Designation of **Public Right-of-Ways**

to The Tidal Areas of The State



PROGRESS REPORT FOR

July 2001 through June 2002

Submitted by

THE COASTAL RESOURCES MANAGEMENT COUNCIL Subcommittee on Right-of-Ways

As Amended JUNE 2002

CRMC Progress Report on Public Right-of-Ways Designations July 2001 through June 2002

SUMMARY

During the report period of July 2001 through June 2002, and in accordance with its legislative mandate at GLRI 46-23-17, the Coastal Resources Management Council (CRMC) has continued to discover and designate public right-of-ways to the tidal areas of the state.

Beginning in 1978, the CRMC has been tasked by the legislature to carry-out the continued discovery and designation of all public right-of-ways to the shore. To meet this charge, the CRMC created its Subcommittee on Right-of-Ways. Significant actions of the subcommittee during the report period July 2001 through June 2002 include the following:

- ➤ One public hearing to review (3) potential ROWs in the Town of North Kingstown. The subcommittee found the available evidence sufficient to recommend a public workshop as a precursor to a full Council public hearing and decision on whether to confer official designation status on the (3) potential ROWs.
- Two public workshops were held to review the available evidence regarding (1) potential ROW in the Town of Jamestown. The subcommittee determined that the available evidence was not sufficient to recommend consideration by the CRMC's full Council for a ROW designation decision. The town has asked for a reconsideration of this matter in order to present additional evidence.

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:

Total Number of Potential ROWs Reviewed:	349
Sites Designated as Public ROWs:	216
Sites Found to be Not Public:	73
Sites that are Not Resolved:	35
New Sites Under Review:	8
Sites that are On Appeal:	15

(see page 6 for a comprehensive discussion of the above terms)

GOAL

The goal of the CRMC is to designate at least one (1) public right-of-way for each mile of shoreline. With 216 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

Activities of the CRMC and its ROW Subcommittee during this report period included:

- 1) Eleven (11) regularly scheduled ROW Subcommittee meetings were held during the report period, July 1, 2001-June 30, 2002.
- 2) Three (3) public hearings were held during the report period July 2001 June 2002, one to review (3) potential ROWs in the Town of North Kingstown, and two (2) to review one (1) potential ROW in the Town of Jamestown.
- 3) One (1) public workshop was held during the report period July 2001 June 2002, to review information on (1) potential ROW in the Town of Jamestown.
- 4) The CRMC continues its cooperative efforts with the municipalities to promote the continual process of discovery and designation of new ROWs. To this end, 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.
- 5) To continue efforts of coordination between the RIDEM and the CRMC, the CRMC has remained an advisory member of the Recreation Resources Review Committee (RRRC). This provides a strong and coordinated mechanism to ensure that coastal right-of-ways are included in site development and funding requests and that projects proposed for funding under the auspices of the RRRC are consistent with the Council's goals and policies for access development. On request, the CRMC continues to assist the RRRC in its review of funding applications for coastal access improvement projects.
- 6) 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. Several municipalities continue to undertake this process, where the CRMC will utilize the HMPs in a complimentary manner for its work toward designating ROWs.
- 7) The CRMC continues to distribute its *Rights-of-Way Designation Process Fact Sheet* that explains the CRMC's role in ROW developments and the process needed to designate public access ways to the shore.

- 8) The CRMC continues to distribute its *Citizen's Guide to Assisting in the Right-of-Way Designation Process* intended for use by local municipal officials and the general public. The *Guide* explains in clear terms the process by which a ROW is researched and designated in Rhode Island and how citizens can assist the CRMC to "find" more potential ROWs at any given time. Both the *Guide* and the *Rights-of-Way Designation Process Fact Sheet* can be accessed on-line via the CRMC website www.crmc.state.ri.us
- 9) The CRMC continues to complete and update a rights-of-way report which is available to the public. As the CRMC designates new public rights-of-way, the report is updated to document the location and, when possible, the condition of these right-of-ways. The report serves as an inventory and planning tool for coastal communities as well as serving a public interest. The report has been well received throughout the years.
- **10)** The CRMC, in cooperation with the Coastal Resources Center of the University of Rhode Island, continues to distribute the publication *Public Access to the Rhode Island Coast*. Published by the University, it includes information on all types of shoreline access throughout the state. It is available at cost to the public at the CRMC's offices.

FUNDING

Funding remains a chronic problem for the rights-of-way program. Current federal and state appropriation specifically earmarked for this task were level-funded in response to state budget problems in past fiscal years. Original funding for the CRMC ROW program was designated at \$30,000. For the last five (5) years, the CRMC's ROW program has been funded at \$5,000.

The reduced monies must still cover legal, stenographer, hearing officer, travel, advertising, and staff costs. This year, even with continuing town assistance in the form of legal research, the ROW process has been hindered There was insufficient funding available for the ROW subcommittee to fully investigate the one (1) potential ROW in the Town of Jamestown that had been submitted to the subcommittee for review and possible designation during the previous report period (July 2000 through June 2001).

The CRMC has only been able to designate, on average, less than 6 public ROWs per report year. This is primarily due to funding constraints, which, as 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 decreased program funding.

Therefore, it is likely that due to further decreases in state 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. Thus the state has reaped a high rate of return for monies expended on this program. By demonstrating how successful the CRMC's efforts visa-vis rights-of-way designations and its impact to the state's quality of life, the Council will continue to lobby for additional state appropriations, especially those appropriations earmarked for public shoreline access.

FUTURE ACTIONS

Again, one of the prime objectives of the right-of-ways subcommittee for the next year is the acquisition of state funds to support these needs.

Additional state funding will also result in additional sites being reviewed, and therefore possibly being designated as public rights-of-way to the shore.

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

Respectfully submitted by,

Grover J. Fugate, Executive Director Coastal Resources Management Council

on behalf of the Right-of-Ways Subcommittee:

Paul Lemont, Chair Eileen Naughton, Vice Chair Pam Pogue Peter Troy Neill Gray Joseph Shekarchi

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:

Sites Found

Not Public: 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.

Sites Not Resolved: The CRMC previously investigated these sites and made no

determination as to whether or not these sites are public rights-ofway to the shore. They are not currently being investigated by the CRMC, however further review may occur for these sites given

additional evidence.

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

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

courts.

WESTERLY

Avondale Road Avondale Road (2)	A-14
Avondale Road (2)	
	Not Public
Colonel Willie Cove	Not Public
Wapan Road	Not Resolved
Meadow Lane	Not Resolved
Bluff Avenue	A-2*
Bluff Avenue (2)	Not Resolved
Niantic Avenue	Not Resolved
Manatuck Avenue	A-3*
Winnapaug Road	Not Resolved
Atlantic Avenue (1)	A-6
Atlantic Avenue (2)	A-7
Atlantic Avenue (3)	Not Public (#12)
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
Summary	
Public 11	
Not Public 3	
Not Resolved 5	
Total 19	

* On Appeal

CHARLESTOWN

Street Designation	R-O-W Designation No.
Breachway	B-1
East Beach Road	B-2
Ext. of Quonochontaug Pt.	Not Public (Not Resolved)*
Meadow Lane	Not Public
Powaget Avenue	Under Review

Summary

Public 2
Under Review 1
Not Public 2
Total 5

SOUTH KINGSTOWN

Street Designation	R-O-W Designation No.
Matunuck Beach Road	Not Public
11 Parcels off Salt Pond Road	Not Public
Statice Drive	D-1
Dawn Drive	D-2
Daybreak Drive	D-3
Shadberry Knoll	Not Public
Ocean Avenue	D-4

Summary

Public 4
Not Public 3
Total 7

*On Appeal

NARRAGANSETT

Street Designation	R-O-W Designation No.
Cedar Island Road	Not Public
Sand Hill Cove - southerly side	Not Public
Knowlesway Extension	C-1
Extension of Pilgrim Avenue	C-2
Calef Avenue	C-3
Bassrock Avenue	Not Public
Hazard Avenue	Not Public
Newton Avenue	Not Public (Not Resolved)
Ocean Avenue	Not Public
Boston Neck Road	Not Public
Joseph's Ramble	Not Public
Black Point	C-5 *
Bass Rock Road	C-6
Conanicus Road	C-11
Conant Avenue Road End	C-7
Foddering Farm Road Extension	C-12
Hazard Avenue Road End	C-9
Newton Avenue Road End	C-13
Pettaquamscutt Avenue	C-10
South Ferry Road	C-8
Wandsworth Street Extension	C-14
Anawan Drive	Not Public
North Cliff Drive Extension	Not Public
Glenwood Avenue	Under Review
Succotash Road	Under Review
Mollusk Road	Under Review
Island Road	Under Review

NARRAGANSETT (con't)

Ocean Avenue	Under Review
East Shore Road #1	Under Review
East Shore Road #2	Under Review
East Shore Road #3	Under Review

Summary

Public 13
Not Public 10
Under Review 8
Total 31

NEW SHOREHAM (BLOCK ISLAND)

Street Designation	R-O-W Designation No.
Settlers Rock	E-1
Scotch Beach Road	E-2
Government property at	Not Resolved
Southeast Light	
Scup Rock property	E-3
Snake Hole Road	Not Resolved
Conneymus Road	E-4
Graces Cove Road	Not Resolved
Coast Guard Road	E-5
Andy's Way	E-6
West Beach Road	E-7
Summary	
Public 7	
Not Resolved 3	
Total 10	

^{*} On Appeal

NORTH KINGSTOWN

Street Designation	R-O-W Designation No.
Cottrell Road	Not Resolved
Plum Beach Road	Not Public
Clinton Drive (1)	Not Public
Clinton Drive (2)	Not Public
Buena Vista Drive	Not Public
Buena Vista Drive (2)	Not Public
Buena Vista Drive (3)	Not Public
Buena Vista Drive (4)	Not Public
Buena Vista Drive (5)	Not Public
Elgin Avenue	Not Public
Concord Avenue	Not Public
Poplar Avenue	Not Public
Steamboat Avenue	Not Public
Phillips Street	F-5
Loop Drive	F-6
Loop Drive (2)	F-7
Duck Cove Road	Not Public
Worsley Avenue	Under Review

Summary

Not Public	13
Public	3
Not Resolved	1
<u>Under Review</u>	1
Total	21

JAMESTOWN

Street Designation	R-O-W Designation No.
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
Capstan Street	G-12
Garboard Street	G-11
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
Champlin Way	G-8
Bucaneer Way	G-9
High Street	Under Review/Not Resolved*
Decatur Avenue	G-13
Hull Cove	Under Review/Not Resolved
Carr Lane	G-10

Summary

Public 13
Not Resolved 12
Under Review 2
Total 27

^{*} During the report period July 2001-June 2002, the ROW subcommittee determined that sufficient evidence was lacking to submit the potential ROW at High Street to the full Council for a designation decision. Therefore, as the Council neither reviewed the evidence for, nor resolved the status of this potential ROW, it remains listed as Under Review/Not Resolved.

EAST GREENWICH

Street Designation	R-O-W Designation No.
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
Queen Street	Under Review/Not Resolved

Summary

Public 6
Under Review 1
Total 7

WARWICK

Street Designation	R-O-W Designation No.
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
Intersection of Grand View Drive	Not Public
and Midget Avenue	
Sylvia Drive	J-9
Sheffield Street	J-10
Logan Street	Not Public
Reynolds Avenue	J-11
North Shore Street	J-12
Waterfront Drive	J-13
Cooney Street	J-14
Progress Street	J-15
Broadview Avenue	Not Public
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)
Butler Court	J-23
Peck Lane (north side) #1	Not Public
Peck Lane (north side) #2	Not Public
Nausauket Road	J-24
Ives Road	J-25
Tiffany Avenue/Progress Street	J-26
Capron Farm Drive	J-27*
Narragansett Bay Avenue	J-28

WARWICK (con't)

ublic
r Review

Summary

Public 38
Not Public 6
Under Review 1
Abandoned (relocated) 1
Total 46

CRANSTON

Street Designation	tion R-O-W Designation No		
Aborn Street (south side)	K-1		
Aborn Street (westerly side)	K-2		
Off Fort Avenue	Not Public		
Off Seaview Avenue	Not Public		
Seaview Avenue (west side)	K-3		
Seaview Avenue (east side)	Not Public		

Summary

Public 3
Not Public 3
Total 6

^{*} On Appeal

PROVIDENCE

Street Designation	R-O-W Designation No.
Irving Avenue	L1
Butler Avenue	L-2
Summary	
Public 2	
Total 2	

PAWTUCKET

Street Designa Bishop Street	ntion	R-O-W Designation No. M-1
Summary		
<u>Public</u>	<u>1</u>	
Total	1	

EAST PROVIDENCE

Street Designation	R-O-W Designation No.
Third Beachway	N-4
Fourth Beachway	N-5
Fifth Beachway	N-6
Narragansett Beachway	N-1
First Beachway	N-2
Second Beachway	N-3
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
Summary	
Public 13	
Total 13	

BARRINGTON

Street Designation R-O-W Designation No.

Teed Avenue Not Public

Shore Road P-1

Hampden Street Not Public

Daunis R-O-W P-2

Summary

Public 2 Not Public 2

Total 4

WARREN

Street Designation R-O-W Designation No.

Maple Street R-1

Barker Avenue Not Public
River View Street Not Resolved

Parker Avenue R-2
Patterson Avenue R-3

Read Avenue Not Resolved

Harris Avenue R-4

Shore Drive (1)

Shore Drive (2)

Not Public

Shore Drive (3)

R-6

Shore Drive (4) Not Public

Shore Drive (5) R-7
Shore Drive (6) R-8
Shore Drive (7) R-9
Road to Town Landing R-10

Emery Road (1) Not Public
Emery Road (2) Not Resolved
Brownell Street Not Public
Cedar Street Not Public

Bay View Street Not Public Not Public

Summary

Public 9

Not Public 8

Not Resolved 3 Total 20

BRISTOL

Street Designation	R-O-W Designation No.
Beach Road	S-1
Gibson Road	S-2
Fales Road	S-3
Constitution Street	S-4
Union Street	S-5
Walley Street	S-6
Low Lane	S-18
North Street	S-7
Butterworth Avenue	S-8
Azalea Drive	S-9
Fatima Drive	S-10
San Miquel Drive	S-11
Sherman Avenue	S-12
Smith Avenue	S-13
Kickemuit Avenue	S-14
Narrows Road	S-15
Sunrise Drive	S-16
Anawamscott Drive	S-17
Poppasquash Road (beach lot)	S-19
Burton Street	S-23
State Street	S-20
Franklin Street	S-21
Oliver Street	S-22
Bradford Street	Not Public
Church Street	Not Resolved
Bayview (Clipper Way)	S-25
Narrows Peninsula	S-26
Platt Street	S-27
Aaron Avenue	S-29
Peck Avenue	S-24
King Philip	S-28
Summary	
Public 29	

Not Public

Total

Not Resolved 1

31

TIVERTON

Street Designation	R-O-W Designation No.
Hooper Street	Not Public
State Avenue	T-2
Carey Lane	T-1
Riverside Drive	Not Public
Ext. of North Court	Not Public
Winnisimet Drive	Not Public
Seapowet Road	Not Public
Seapowet Avenue	Not Public
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

Summary

Public 7
Not Public 6
Total 13

PORTSMOUTH

Street Designation	R-O-W Designation No.
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. (northeasterly	V-7
corner of land of Wm. Herbert)	•
Seaconnet Blvd.	V-8*
Seaconnet Blvd. (northeasterly	V-9
corner of land of Don Ibbotson)	
Seaconnet Blvd. (northeasterly	V-10
corner of land of Virginia Arruda)	
Ruth Avenue	V-11
Fountain Street	V-12
Aquidneck Avenue	V-13
Atlantic Avenue (easterly end	V-14
of East Corys land)	
Atlantic Avenue (easterly end	V-15
of Tallman Avenue	
Child Street	V-16
Morningside Lane	V-17
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
Summary	
Public 17	
Under Review 11	
Total 28	
* On Appeal	

LITTLE COMPTON

Street Designation	R-O-W Designation No.		
Almy Creek	Not Public		
Continuation of Taylor's Lane	W-1		
Town Way Road	W-2		
Sakonnet Harbor - Boat ramp	W-3		

Summary

Not Public 1
Public 3
Total 4

MIDDLETOWN

Street Designation	R-O-W Designation No.
Tuckerman Avenue, btwn Lots 104/105	Y-1*
Tuckerman Terrace	Not Public
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*

Summary

Public 10
Not Public 1
Total 11

^{*} On Appeal

\NEWPORT

Street Designation	R-O-W Designation No.
Webster Street	Z-1
Narragansett Avenue	Z-2
Ledge Road	Z-3
Ruggles Avenue	Z-4
Seaview Avenue	Z-5
Shepard Avenue	Not Resolved
Bellevue Avenue	Not Public
Ocean Drive	Not Public
Cypress Street	Z-6
VanZandt Street	Z-7
Battery Street	Z-8
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
Cottrell's Wharf	Not Public
Hammetts Wharf	Not Public
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
Summary	
Public 23	
Not Public 4	
Not Resolved 7	
Total 34	
* On Appeal	

RICRMC: SUMMARY OF DESIGNATED PUBLIC RIGHT-OF-WAYS

as of June 30, 2001

			as of Julie 30, 2				
	Sites	Row's	Sites Found	Sites Not	Sites Under	On	Row
Community	Investigated	Designated	Not Public	Resolved	Review	Appeal	Abandoned
A Westerly	19	11	3	5		5	0
B Charlestown	5	2	2	0	1	1	0
C Narragansett	31	13	10	0	8	1	0
D South Kingstown	17	4	13	0		0	0
E New Shoreham	10	7	0	3		0	0
F North Kingstown	24	3	13	1	1	0	0
G Jamestown	27	13	0	12	2	0	0
H East Greenwich	7	6	0	0	1	0	0
J Warwick	45	38	6	0	1	0	1 (relocated)
K Cranston	6	3	3	0		0	0
L Providence	2	2	0	0		0	0
M Pawtucket	1	1	0	0		0	0
N East Providence	13	13	0	0		0	0
P Barrington	4	2	2	0		0	0
R Warren	20	9	8	3		2	0
S Bristol	31	29	1	1		0	0
T Tiverton	13	7	6	0		0	0
V Portsmouth	28	17	0	0	11	1	0
W Little Compton	4	3	1	0		0	0
Y Middletown	11	10	1	0		4	0
Z Newport	34	23	4	7		1	0
TOTALS	349	216	73	35	25	15	1

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