESIGNATED ROWs: 13	

BRISTOL

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Beach Road	S-1
Gibson Road	S-2
Fales Road	S-3
Constitution Street	S-4
Union Street	S-5
Walley Street	S-6
North Street	S-7
Butterworth Avenue	S-8
Azalea Drive	S-9
Fatima Drive	S-10
San Miquel Drive	S-11

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Sherman Avenue	S-12
Smith Avenue	S-13
Kickemuit Avenue	S-14
Narrows Road	S-15
Sunrise Drive	S-16
Anawamscott Drive	S-17
Low Lane	S-18
Poppasquash Road (beach lot)	S-19
State Street	S-20
Franklin Street	S-21
Oliver Street	S-22
Burton Street	S-23
Peck Avenue	S-24
Bayview (Clipper Way)	S-25
Narrows Peninsula	S-26
Platt Street	S-27
Aaron Avenue	S-29
King Philip	S-28
Old Ferry Road	S-30
TOTAL DESIGNATED ROWs: 30	

TIVERTON

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Carey Lane	T-1
State Avenue	T-2
Nannaquaket Bridge	T-3
Fogland Road	T-4
Land south of Sakonnet Bridge	T-5
Two Rod Way	T-6
South of Stone Bridge	T-7
TOTAL DESIGNATED ROWs: 7	

PORTSMOUTH

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Mt. View Road	V-1
Anthony Road	V-2
Narragansett Road	V-3
Cedar Avenue	V-4
Point Street	V-5
Green Street	V-6
Seaconnet Blvd. (n' east corner of Wm. Herbert's land)	V-7
Seaconnet Blvd.	V-8

Seaconnet Blvd. (n'east corner of Don Ibbotson's land)	V-9
Seaconnet Blvd. (n'east corner of Virginia Arruda's land)	V-10
Ruth Avenue	V-11
Fountain Street	V-12
Aquidneck Avenue	V-13
Atlantic Avenue (easterly end of East Cory's land)	V-14
Atlantic Avenue (easterly end of Tallman Avenue)	V-15
Child Street	V-16
Morningside Lane	V-17
TOTAL DESIGNATED ROWs: 17	

LITTLE COMPTON

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Continuation of Taylor's Lane	W-1
Town Way Road	W-2
Sakonnet Harbor - Boat ramp	W-3
TOTAL DESIGNATED ROWs: 3	

MIDDLETOWN

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Tuckerman Avenue, btwn Lots 104/105	Y-1
Shore Drive	Y-3
Third Beach Road	Y-4
Southeast end of Esplanade & Shore Drive	Y-5
Taggerts Ferry Road	Y-6
Kingfisher Avenue	Y-7
Northwest end of Esplanade	Y-8
Western end of Purgatory Road	Y-9
Shore Drive, opp Lot 107	Y-10
Tuckerman Ave, opp Wolcott Avenue	Y-11
TOTAL DESIGNATED ROWs: 10	

NEWPORT

<u>Street Designation</u>	<u>R-O-W Designation No.</u>
Webster Street	Z-1
Narragansett Avenue	Z-2
Ledge Road	Z-3
Ruggles Avenue	Z-4
Seaview Avenue	Z-5
Cypress Street	Z-6
VanZandt Street	Z-7
Battery Street	Z-8

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Pine Street	Z-9
Cherry Street	Z-10
Chestnut Street	Z-11
Walnut Street	Z-12
Willow Street	Z-13
Poplar Street	Z-14
Elm Street	Z-15
Goat Island Connector (28-B)	Z-16
Goat Island Connector (28-A)	Z-17
Brown & Howard Wharf	Z-18
Lee's Wharf	Z-19
Howard's Wharf	Z-20
Sisson's Wharf	Z-21
Waites Wharf	Z-22
Spring Wharf	Z-23
Marine Avenue	Z-24
TOTAL DESIGNATED ROWs: 24	

CRMC Progress Report on Right-of-Ways to the Tidal Areas of the State

SUMMARY OF DESIGNATED AND POTENTIAL PUBLIC RIGHT-OF-WAYS (as of June 30, 2015)

Community	Sites Investigated	Row's Designated	Insufficient Evidence	Sites Not Resolved	Sites Under Review	On Appeal	Row Abandoned
A Westerly	19	11	3	5	0	0	0
B Charlestown	5	2	2	0	1	0	0
C Narragansett	28	13	7	0	8	0	0
D South Kingstown	7	4	3	0	0	0	0
E New Shoreham	10	7	0	3	0	0	0
F North Kingstown	21	3	13	1	4	0	0
G Jamestown	27	14	0	13	0	0	0
H East Greenwich	7	6	0	1	0	0	0
J Warwick	55	40	13	0	1	0	1 (relocated)
K Cranston	6	3	3	0		0	0
L Providence	3	3	0	0		0	0
M Pawtucket	1	1	0	0		0	0
N East Providence	13	13	0	0		0	0
P Barrington	5	2	3	0		0	0
R Warren	24	13	8	3		0	0
S Bristol	32	30	1	1		0	0
T Tiverton	13	7	6	0		0	0
V Portsmouth	28	17	0	0	11	0	0
W Little Compton	4	3	1	0		0	0
Y Middletown	11	10	1	0		0	0
Z Newport	34	24	4	7			0
TOTALS	356	226	71	34	25	0	1

APPENDIX

The following list shows potential ROWs that were investigated by the CRMC ROW subcommittee during previous report periods, but were not subsequently designated by the full Council as ROWs. Any changes in the status of these potential ROWs will be reflected in subsequent CRMC annual ROW reports.

WESTERLY

Avondale Road (2)	Insufficient Evidence
Colonel Willie Cove	Insufficient Evidence
Atlantic Avenue (3)	Insufficient Evidence (#12)
Bluff Avenue (2)	Not Resolved
Niantic Avenue	Not Resolved
Winnapaug Road	Not Resolved
Wapan Road	Not Resolved
Meadow Lane	Not Resolved

TOTALS

Insufficient Evidence: 3

Not Resolved: 5

CHARLESTOWN

Ext. of Quonochontaug Pt.	Insufficient Evidence
Meadow Lane	Insufficient Evidence
Powaget Avenue	Under Review

TOTALS

Insufficient Evidence: 2

Under Review: 1

SOUTH KINGSTOWN

Shadberry Knoll	Insufficient Evidence
Matunuck Beach Road	Insufficient Evidence
11 Parcels off Salt Pond Road	Insufficient Evidence

TOTALS

Insufficient Evidence: 3

NARRAGANSETT

Cedar Island Road	Insufficient Evidence
Sand Hill Cove - southerly side	Insufficient Evidence
Ocean Road ¹	Insufficient Evidence
Boston Neck Road	Insufficient Evidence
Joseph's Ramble	Insufficient Evidence
Anawan Drive	Insufficient Evidence
North Cliff Drive Extension	Insufficient Evidence
Glenwood Avenue	Under Review
Succotash Road	Under Review
Mollusk Road	Under Review
Island Road	Under Review
Ocean Avenue	Under Review
East Shore Road #1	Under Review

¹ "Ocean Road" replaced "Ocean Avenue" in the 2005-06 annual ROW report as a technical correction.

East Shore Road #2 Under Review
 East Shore Road #3 Under Review

TOTALS

Insufficient Evidence: 7

Under Review: 8

NEW SHOREHAM

Graces Cove Road Not Resolved
 Snake Hole Road Not Resolved
 Gov't Property at Southeast Lighthouse Not Resolved

TOTALS

Not Resolved: 3

NORTH KINGSTOWN

Duck Cove Road Insufficient Evidence
 Plum Beach Road Insufficient Evidence
 Clinton Drive (1) Insufficient Evidence
 Clinton Drive (2) Insufficient Evidence
 Buena Vista Drive Insufficient Evidence
 Buena Vista Drive (2) Insufficient Evidence
 Buena Vista Drive (3) Insufficient Evidence
 Buena Vista Drive (4) Insufficient Evidence
 Buena Vista Drive (5) Insufficient Evidence
 Elgin Avenue Insufficient Evidence
 Concord Avenue Insufficient Evidence
 Poplar Avenue Insufficient Evidence
 Steamboat Avenue Insufficient Evidence
 Cottrell Road Not Resolved
 Worsley Avenue Under Review

TOTALS

Insufficient Evidence: 13

Not Resolved: 1 / Under Review: 1

JAMESTOWN

Fairview Street Not Resolved
 Middle Street Not Resolved
 Sunset Beach Not Resolved
 Park between lots 50 & 95 Not Resolved
 Bonnet View Drive Not Resolved
 Clarkes Village Road Not Resolved
 Wickford Avenue Not Resolved
 Government Property, lot 226 Not Resolved

Beach Property/Former Road between Jamestown Boatyard and Fort Dumplings	Not Resolved
Gray Gull Lane	Not Resolved
Arnold Avenue at end of Bayberry Road	Not Resolved
Franklin Hollow Property	Not Resolved
Hull Cove	Not Resolved
TOTALS	
Not Resolved: 13	

EAST GREENWICH

Queen Street	Not Resolved
TOTAL	
Under Review: 1	

WARWICK

Broadview Avenue	Insufficient Evidence
Logan Street	Insufficient Evidence
Intersection of Grand View Dr. and Midget Ave.	Insufficient Evidence
Peck Lane (north side) #1	Insufficient Evidence
Peck Lane (north side) #2	Insufficient Evidence
Capen Street	Insufficient Evidence
Aldrich Avenue	Insufficient Evidence
Sea View Avenue (1)	Insufficient Evidence
Sea View Avenue (2)	Insufficient Evidence
Powhatten Street (1)	Insufficient Evidence
Powhatten Street (2)	Insufficient Evidence
Millard Avenue	Insufficient Evidence
Midgley Avenue	Insufficient Evidence
Wampanoag Road	Under Review
TOTALS	
Insufficient Evidence: 13	
Under Review: 1	

CRANSTON

Seaview Avenue (east side)	Insufficient Evidence
Off Fort Avenue	Insufficient Evidence
Off Seaview Avenue	Insufficient Evidence
TOTAL	
Insufficient Evidence: 3	

BARRINGTON

“Fish Ditch”	Insufficient Evidence
Hampden Street	Insufficient Evidence

Teed Avenue Insufficient Evidence
TOTAL
Insufficient Evidence: 3

WARREN

Shore Drive (4) Insufficient Evidence
 Shore Drive (1) Insufficient Evidence
 Shore Drive (2) Insufficient Evidence
 Barker Avenue Insufficient Evidence
 Brownell Street Insufficient Evidence
 Cedar Street Insufficient Evidence
 Bay View Street Insufficient Evidence
 Emery Road (1) Insufficient Evidence
 Emery Road (2) Not Resolved
 River View Street Not Resolved
 Read Avenue Not Resolved

TOTALS
Insufficient Evidence: 8
Not Resolved: 3

BRISTOL

Bradford Street Insufficient Evidence
 Church Street Not Resolved

TOTALS
Insufficient Evidence: 1
Not Resolved: 1

TIVERTON

Hooper Street Insufficient Evidence
 Riverside Drive Insufficient Evidence
 Ext. of North Court Insufficient Evidence
 Winnisimet Drive Insufficient Evidence
 Seapowet Road Insufficient Evidence
 Seapowet Avenue Insufficient Evidence

TOTAL
Insufficient Evidence: 6

PORTSMOUTH

Bristol Ferry Town Common Under Review
 Cove Bridge Under Review
 Common Fence Point Marina - North Under Review
 Common Fence Point Marina - South Under Review
 Black Point Farm Under Review
 Willow Lane Under Review

Sunset Lane	Under Review
Old Stone Bridge (by Teddy's Beach)	Under Review
Porter's Lane	Under Review
Public Boat Ramp - Tax Map 6	Under Review
East Power Street	Under Review
TOTAL	
Under Review: 11	

LITTLE COMPTON

Almy Creek	Insufficient Evidence
TOTAL	
Insufficient Evidence: 1	

MIDDLETOWN

Tuckerman Terrace	Insufficient Evidence
TOTAL	
Insufficient Evidence: 1	

NEWPORT

Bellevue Avenue	Insufficient Evidence
Ocean Drive	Insufficient Evidence
Cottrell's Wharf	Insufficient Evidence
Hammetts Wharf	Insufficient Evidence
N. Commercial Wharf	Not Resolved
S. Commercial Wharf	Not Resolved
Scotts Wharf	Not Resolved
Perry Mill Wharf	Not Resolved
Ann Street Pier	Not Resolved
Long Wharf	Not Resolved
Shepard Avenue	Not Resolved
TOTALS	
Insufficient Evidence: 4	
Not Resolved: 7	