

**COASTAL RESOURCES MANAGEMENT COUNCIL
RIGHTS-OF-WAY SUBCOMMITTEE
REPORT AND RECOMMENDATION
TO THE FULL COUNCIL
REGARDING EVERETT AVENUE, WESTERLY RHODE ISLAND**

I. INTRODUCTION

CRMC's Rights-of-Way Subcommittee (the "Subcommittee"), on February 11, 2025, and April 8, 2025, reviewed materials regarding the Everett Avenue right-of-way in the Town of Westerly ("Town") for designation as a public right-of-way to the tidal waters of the State of Rhode Island. The description of Everett Avenue is as follows: a certain parcel of land extending to the Atlantic Ocean, bounded on the northly side by Niantic Avenue, on the southerly side by the Atlantic Ocean, on the westerly side a certain lot or parcel of land designated as Assessor's Plat 13, Lot 3, and on the easterly side by Assessor's Plat 13, Lots 55 & 56.

At the April 8th meeting, the Subcommittee voted to send a recommendation to the full Council that Everett Avenue be designated as such, given that the Council's actions in 1980 and before as set forth below, to designate Everett Avenue as a public right-of-way to the tidal waters of the State of Rhode Island.

II. LEGAL REVIEW

1. Facts

The Subcommittee held public hearings on Everett Avenue and other rights-of-way in the Town of Westerly on October 25, 1978, November 30, 1978, and January 4, 1979, as well as a meeting with the Westerly Town Council on December 3, 1979.. At those hearings, the then-CRMC legal counsel, Alan Goldman, and Title Attorney John Lallo gave their opinions that Everett Avenue was a public right-of-way to the tidal waters of the State of Rhode Island.

Among other things, the basis for their opinions was a plat, entitled “Map of Cottage Sites Everett Farm Watch Hill, Rhode Island, Made by Jacob S. Burnet, Lyneas Norton and Walter St. Johns Jones 1886...” What is now called Everett Avenue appears on that plat map as an unnamed avenue running southerly to the shore. The description of that avenue matches the description of Everett Avenue, above. A search of the Town of Westerly’s Land Evidence Records references this right of way in the chain of title for Lot 3.

In addition to the opinions of both lawyers, the Subcommittee heard from the Town of Westerly that Everett Avenue is a public right-of-way to the shore, as well as testimony from the public that Everett Avenue was considered as a public right-of-way to the shore and used for that purpose. The full Council then voted on January 30, 1980, to designate Everett Avenue as a right-of-way to the tidal waters of the State of Rhode Island. It appears that later in 1980 the designation process was put on hold to allow for abutting property owners to provide evidence contrary to the record evidence set forth above. The record does not indicate that any such evidence was ever submitted. In any event, Everett Avenue has not yet been designated as a right-of-way to the tidal waters of the State of Rhode Island.

At the February 11, 2025 Subcommittee meeting, the Assistant Town Solicitor for the Town of Westerly, Sarah O’Toole, Esq., reiterated the Town’s support for designating Everett Avenue as a public right-of-way to the shore, and urged the CRMC to designate it as such. Robin Main, Esq. also appeared at the February subcommittee meeting on behalf of an abutter to object to the designation. That objection was withdrawn prior to the April 8, 2025 Subcommittee meeting.

Finally, a member of the public, Anthony Palazzolo, also addressed the Subcommittee. He stated he is in favor of the designation, and added that through his own research, Everett Avenue has been listed as a right-of-way to the tidal waters of the State of Rhode Island in the following documents: (1) the 1958 State of Rhode Island Right of Way Report; (2) the 1970 State of Rhode Island Right of Way Report; (3) the 1978 Right of Way Report. Mr. Palazzolo

furnished copies of each report for the Subcommittee's review. He also noted that the Town of Westerly's Harbor Management Plan lists Everett Avenue as a right-of-way to shore.

Finally, it should be noted that no evidence was presented indicating that Everett Avenue is not a public right-of-way to the tidal waters of the State of Rhode Island

2. Conclusion

A review of the evidence shows that in the first instance, there has been a valid dedication of Everett Avenue to the public. The Town of Westerly acknowledges acceptance of Everett Avenue through its Harbor Management Plan as well as on the record statements by its legal counsel. There is also on the record testimony from the public regarding public use of the Everett Avenue right-of-way to access the tidal waters of the State of Rhode Island.

Consequently, given the actions of the Subcommittee in 1978 and 1979, as well as the Council vote 1980 to designate Everett Avenue as a right-of-way to the tidal waters of the State of Rhode Island, and a subsequent review of the evidence presented, the Subcommittee voted unanimously to recommend that the full Council dedicate Everett Avenue as a right-of-way to the tidal waters of the State of Rhode Island, and further that a memorandum outlining the travel and facts of this matter be forwarded to the full Council.

rRespectfully Submitted

/s/ Anthony DeSisto
Anthony DeSisto, Esq.
On behalf of the
Rights-of-Way Subcommittee



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-3767

MEETING NOTICE

November 17, 2025

Site Address: Everett Avenue
Site Town: Westerly
Proj. Desc: Everett Avenue proposed ROW

The Matter of proposed Right of Way on Everett Avenue from the **Town Of Westerly** CRMC File Number **2023-03-069** will be reviewed and acted upon at the next meeting of the Coastal Resources Management Council. If you are the applicant, it is necessary that you be present at the meeting to answer any questions that may arise. Interested parties may attend and present for or against, or for informational purposes in accordance with CRMC rules. Parties interested in this matter are encouraged to review the latest information contained in this file and also should refer to Management Procedures 5.3(8) among others for additional information.

The meeting is to be held at **6:00 p.m.** on **Tuesday, November 25, 2025** in **Conference Room A, at the Administrative Building, One Capitol Hill, Providence, RI**. Files are available in electronic format and can be requested via email to cstaff1@crmc.ri.gov or phone call to 401-783-3370. **Please confirm this matter's hearing status via CRMC website (www.crmc.ri.gov) or by calling 401-783-3370.**

Parties interested in/or concerned with the above-mentioned matter are invited to be present and/or represented by counsel at the above-mentioned time and place. This meeting place is accessible to individuals with disabilities. The meeting location is accessible to handicapped persons. Any individual requiring a reasonable accommodation in order to participate in this meeting should contact CRMC offices at least 72 hours prior to the meeting.

Sincerely yours,

Lisa Turner

Lisa A. Turner, Office Manager
Coastal Resources Management Council

/lat

(*Hybrid Meeting Link for Public Viewing Only-All Public Comment Must Be In-Person- Members Must Attend In-Person)

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/86775865105?pwd=o2n5mq8yZBBooh7b0eyJEZgOVF1ZeN.1>

Webinar ID: **867 7586 5105**; Passcode: **647257**

Virtual access is provided only as a convenience. Access to the meeting via the virtual platform is not guaranteed. Physical presence at the meeting is the only way to guarantee access to the meeting.

Town of Westerly – Everett Avenue proposed ROW
CRMC File 2023-03-069 --Semimonthly Meeting October 28, 2025

Town of Westerly
Attn: Shawn Lacey, Town Mgr
23 Margin Street
Westerly, RI 02891
slacey@westerlyri.gov

William Conley Jr. Esq
Westerly Town Solicitor
Law Office of William J. Conley Jr
123 Dyer Street, 2nd Floor
Providence, RI 02903
wconley@conleylawri.com

Sarah O'Toole, Esq
Conley Law & Associates
sotoole@conleylawri.com

Anthony Palazzolo, Jr., Esq.
285 Pendleton Hill Road
North Stonington, CT 06359
palazzolo@thepatentsource.com

Thomas J. McAndrew, Esq.
One Turks Head Place
Providence, RI 02903
tmcandrew@tjmcandrewlaw.com

- Town of Westerly Email List
- General Mailing List

Lisa Turner

From: Lisa Turner
Sent: Tuesday, November 18, 2025 11:45 AM
To: Shawn Lacey, Town Manager, Westerly; William J Conley, Esq., Westerly Town Solicitor; Sarah O'Toole, Esq
Subject: CRMC Semimonthly Meeting Notification -- 2023-03-069 Town of Wester - Proposed ROW - Everett Avenue
Attachments: SMM Notification 11-25-2025 Proposed ROW - Everett Ave Westerly.pdf

Good Morning: Please see attached the Public Notification that the request for CRMC ROW designation of Everett Avenue, Westerly, will be presented to the Coastal Resources Management Council on Tuesday, November 25, 2025 for review and action.

Thank you!

Cordially,
Lisa Turner

Lisa A. Turner, Programming Services Officer
aka Office Manager and Record Keeper
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road; Room 116
Wakefield, RI 02879
401-783-3370

Lisa Turner

From: Lisa Turner
Sent: Tuesday, November 18, 2025 11:54 AM
To: Thomas McAndrew
Subject: CRMC Semimonthly Meeting Notification -- 2023-03-069 Town of Wester - Proposed ROW - Everett Avenue
Attachments: SMM Notification 11-25-2025 Proposed ROW - Everett Ave Westerly.pdf

Good Morning: Please see attached the Public Notification that the request for CRMC ROW designation of Everett Avenue, Westerly, will be presented to the Coastal Resources Management Council on Tuesday, November 25, 2025 for review and action.

Thank you!

Cordially,

Lisa Turner

Lisa A. Turner, Programming Services Officer
aka Office Manager and Record Keeper
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road; Room 116
Wakefield, RI 02879
401-783-3370

Lisa Turner

From: Lisa Turner
Sent: Tuesday, November 18, 2025 11:55 AM
To: Anthony Palazzolo
Subject: CRMC Semimonthly Meeting Notification -- 2023-03-069 Town of Wester - Proposed ROW - Everett Avenue
Attachments: SMM Notification 11-25-2025 Proposed ROW - Everett Ave Westerly.pdf

Good Morning: Please see attached the Public Notification that the request for CRMC ROW designation of Everett Avenue, Westerly, will be presented to the Coastal Resources Management Council on Tuesday, November 25, 2025 for review and action.

Thank you!

Cordially,

Lisa Turner

Lisa A. Turner, Programming Services Officer
aka Office Manager and Record Keeper
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road; Room 116
Wakefield, RI 02879
401-783-3370

Lisa Turner

From: Lisa Turner
Sent: Tuesday, November 18, 2025 11:57 AM
To: 'Brian Patrick Kennedy, Representative Westerly'; 'David Denham, Westerly IT System Admin'; 'David Murphy, Westerly Building Official'; 'David Thompson, Westerly Town Assessor'; 'Frank Hall Boatyard'; 'Joseph V. Paliotta'; 'Kimberlie Rayner-Russell, Asst Harbor Master'; 'Kyle Zalaski, Town Engineer, Westerly'; 'Marty Loiselle, Zoning Official, Westerly'; 'Mary Leblanc, Westerly Town Clerk'; 'Max Sposato, DPW Asst Director - Westerly'; 'Nancy Letendre, Westerly Town Planner'; 'Paul Gingerella, Chief, Westerly Police Dept.'; 'Phil Capaldi'; 'Samuel A. Azzinaro, Representative Westerly'; 'Shawn Lacey, Town Manager, Westerly'; 'Victoria Gu, Senator Westerly, Charlestown, So Kingstown'; 'Walter Reynolds'; 'William Conley, Esq; Westerly Town Solicitor'
Subject: CRMC Semimonthly Meeting Notification -- 2023-03-069 Town of Wester - Proposed ROW - Everett Avenue
Attachments: SMM Notification 11-25-2025 Proposed ROW - Everett Ave Westerly.pdf

Good Morning: Please see attached the Public Notification that the request for CRMC ROW designation of Everett Avenue, Westerly, will be presented to the Coastal Resources Management Council on Tuesday, November 25, 2025 for review and action.

Thank you!

Cordially,
Lisa Turner

Lisa A. Turner, Programming Services Officer
aka Office Manager and Record Keeper
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road; Room 116
Wakefield, RI 02879
401-783-3370

Lisa Turner

From: Lisa Turner
Sent: Tuesday, November 18, 2025 11:58 AM
To: 'Amanda Barker'; 'Amy Rose Weinreich, Charlestown TC'; 'Audubon Society of Rhode Island'; 'Beth E. Ashman, Cranston Acting City Planner'; 'Bruce Eastman RISA'; 'Carol Wordell, Little Compton Town Clerk'; 'Catherine Hall, Esq., Save The Bay'; 'Catie Alves, STB CoastKeeper'; 'Charlotte Taylor'; 'Chris Dodge, Save The Bay'; 'Christine Andrews, QDC'; 'Chuck Horbert, RIDEM'; 'Daniel B Breen, CIV USARMY CENAE'; 'David Latham'; 'David Murdock'; 'Deborah Mongeau, Librarian'; 'Edward A Mello, Jamestown Town Admin'; 'Elizabeth Totten'; 'Eric Schneider, RIDEM Fish and Wildlife'; 'Frank Corrao, Acting Director, Cranston Public Works'; 'Jean Bellm, Exec Asst, Barrington'; 'Jeanne Spencer, Tiverton Town Clerk's Office'; 'Jeannette Alyward, North Kingstown TC'; 'Jed Thorp, Director of Advocacy, Save The Bay'; 'Jeff Willis'; 'Jeffrey C. Hall, Exec. Dir, ASRI'; 'Jeffrey Gardner'; 'Jennifer M. West, Portsmouth TC'; 'Jessica Capaldi, Deputy Clerk Warren'; 'Joan Chabot, Town Clerk, Tiverton'; 'John Brown, THPO, Narragansett Indian Tribe'; 'John Rago'; 'John Torgan'; 'John Williams, Warwick Cove Marina'; 'Jude Zeh'; 'Kathy & Steve Jacques'; 'Kathy & Steve Jacques'; 'Kevin R. Kotelly, USACOE'; 'Laura C. Swistak, City Clerk, Newport'; 'Laura Dwyer'; 'Leah Stoddard, E Prov Deputy Clerk'; 'Leslie Martin, USARMY USACE'; 'Lisa Turner'; 'Lynn D'Abrosca, City Clerk, Warwick'; 'Mary Leblanc, Westerly Town Clerk'; 'Matt Gineo, Oldport Marine'; 'Matt O'Brien, AP Reporter'; 'Melissa Cordeiro, Bristol Town Clerk'; 'Michael Arguello, RIDEM Water Resources'; 'Michael McGiveney'; 'Neal Personeus, RIDEM'; 'Nichole Romane, Town Clerk, South Kingstown'; 'Nick Donadio'; 'Peter A. Healey'; 'Peter M. Vieira, Marine Construction'; 'Phil Capaldi'; 'Philip Hervey, Town Manager'; 'Providence City Clerk'; 'Rebecca Russell RIDEM Water Resources'; 'Reuben Macfarlan, RIDEM/DMF'; 'RIAG/Environmental & Energy Unit'; 'Rich Hittinger, RISAA'; 'Richard DeSalvo, RI Moorings'; 'Richard Goldstein Pawtucket TC'; 'Richard Langseth'; 'Robert Lyons, Ocean House Marina'; 'Robin Barlow, RI Builders'; 'Rodman R. Black Jr. HIIA'; 'Sandrea Speroni, Town Clerk's Office'; 'Sarah Frazar, RIDEM'; 'Scott Briggs, Librarian'; 'Shirley Frietag, NRPA President'; 'Stephanie Bernardo, Barrington Town Clerk'; 'Sue Cornachia'; 'Taylor Ellis'; 'Thomas R. Evans, State Librarian'; 'Topher Hamblett, Save The Bay, Executive Director'; 'Tracy A. Nelson, Cranston City Clerk'; 'US ACOE CENAE RI'; 'Wendy J. W. Marshall, Middletown TC'
Subject: CRMC Semimonthly Meeting Notification -- 2023-03-069 Town of Wester - Proposed ROW - Everett Avenue
Attachments: SMM Notification 11-25-2025 Proposed ROW - Everett Ave Westerly.pdf

Good Morning: Please see attached the Public Notification that the request for CRMC ROW designation of Everett Avenue, Westerly, will be presented to the Coastal Resources Management Council on Tuesday, November 25, 2025 for review and action.

Thank you!

Cordially,
Lisa Turner

Lisa A. Turner, Programming Services Officer
aka Office Manager and Record Keeper
Coastal Resources Management Council

Jeff Willis

THOMAS J. McANDREW
ATTORNEY AT LAW

Suite 205
One Turks Head Place
Providence, Rhode Island 02903
tmcandrew@tjmcandrewlaw.com

Tel: (401) 455-0350
Fax: (401) 455-0882

RECEIVED

11-07-2025

**COASTAL RESOURCES
MANAGEMENT COUNCIL**

RECEIVED
11-07-2025
COASTAL RESOURCES
MANAGEMENT COUNCIL

Know all men by these presents, that Abbie S. Warner of the town of Middletbury New Haven County, Conn. for the consideration of a valuable sum of money received to my full satisfaction of Daniel C. Kenyon of the town of Waterbury, New Haven County, Conn. do by these presents, remise, release, and forever quit claim unto the said Kenyon all right, title, interest, claim, demand which I the said releasor have or ought to have in or to a certain tract in the estate of Samuel Kenyon (deceased) the same being one fifth of the same, situated in Tiantic R. I. Bounded north on land of Alice E. Potter, East by Paucateuck River, South by land of Elisha Palmer, West by highway, Meaning hereby to release all claims that I now have on the aforesaid property, to have, to hold the premises, with all the appurtenances, unto the said releasee & the said heirs & assigns forever, so that neither I the said releasor nor my heirs, nor any person under me or them, shall hereafter have any claim right or title in or to the premises, or any part thereof, but thenceforward they are by these presents forever barred & excluded. In witness whereof I have hereunto set my hand & seal this 11th day of Nov. A.D. 1889.

Signed, sealed & delivered

in presence of

Wm Kennedy,

Jennie A. London

Abbie S. Warner

{ no seal on original doc
William Hoxsey
Town Clerk

New Haven County S.I. Town of Taugateuck Nov. 11th A.D. 1889.

Personally appeared Abbie S. Warner signer and sealer of the foregoing instrument & acknowledged the same to be her free act & deed, before me

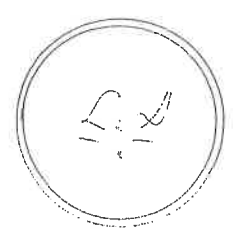
Wm Kennedy,

Notary Public.

Received for Record August 15th A.D. 1891, at 10¹/₄ o'clock A.M. & Recorded

Attest: William Hoxsey,

Town Clerk.



Know all men by these presents that Lynear Norton & Walter St. John Jones, "Trustees" of the "Watch Hill Land Syndicate", in consideration of One (1⁰⁰) dollar & other valuable considerations to them paid by the town of Westerly, Rhode Island, the receipt whereof is hereby acknowledged, do hereby remise, release & forever quit claim to the said the town of Westerly its successors & assigns forever, all those certain tracts or parcels of land situate, lying & being in the village of Watch Hill, Township of Westerly, county of Washington & State of Rhode Island, known & designated as "Avenues", & named "Tiantic", "Kinigret", "Eventt", "Hoauk", "Beowam", "Aguidner", "Sunoch", "Wauwinnet", & "Paucateuck".

NOV 6 7 1891
COASTAL RESOURCES
MANAGEMENT COUNCIL

within the boundaries of grantors land) For more particular description of the same, reference is hereby made to a Plat of Cottage Sites of the "Everett Farm", made by Jacob S. Burnett. Lynceas Norton & Walter St. John Jones, filed November 27, 1886 in the Town Clerk's Office of said Town of Westerly, Rhode Island. The object & purpose of this conveyance is to transfer all right, title & interest said grantors as Trustees aforesaid have of, in, to the said Avenue to the Town of Westerly, Rhode Island. for the use & benefit of the public for road purposes only, & all the estate, title & interest of the said Lynceas Norton, & Walter St. John Jones, Trustees aforesaid either in Law or in equity, of, in, to the said premises; together with all the privileges & appurtenances to the same belonging, & all the rents, issues & profits thereof; to have & to hold the same to the only proper use of the said the Town of Westerly, Rhode Island, its successors & assigns forever. In witness whereof, the said Lynceas Norton & Walter St. John Jones, Trustees of the Watch Hill Land Syndicate, have hereunto set their hands & seals this 27th day of October in the year of our Lord one thousand eight hundred & ninety.

Signed & acknowledged

in presence of us,

Emily L. Norton.

Ben. B. Dale.

Lynceas Norton Trustee of the

L. S.

Watch Hill Land Syndicate.

Walter St. John Jones, Trustee of the

L. S.

Watch Hill Land Syndicate.

State of Ohio

County of Hamilton, N.Y.



Be it remembered that on the 27th day of October in the year of our Lord one thousand eight hundred & ninety (1890) before me, the subscriber, a Notary Public for said county, personally came Lynceas Norton Trustee & Walter St. J. Jones, Trustee of the Watch Hill Land Syndicate, the grantors in the foregoing deed, & acknowledged the signing thereof to be their voluntary act & deed, for the uses & purposes therein mentioned. In testimony whereof, I have hereunto subscribed my name, & affixed my notarial seal, on the day & year aforesaid.

Ben. B. Dale.

Notary Public, Hamilton County, Ohio.

Received for Record September 29th A.D. 1891, at 9 o'clock P.M. & Recorded.

Attest: William Hoxsey.

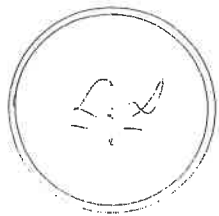
Town Clerk.

Know all men by these presents that I, Nathaniel Babcock of the town of Stonington, Connecticut, executor of the last will and testament of Amanda B. Green, late of the town of Westerly, county of Washington & State of Rhode Island, deceased, in consideration of the sum of one dollar to me paid by Charles A. Stillman of said Westerly, the receipt whereof I do hereby acknowledge.

Know all men by these presents, that Abbie S. Warner of the town of Middlebury New Haven County, Conn. for the consideration of a valuable sum of money received to my full satisfaction of Daniel L. Kenyon of the town of Waterbury, New Haven County, Conn. do by these presents, remise, release, and forever quit claim unto the said Kenyon all right, title, interest, claim, & demand which I the said releasor have or ought to have in or to a certain tract in the estate of Samuel Kenyon (deceased) the same being one fifth of the same, situated in Niantic, R. I. Bounded North on land of Alice E. Potter, East by Paucatuck River, South by land of Elisha Palmer, & West by highway. Meaning hereby to release all claims that I now have on the aforesaid property, to have, to hold the premises, with all the appurtenances, unto the said releasee & the said heirs & assigns forever, so that neither I the said releasor nor my heirs, nor any person under me or them, shall hereafter have any claim, right or title in or to the premises, or any part thereof, but therefrom & they are by these presents forever barred & excluded. In witness whereof I have hereunto set my hand & seal this 11th day of Nov. A.D. 1889.

Signed, sealed & delivered
in presence of
Wm Kennedy,
Jennie A. London
Abbie S. Warner
L. S.
no seal on original doc
William Hoxey
Town Clerk.

New Haven County N.Y. Town of Paucatuck Nov. 11th A.D. 1889.

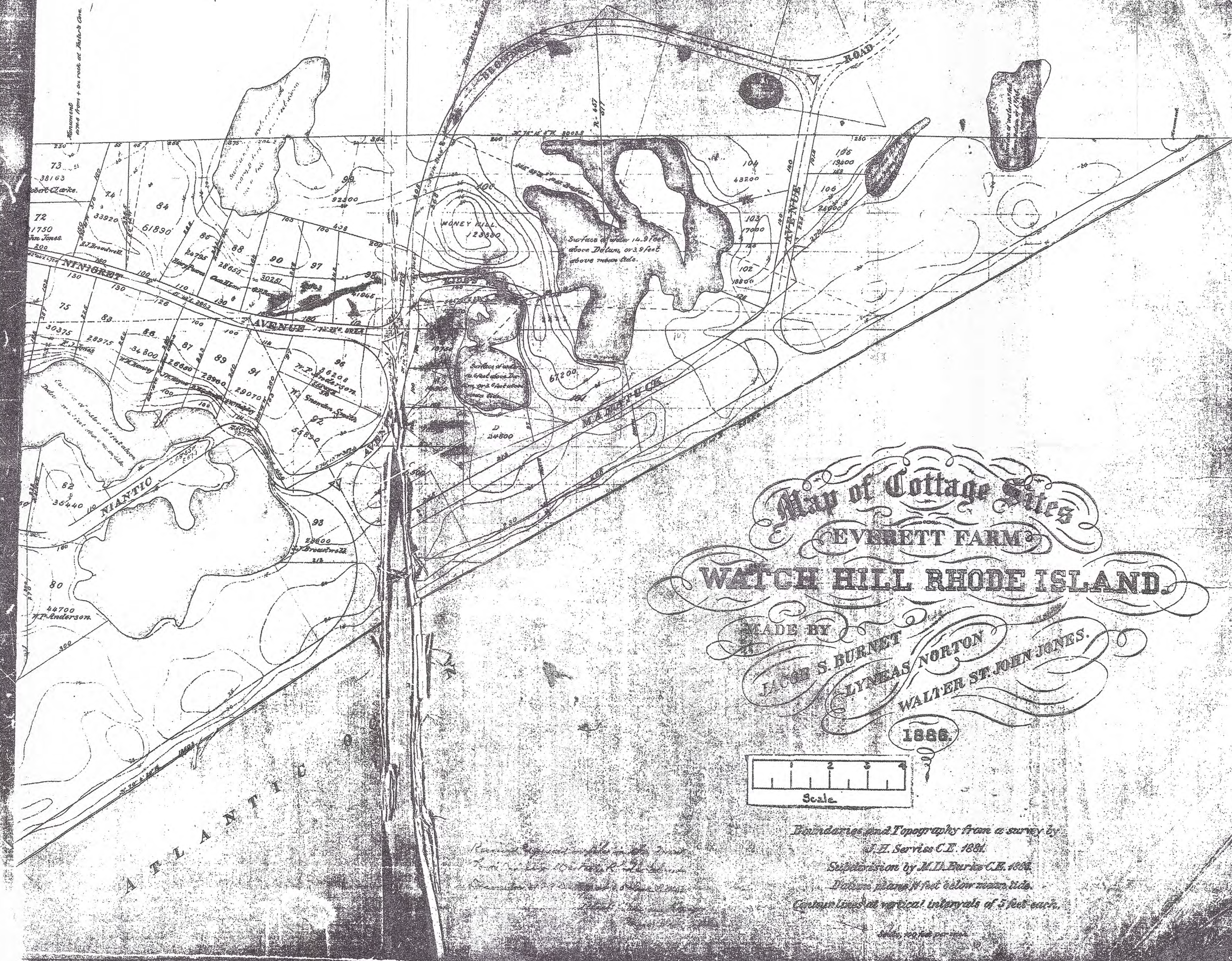


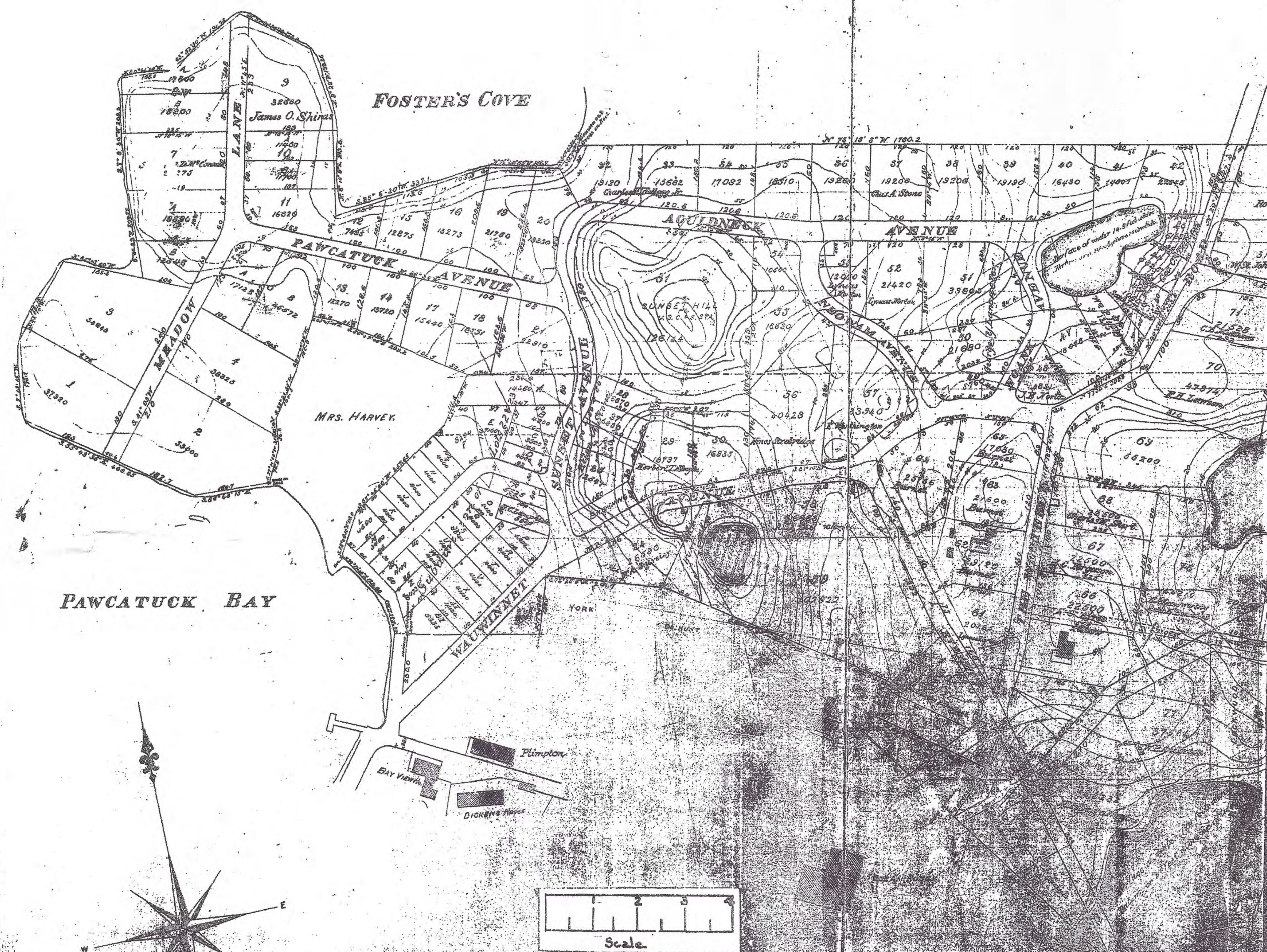
Personally appeared Abbie S. Warner signer and sealer of the foregoing instrument, & acknowledged the same to be her free act & deed, before me,
Wm Kennedy,
Notary Public.

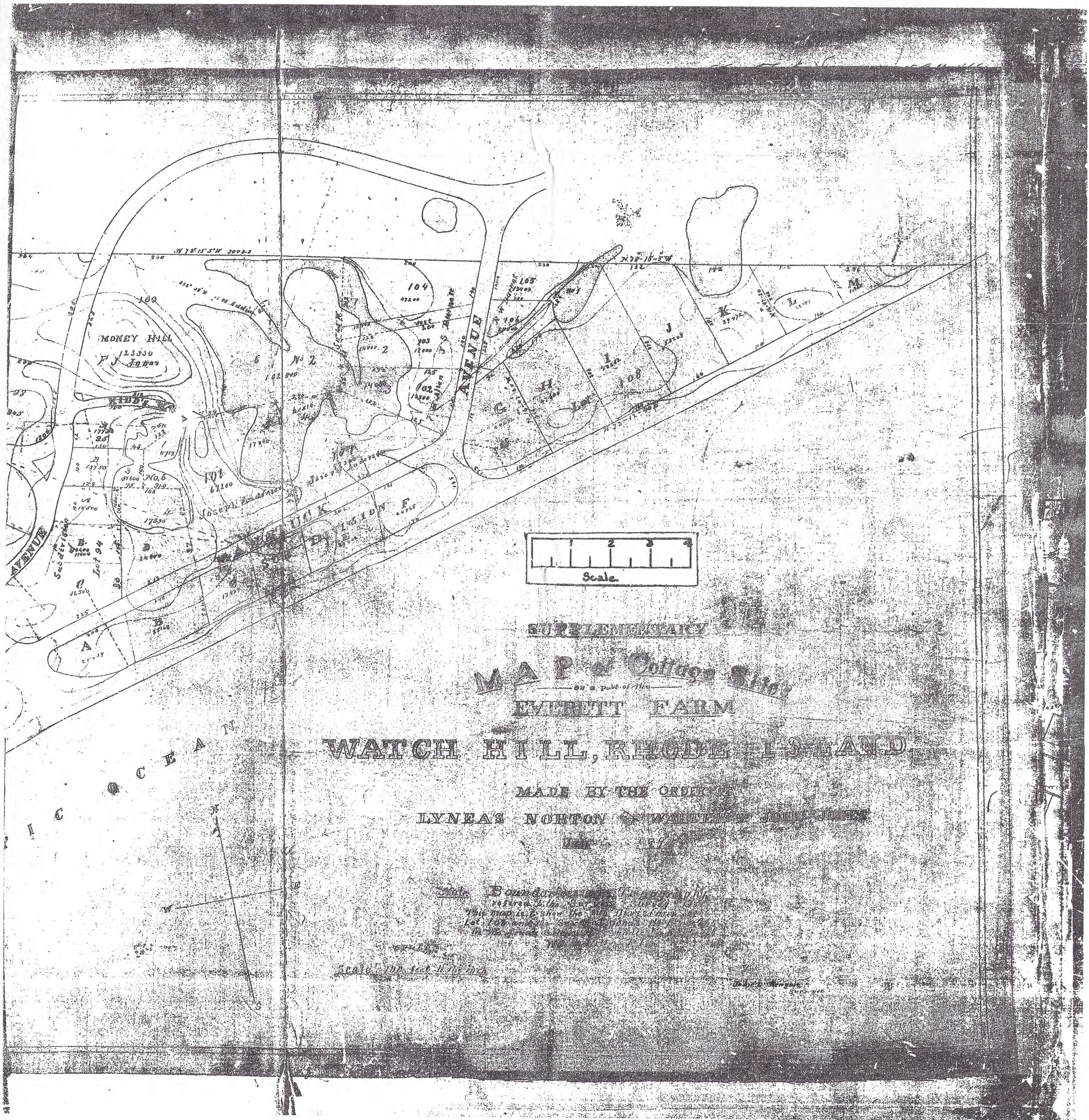
Received for Record August 15th A.D. 1891, at 10¹/₄ o'clock A.M. & Recorded.

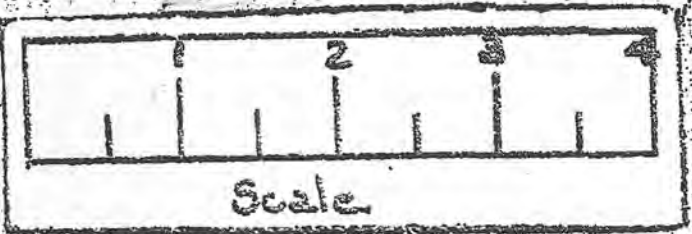
Attest: William Hoxey,
Town Clerk.

Know all men by these presents, that Lynceus Norton & Walter St. John Jones, "Trustees" of the "Watch Hill Land Syndicate", in consideration of One (1⁰⁰) dollar & other valuable considerations to them paid by the Town of Westerly, Rhode Island, the receipt whereof is hereby acknowledged, do hereby remise, release & forever quit claim to the said the Town of Westerly, its successors & assigns forever, all those certain tracts, or parcels of land situate, lying & being in the village of Watch Hill, Township of Westerly, county of Washington & State of Rhode Island, known & designated as "Avenues", & named "Niantic", "Kinigret", "Eventt", "Frank", "Kowam", "Aguidamuk", "Sunock", "Wauwinnat", "Paucatuck Avenues", "Meadow Lane", "The Westerly Road", (so much as lies





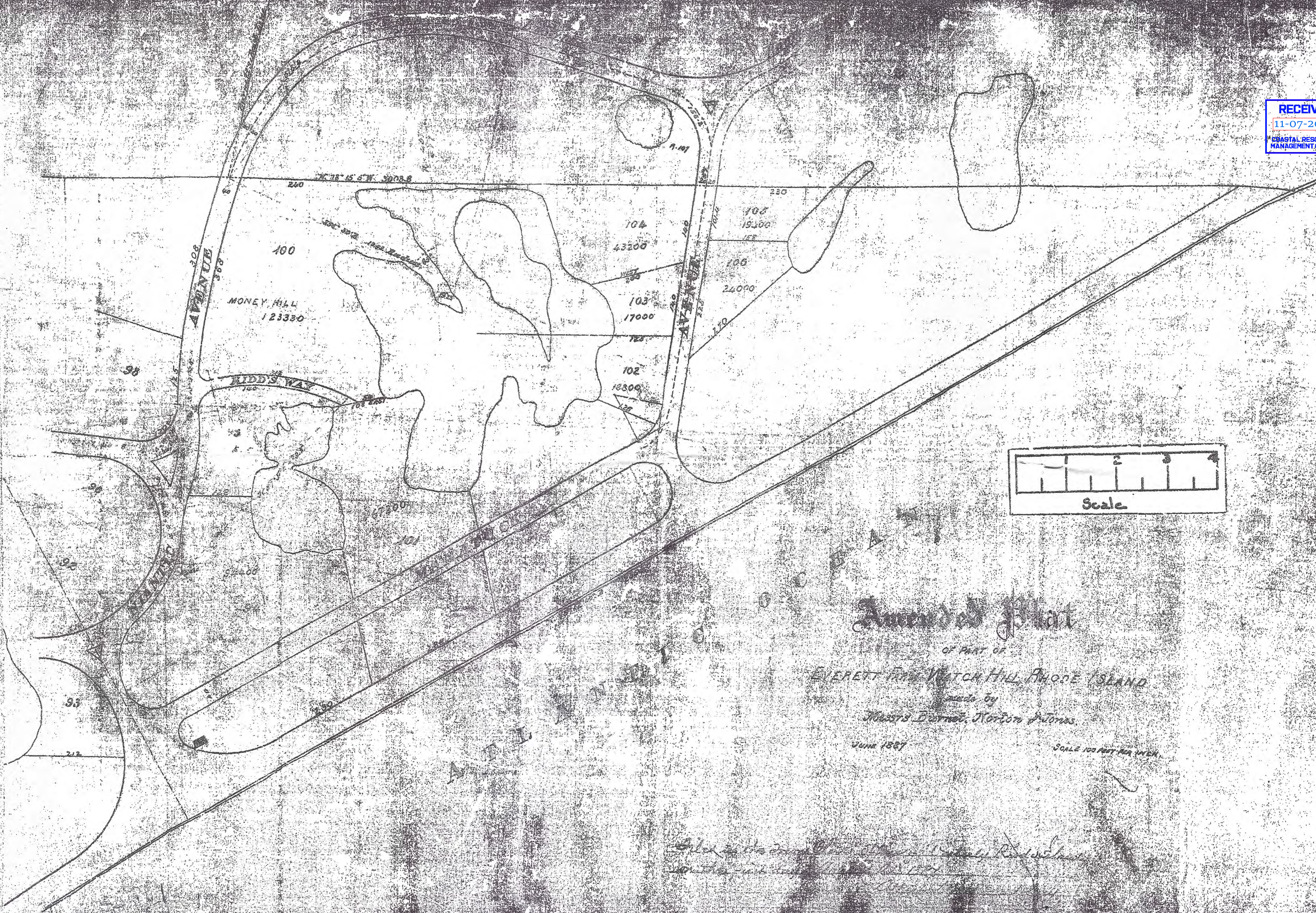


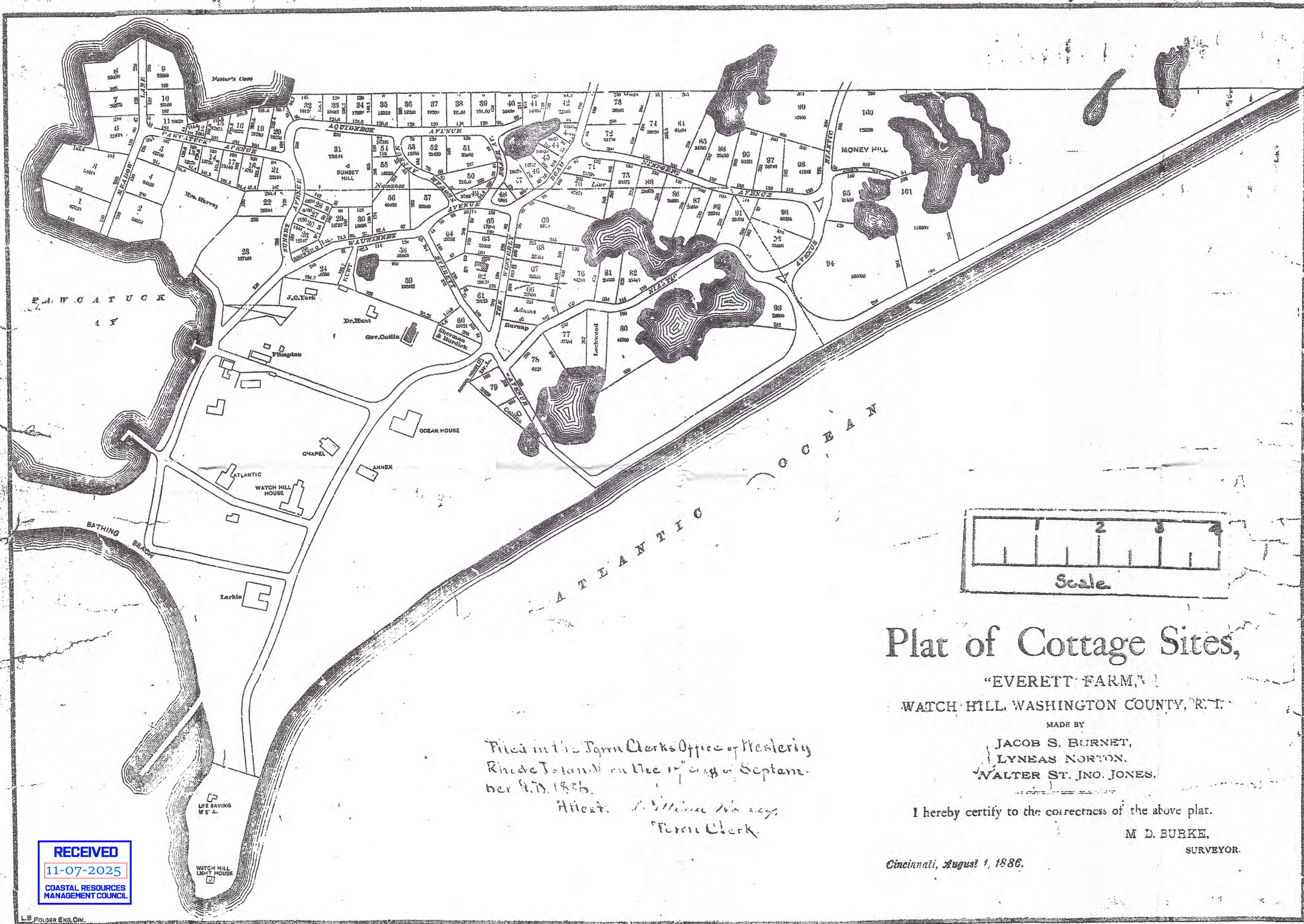


MAP OF COLLAGE
EVERETT FARM
WATCH HILL, RHODE ISLAND
MADE BY THE ORDER OF
LYNEAS NORTON & COMPANY
1871

Note: Boundaries shown on this map are based on the original survey of the Everett Farm, and are not necessarily the same as the boundaries shown on the map of the Watch Hill, Rhode Island, made by the order of Lyneas Norton & Company, 1871.

RECEIVED
11-07-2025
COASTAL RESOURCES
MANAGEMENT COUNCIL





Plat of Cottage Sites,

"EVERETT FARM,"

WATCH HILL, WASHINGTON COUNTY, R.I.

MADE BY

JACOB S. BURNET,

LYNEAS NORTON,

WALTER ST. JNO. JONES.

I hereby certify to the correctness of the above plat.

M. D. BURKE,

SURVEYOR.

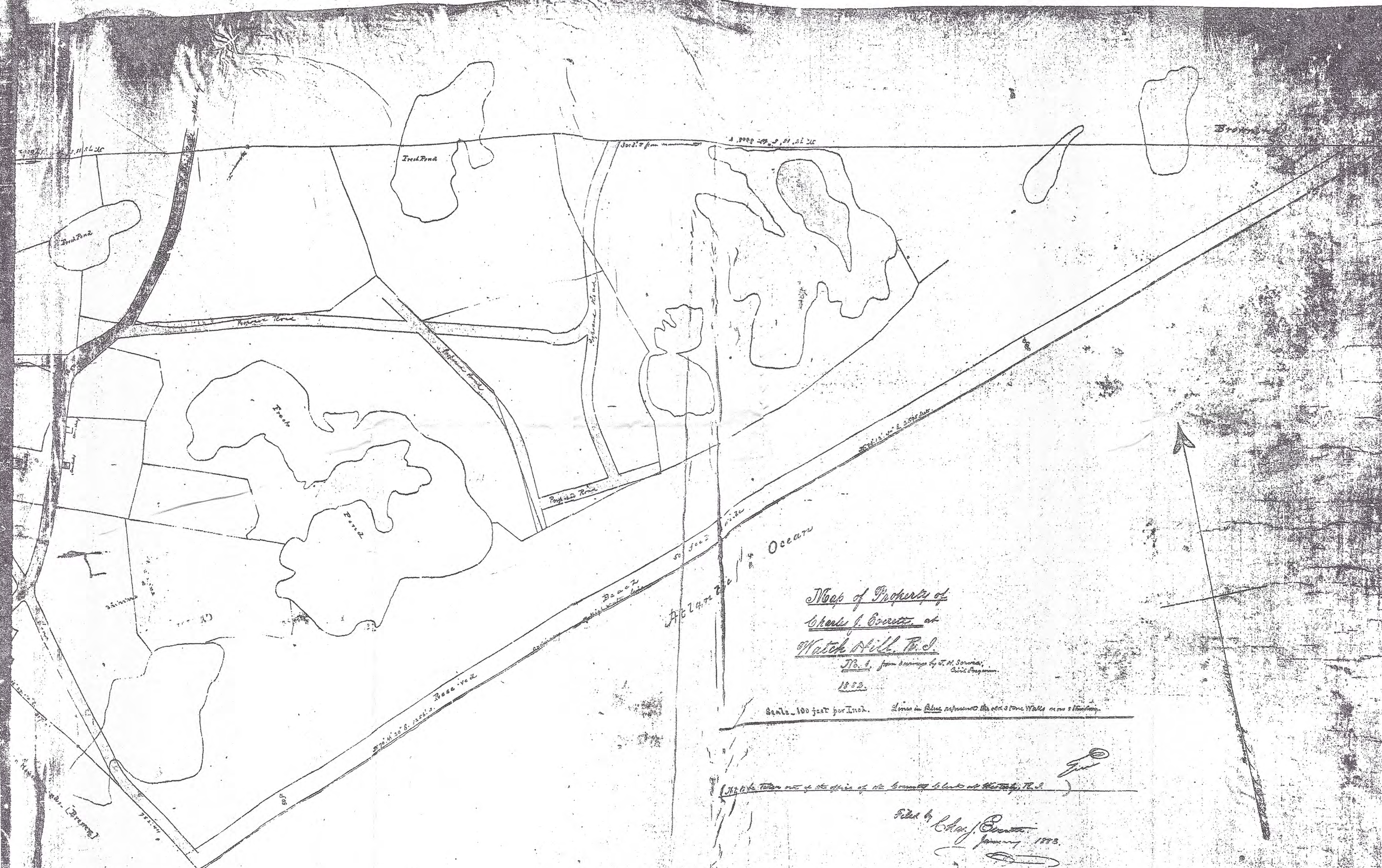
Cincinnati, August 1, 1886.

Filed in the Town Clerk's Office of Westerly
Rhode Island on the 17th day of September
A.D. 1886.

Attest: *Wm. W. May*
Town Clerk.

RECEIVED
11-07-2025
COASTAL RESOURCES
MANAGEMENT COUNCIL

L.B. FOLGER ENG. CIV.



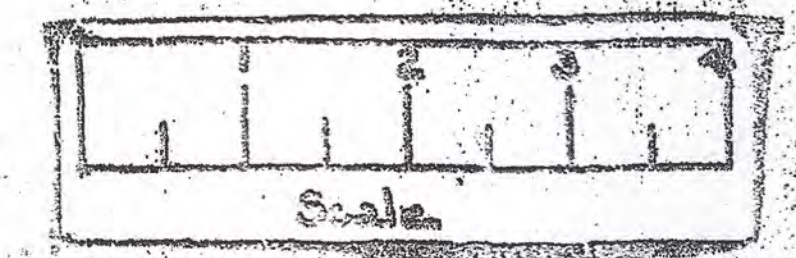
Map of Property of
Charles J. Everett at
Watch Hill, R.I.

No. 1, from bearings by J. H. Searles,
1852.

Scale 100 feet per Inch. Lines in blue represent the old stone walls or no standing.

(Note taken out of the office of the Surveyor General at Watch Hill, R.I.)

Filed by Charles J. Everett
January 1883.



Received of the
Surveyor General
at Watch Hill
R.I.



RECEIVED
11-07-2025
COASTAL RESOURCES
MANAGEMENT COUNCIL

From: Anthony Palazzolo <palazzolo@thepatentsource.com>
Sent: Monday, February 10, 2025 12:04 PM
To: 'CStaff'; Ifeldman@crmc.ri.gov; kcute@crmc.ri.gov; jwillis@crmc.ri.gov; 'Anthony DeSisto'
Subject: Attention Jeff Willis - Please enter this correspondence and attachments into CRMC ROW application 2023-03-069 for Everett Avenue
Attachments: IMG_0179.jpeg; IMG_0176.jpeg; IMG_0180.jpeg; IMG_0177.jpeg; Westerly Land Evidence Records Book 48 Page 169.pdf; Apparent Mortgagee's Sale Referencing Deed and Everett Avenue.jpg; Apparent Westerly Sun Article Dated September 3, 1907.jpg; Apparent Westerly Sun Article Dated July 17, 1939.jpg; Apparent Everett Avenue Notes From CRMC File.pdf; Apparent ROW Subcomm Recs From CRMC File .pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please enter this correspondence and attachments into the CRMC ROW Application 2023-03-069 for Everett Avenue.

On information and belief, this/these information/documents may be authentic and relevant to the above noted matter.

Please also consider addressing the Waters Edge Road (aka Meadow Lane) CRMC ROW Application 2022-11-072 along with Everett Avenue. On information and belief, Everett Avenue and Meadow Lane (aka Waters Edge Road) are both expressly identified in the relevant 19th century maps(s), deed, and Westerly Town Council meeting minutes. As such, in my personal opinion, they stand or fall together and efficiency urges that they be addressed as a pair.

Thank you for your kind assistance.

Sincerely,

Anthony M. Palazzolo Jr

Kent County-South County

Watch Hill Road Abandonment Opposed by State

RECEIVED

MAR 10 2025

COASTAL RESOURCES
MANAGEMENT COUNCIL

The state Rights of Way Commission, at a hearing before the Westerly Town Council, last night objected to the proposed abandonment of the Bluff Avenue passageway to East Beach at Watch Hill.

Santo Turano, counsel for the commission, in addition warned that should the Council order the abandonment he would recommend to the state attorney general that court proceedings be instituted to stop the action.

The two-hour hearing brought widely divergent views on the proposed abandonment of the short, dead-end street, which is used mainly during the summer by bathers to reach the wide, sandy strip running east from Watch Hill light.

Requesting the abandonment are three abutting property owners, Mrs. Rebekah W. Harkness, J. D. Wooster Lambert and Robert M. Nelson.

Cites Abuse

Their lawyer, John G. Coffey of Providence, in tracing a three-year history leading up to the filing of the petition, cited abuse, principally by out-of-state residents, and the unsanitary conditions on weekends.

lenged the grounds under which the abandonment petition was brought before the Council.

The law under which this petition is brought, he said, allows the abandonment of a public way if it is of no use to the public.

The situation, here, he said, is the exact opposite, "too much use."

Mr. Turano also questioned what would be accomplished by closing the Bluff Avenue passageway, sometimes called Shinkle Way, when the beachgoers could reach the same beach from Everett Avenue some distance to the east.

Under questioning by councilmen, he said that both were listed by the commission in its 1958 report as public rights of way. The Bluff Avenue lane, he said, was dedicated to public use, partially in 1872 and partially in 1875. These deeds dedicated a lane 33 feet wide from Bluff Avenue to the ocean.

The rights of way counsel also challenged Mr. Coffey's proposal which would allow Rhode Island residents to continue using the passageway after the technical abandonment.

Ocean View Road Done

Short Stretch on Everett Avenue Is Now to Be Finished

The highway construction work on the Ocean View highway at Watch Hill has at last been finished by the Highway Department and when the Watch Hill people arrive, as they will in the next week or ten days, in numbers, they will find the miserable piece of road from Rayberry Corner north to the Shore Road a thing of the past.

A good connection has been made with the state road at the Shore Road, the town construction being in the shape of the letter 'Y'.

Another long deferred promise on the part of the town, which is now to be completed, is the construction of Everett Avenue at Watch Hill. Everett Avenue was built from the Westerly Road east to the ocean last year, but it will now be built from the Westerly Road north past the municipal building of the town and to the shore. There have long been called for a better road here, which has never been anything but a driftway, and the parking of automobiles in north holes has not been pleasing to the Watch Hill people.

It is expected that, if weather conditions hold good, this stretch will be completed in short order, as it is not a long job.

RECEIVED

MAR 10 2025

CONSTITUTIONAL
ADMINISTRATIVE COUNCIL

Westerly Sun 13 July 1926

RECEIVED

MAR 10 2025

COASTAL RESOURCES
MANAGEMENT COUNCIL

Work Starts on Watch Hill Street

The Highway Department started work this morning at Watch Hill on Everett Avenue, a short road which has been very much abused and neglected which leads from the West-erly Road, near the old school at Watch Hill, to the ocean.

It is about 200 yards long. The town plans to do a permanent job here so that it will stand the wash on the side hill and the wear it gets from automobiles going to the beach.

Total _____ \$8,713.98

PLEASANT STREET

Pleasant Street had a topeka top laid upon the waterbound foundation which was built in 1925. This street is now in good condition, having a topeka top and concrete curbing from High Street to Marriott Avenue. This work was all done by our own forces.

Length of roadway constructed, 1225 lineal feet or 0.232 miles.

Width of roadway, 22 feet.

Area of roadway, 4115 sq. yards.

Total cost of roadway, \$4,310.19.

Cost per sq. yard, \$1.048.

Cost per sq. yard of foundation laid in 1925, \$0.99.

Total cost of metal surface, \$2.038 per sq. yd.

EVERETT AVENUE

Everett Avenue at Watch Hill was only partially constructed, only that portion which is on a steep grade being done. This was built on the penetration method by our own forces.

Total length of roadway constructed, 364 lineal feet or 0.069 miles.

Total width of roadway, 19 feet.

Total square yards of surface, 786.5.

Total cost of roadway, including concrete driveway, 11.3 ft. x 83.7 ft.

\$1,223.13.

Cost per square yard, including driveway, \$1.555.

JOHN STREET

John Street was built like Main Street, namely a topeka top on a penetrated base. By using this method, the top becomes knit to the base and gives a much tighter road from the top to the bottom of the pavement. This work was done by our own forces.

Total length of roadway constructed, 1237 lineal feet or 0.234 miles.

Total width of roadway, 24 feet.

Total square yards of surface, 4821.64.

Total cost of construction, \$10,235.04.

Cost per square yard of surface including resetting of curb, etc., \$2.12.

Length of curbing reset, 1875 lineal feet.

Total cost of resetting curbing, \$1295.03.

Cost per lineal foot curb reset, \$0.69.

RECEIVED

FEB 19 1925

MANAGEMENT COUNCIL

Legal Advertising 10

Mortgagee's Sale

Will be sold at PUBLIC AUCTION on Tuesday, August 10th, A. D. 1937, at ten o'clock in the forenoon, Daylight Saving Time, on the premises hereinafter described, by virtue of the power of sale contained in that Mortgage Deed made and executed by Louis W. Murano and Susie L. Murano, husband and wife, dated the 13th day of November, A. D. 1935, and recorded in Book Number 27, at Page 312 of the Records of Mortgages in the Town of Westerly, in the State of Rhode Island, the conditions of said Mortgage Deed having been broken.

That certain real estate located in the Town of Westerly, County of Washington, State of Rhode Island, described as follows:

Beginning at a stone bound set in the ground on the northerly side of Tower Street at the southwesterly corner of the lot hereby conveyed, thence run northeasterly 60 feet bounded southerly by Tower Street, thence run northwesterly 205 feet more or less, to land of Pasquale Ritacco, bounded northeasterly by land of Luigi Murano, thence run southwesterly 80 feet more or less to a stone bound set in the ground and bounded westerly by land of said Ritacco, thence run southwesterly 180 feet more or less to point and place of beginning, bounded southwesterly by land of Santo Capalbo, or however otherwise bounded and described.

Being Lot No. 91 and part of lots 90 and 117 as designated on a plan accompanying deed from Susan A. Voss to grantor dated June 4th, A. D. 1914, and recorded in Land Evidence Records of said Westerly, Book 44 at Page 511, reference to the same and the record thereof being hereby had and made.

Including all buildings and improvements thereon, or that may hereafter be erected thereon; together with the hereditaments and appurtenances and all other rights thereunto belonging or in anywise now or hereafter appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all plumbing, heating and lighting fixtures and equipment now or hereafter attached to, or used in connection with said premises.

Conveyance will be made subject to all water rents, local and state taxes and other assessments, if any, which constitute a lien thereon.

By order of the assignee and present owner and holder of said mortgage, which hereby gives notice of its intention to bid at said sale, or any postponement or adjournment thereof.

GEORGE R. McKENNA,

Attorney for the Assignee and present owner and holder of said mortgage.

July 13, 1937.

NORTH STONINGTON
SCHOOL BOARD

Legal Advertising 10

Mortgagee's Sale

Will be sold at Public Auction on Saturday, July 31st, 1937, at eleven o'clock a. m. Eastern Daylight Saving Time, on the premises hereinafter described in the Village of Watch Hill, Town of Westerly, County of Washington, State of Rhode Island, by virtue of the power of sale contained in that certain mortgage deed made by Rosa Dunlap Nichols dated the 26th day of June, 1923, and recorded in the Real Estate Mortgage Book No. 18, Page 419, of the said Town of Westerly, the conditions of said mortgage deed having been broken:

All that certain piece or parcel of land and premises hereinafter particularly described, situate, lying and being in the village of Watch Hill, Township of Westerly, County of Washington, State of Rhode Island: beginning at a stone monument set in the ground in the southerly boundary line of land formerly of Charles J. Everett, and in the division line between said land and land now or formerly of James D. Brewer, and running (1) along said division line in a course 36°-27' west one hundred forty (140) feet; thence (2) in an easterly direction at an angle about 70° with the last course one hundred (100) feet to the west side of a new public road, thirty (30) feet in width, leading from the Ocean Beach to the principal highway of Watch Hill; (3) southerly, along the westerly side of said Beach Road in a straight line, prolonged across a portion of a Pond, two hundred sixty-seven (267) feet until said straight line intersects the above mentioned line of division between land formerly of said Charles J. Everett and land now or formerly of James D. Brewer; (4) along said division line and across the same Pond in a course north 36°-27' west one hundred forty-two (142) feet to the point and place of beginning, being the stone monument above mentioned; said premises being bounded on the north by land formerly of Charles J. Everett, easterly by a road known as the Beach Road or Everett Avenue, and westerly by land now or formerly of James D. Brewer; and being the same entire premises embraced and described in a deed from A. Chalkley Collins to the said Grantor, which deed is dated March 12th, 1923, and recorded in the Land Evidence Records of the said Town of Westerly in Book No. 48 at Page 160, together with all the rights of way and other rights, privileges and appurtenances thereto belonging and subject to all conditions, reservations and restrictions contained in said deed, reference to said deed and the record thereof being hereby had and made and the same are made a part of these presents.

By order of the mortgagees who hereby give notice of their intention to bid at said sale or at any adjournment thereof.

JOHN FERGUSON,
Westerly, R. I.

Attorney for Mortgagees.

RECEIVED

MAR 10 2025

COASTAL RESOURCES
MANAGEMENT COUNCIL

COUNCIL MEETING.

Thomas H. Peabody Throws Down
the Gauntlet to Council.

"YOU HAVE SWALLOWED ME"

He Says. The Irete Councilman Affirms
that He Can Make as Much Noise as Any
Man on the Council, and Declares the
Council Can Have it During the Next Ten
Months.

The regular meeting of the Westerly
town council was held at the town
clerk's office Monday morning at 9:30

~~at 9:30 a.m. all of the members being~~
~~present.~~
The minutes of the last regular meet-
ing were read and approved. The re-
port of the overseer of the poor was
read, accepted and placed on file.

Edward R. McKnight was voted
\$507.47 as part payment on his con-
tract work in widening High street.
This leaves a balance of \$50 to be paid
after the council approves of the work
when the paving has had time to set-
tle.

The police report showed eight ar-
rests and one liquor raid during the
month of August. The report was ac-
cepted and placed on file.

A petition was received from the
twenty-one Watch Hill residents, ask-
ing that the town macadamize the
or 500 feet of Everett avenue leading
from the Watch Hill road to the
beach. The matter was referred to
the road committee.

A petition was also received from
Watch Hill residents, asking for re-
lief from the nuisance caused by
throwing rubbish in Little Narragan-
sett bay. The matter was referred to
the health officer and Councilman H.
E. Burdick.

With reference to a discussion at a
former meeting of the Westerly town
council relative to the legality of ap-
pointing non residents as police com-
missioners, town solicitor L. A. Hanger

presented the following statement:

with
est
to
d

con-
line,
Mr

the
Lang
ning
said
but
hark
I can

on t
most
by
meet
tho
have
it in

He
him
you
Mr

the

RECEIVED

MAR 10 2025

COASTAL RESOURCES
MANAGEMENT COUNCIL

WEDNESDAY EVENING, JULY 17, 1939

Commission To Work For Towns' Good

Will Study Means of
Correcting Law Which
Allows Unlimited Debt

TO STUDY RELIEF

Governor Expecting
More WPA Cuts Urges
Pay As You Go Policy

(By Staff Correspondent)

State House, Providence, July 17—A very definite study to correct current laws allowing cities and towns to increase their debt to an unlimited amount, because no maximum is now fixed, will be included in the work of the special relief commission named by Governor William H. Vanderbilt.

While the Legislature, in continuing the borrowing rights of the municipalities for emergency and public works, failed again to put a ceiling on debt-increasing powers, it is known the Governor is definitely

Great Britain Ref Reverse Policy In Demand of Another

Watch Hill Bathing Beaches Have Parking Problem Too

Traffic at Watch Hill yesterday was fairly heavy in spite of the cool weather and the parking area near the new Watch Hill Yacht Club was comfortably filled throughout the afternoon, while automobiles lined both sides of Bay Street throughout the business district.

Many who went to the resort with the idea of taking a dip in the ocean, were dissuaded from doing so because of the cold breeze blowing in from the water.

The number of "free" bathers in the vicinity of Everett Avenue on the East Beach, was also below the previous Sunday, but there were

still many cars parked in the area. Westerly Police were called to the location several times during the day to warn parties against parking on private property.

At the recent annual meeting of the Watch Hill Fire District, it was voted to request the Westerly authorities to forbid any automobile parking on the roads leading to the East Beach, and this matter will be discussed, at a meeting of the Westerly Police Committee to be held this week. It is the contention of the Fire District officials that although the town has no right to forbid driving to the East Beach, it has the right to prevent parking of cars on the road.

RECEIVED

MAR 10 2025

COASTAL RESOURCES
MANAGEMENT COUNCIL

MAR 10 2025
169COASTAL RESOURCES
MANAGEMENT COUNCIL

land of Michele Marrone and wife, on the westerly side of the highway known as Tower street, thence westerly two hundred twenty-one (221) feet, more or less, to a stone wall and to land of Michele Marrone and wife; thence southerly following the line of said stone wall, one hundred five (105) feet, more or less to land of Frank Algieri and wife; thence easterly two hundred twenty-one (221) feet, more or less, to said Tower street; and thence northerly one hundred three (103) feet, more or less, to point and place of beginning. Bounded easterly by said Tower street, northerly and westerly by land of Michele Marrone and wife, and southerly by land of Frank Algieri and wife.

To Have and to Hold, the aforegranted premises, with all the rights, privileges and appurtenances thereunto belonging, unto and to the use of the said Grantees, and their heirs and assigns, forever. And I, the said Grantor, do hereby, for myself and for my heirs, executors, and administrators, covenant with the said Grantees and their heirs and assigns that I am lawfully seized in fee simple of the said granted premises; that the same are free from all incumbrances; that I have good right, full power and lawful authority to sell and convey the same in manner as aforesaid; that the said Grantees and their heirs and assigns shall by these presents at all times hereafter peaceably and quietly have and enjoy the said premises, and that, I the said Grantor will, and my heirs, executors and administrators, shall warrant and defend the same to the said Grantees and their heirs and assigns forever against the lawful claims and demands of all persons.

In Witness Whereof, I have hereunto set my hand and seal this 23rd day of March, in the year of our Lord one thousand nine hundred and twenty-three.

Executed in presence of

Everett E. Whipple

U.S.I.R.
\$2.50
stamps

William Booth

L.S.

STATE OF RHODE ISLAND,
County of Washington.

In Westerly, on the 23d day of March, A.D. 1923.

before me personally appeared William Booth, to me known and known by me to be the party executing the foregoing instrument, and he acknowledged said instrument, by him executed, to be his free act and deed.

Everett E. Whipple

Town Clerk.

Received for Record March 24th, A.D. 1923, at 11 o'clock, A.M., and recorded.

Attest: *Everett E. Whipple*
Town Clerk.

THIS INDENTURE, Made the twelfth day of March, in the year one thousand nine hundred and twenty-three, BETWEEN,

A. CHALKLEY COLLINS,

of Great Barrington, Berkshire County, Massachusetts, party of the First Part; and

ROSA DUNLAP NICHOLS,

of Bryn Mawr, Montgomery County, State of Pennsylvania, party of the Second Part. WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar and other good and valuable consideration, to him in hand paid by the said party of the Second Part, at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, does grant, bargain, sell, convey and confirm unto the said party of the Second Part, and to her heirs and assigns forever,

ALL that certain piece or parcel of land and premises hereinafter particularly described, situate, lying and being in the Village of Watch Hill, Township of Westerly, County of Washington, State of Rhode Island, beginning at a stone monument set in the ground in the southerly boundary line of land formerly of Charles J. Everett, and in the division line between said land and land now or formerly of James D. Brewer, and running (1) a-

RECEIVED

MAR 10 2025

MASSACHUSETTS
COASTAL RESOURCES
MANAGEMENT COUNCIL

long said division line in a course north 36° 27' west 140 feet; thence (2) in an easterly direction at an angle of about 70° with the last course, 100 feet to the west side of a new public road, 30 feet in width, leading from the Ocean Beach to the principal highway of Watch Hill; (3) southerly, along the westerly side of said Beach Road, in a straight line, prolonged across a portion of a Pond, 267 feet until said straight line intersects the above mentioned line of division between land formerly of said Charles J. Everett and land now or formerly of James D. Brewer; (4) along said division line and across the same Pond in a course north 36° 27' west 142 feet to the point of beginning, being the stone monument above mentioned. Said premises being bounded on the north by land formerly of Charles J. Everett; easterly by a road known as the Beach Road or Everett Avenue; and westerly by land now or formerly of James D. Brewer; and being the same entire premises embraced and described in a deed from Charles J. Everett and wife to Alice V. Collins, which deed is dated September 10th 1884 and is recorded in the Land Records of the Town of Westerly, Rhode Island, in Book No. 27, Pages 31 to 35; and also being the same entire premises which were conveyed by the said Alice V. Collins to the said A. Chalkley Collins by deed dated February 6th, 1888 and recorded in said Registry of Deeds in Book No. 28, Page 312 etc. TOGETHER WITH all rights of way and other rights, privileges and appurtenances thereto belonging and subject to all conditions, reservations and restrictions contained in either of said deeds. To both of which deeds, reference may be had for a more particular description of the premises herein described, and the rights hereby conveyed.

TO HAVE AND TO HOLD the above described premises, with the appurtenances thereto belonging, to the said Rosa Dunlap Nichols, her heirs and assigns, to her and their own proper use, benefit, and behoof forever. And I, the said grantor, for myself, my heirs, executors and administrators do COVENANT to and with the said grantee, her heirs and assigns that I am the lawful owner of the above bargained premises; that I am seized and possessed of the same in my own proper right, as good, perfect and absolute estate of inheritance, in fee simple; that I have in myself good right to sell and convey the said bargained premises in manner aforesaid, and that the said demised and bargained premises, with the privileges and appurtenances thereto belonging, are free from all incumbrances except as herein stated, and excepting two mortgages given by me to Dr. A. V. Segar of Willimantic, Connecticut, amounting to Forty-five Hundred Dollars (\$4,500.00) which mortgages, the said grantee hereby assumes and agrees to pay as a part of the consideration of this deed. And that I will forever WARRANT AND DEFEND said premises to the said grantee, her heirs and assigns against the lawful claim or demands of any person or persons whatsoever, except as herein stated. And I hereby certify that my wife, Sarah S. Collins, died on July 14th, 1918 and that I have not since remarried. IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this twelfth day of March, A.D. 1923.

Signed, sealed and Delivered in the presence of:

Mary A. Kastner
U.S.I.R.
\$9.50
stamps
COMMONWEALTH OF MASSACHUSETTS,
Berkshire, ss.

A Chalkley Collins

L.S.

March 13th, 1923

Then personally appeared the above named A. Chalkley Collins, and acknowledged the foregoing instrument to be his free act and deed; he being to me personally known and known to me to be the party executing the foregoing instrument. Before me,

(L.S.)

Walter B. Sanford

NOTARY PUBLIC.

Commonwealth of Massachusetts,
County of Berkshire, ss.

I DENNIS C. KILLEEN, clerk of the District Court of Southern Berkshire, which is a Court of Record for the County and Commonwealth aforesaid, do hereby certify, that Walter B. Sanford Esquire, whose name is subscribed to the certificate of proof or acknowledgement of the annexed instrument, and thereon written, was, at the time of

taking such proof or acknowledgement, a Notary Public within and for said Commonwealth of Massachusetts, duly commissioned and sworn, and residing in said County of Berkshire, and duly authorized to take the same, and an officer duly authorized by the laws of said Commonwealth to take the acknowledgement or proof of Deeds to be recorded therein, and that I am well acquainted with the handwriting of said Notary Public and verily believe that the signature to the said certificate of acknowledgement is genuine.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Great Barrington this thirteenth day of March 1923.

(L.S.)

Dennis C. Killeen

Clerk.

Received for Record March 26th, A.D. 1923, at 12 o'clock, M., and recorded.

Attest :

Edward E. Shipple

Town Clerk.

RECEIVED

MAR 10

COASTAL RESOURCES
MANAGEMENT

NCIL

Know all Men by these Presents, that I,

Rose Ahern Beebe,

formerly Rose Ahern, of the Town of Westerly, in the County of Washington and State of Rhode Island, hereinafter called the Grantor, in consideration of Ten Dollars and other valuable considerations, to me paid by

husband and wife, and

Leonardo Capizzano and Domenica Capizzano,

Francesco Chimento and Angelina Chimento,

husband and wife, all of said Town of Westerly, hereinafter called the Grantees, the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell and convey unto the said Grantees, and their heirs and assigns forever

a certain lot or parcel of land, with the buildings and other improvements thereon standing, lying and being in the village and said Town of Westerly and bounded and described as follows, to wit: Beginning at the north-westerly corner thereof, adjoining land of James F. Farnsworth at an iron bolt, thence run easterly sixty-eight and six tenths (68.6) feet to an iron bolt in the ground, bounded northerly partly by land of Theodore T. Picard and wife and partly by land of the heirs of Charles L. Mann; thence southerly one hundred seventy-five (175) feet to an iron bolt, bounded easterly partly by land of Anna I. Williams, partly by land of Hobart C. Saunders and wife, partly by land of Merton L. Stott and wife, and partly by land of Charles M. Ledward and wife; thence westerly seventy-eight (78) feet to an iron bolt, bounded southerly by a lane or passway; and thence northerly one hundred seventy-three (173) feet to point and place of beginning, bounded westerly by land of Rachel E. Richmond et al; or however otherwise the same may be bounded or described. Being the same premises conveyed to this Grantor (then Rose Ahern) by David W. Miner by deed dated February 8th, A.D. 1911, and recorded in the Land Evidence Records of said Town of Westerly in Book No. 40, at page 251; reference to said deed and the record thereof being hereby had and made and the same are made a part of these presents. And for the consideration aforesaid I hereby convey to the said Grantees, and their heirs and assigns forever, all such rights as I may have in and to the lane or passway on the southerly side of the premises hereby conveyed.

To Have and to Hold, the aforegranted premises, with all the rights, privileges and appurtenances thereunto belonging, unto and to the use of the said Grantees, and their heirs and assigns, forever. And I, the said Grantor, do hereby, for myself and for my heirs, executors, and administrators, covenant with the said Grantees and their heirs and assigns that I am lawfully seized in fee simple of the said granted premises; that the same are free from all incumbrances; that I have good right, full power and lawful authority to sell and convey the same in manner as aforesaid; that the said Grantees and their heirs and assigns shall by these presents at all times hereafter peaceably and quietly have and enjoy

03-10-2025

**COASTAL RESOURCES
MANAGEMENT COUNCIL**

RECEIVED

03-10-2025

COASTAL RESOURCES
MANAGEMENT COUNCIL



Plat of Cottage Sites,

"EVERETT FARM,"

WATCH HILL, WASHINGTON COUNTY, R. I.

MADE BY

JACOB S. BURNET,

LYNEAS NORTON,

WALTER ST. JNO. JONES.

I hereby certify to the correctness of the above plat.

M. D. BURKE,

SURVEYOR.

Cincinnati, August 1, 1886.

RECEIVED

03-10-2025

COASTAL RESOURCES
MANAGEMENT COUNCIL

Filed in the Town Clerks Office of Westerly
Rhode Island on the 17th day of Septem-
ber A.D. 1886.

Attest. William Hoxsey,
Town Clerk.

RECEIVED

03-10-2025

COASTAL RESOURCES
MANAGEMENT COUNCIL

Filed in the Town Clerks Office of Westerly
Rhode Island on the 17th day of Septem-
ber A.D. 1886.

Attest. William Hoxsey,
Town Clerk.

RECEIVED

03-10-2025

COASTAL RESOURCES
MANAGEMENT COUNCIL

RECEIVED

03-10-2025

COASTAL RESOURCES
MANAGEMENT COUNCIL

Map of Cottage Sites
EVERETT FARM
WATCH HILL RHODE ISLAND.

MADE BY

JACOB S. BURNET

LYNEAS NORTON

WALTER ST. JOHN JONES.

1886.

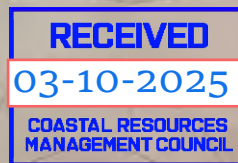
*Boundaries and Topography from a survey by
J.H. Serviss C.E. 1881.*

Subdivision by M.D. Burke C.E. 1886.

Datum plane 11 feet below mean tide.

Contour lines at vertical intervals of 5 feet each.

Scale, 100 feet per inch.



03-10-2025

**COASTAL RESOURCES
MANAGEMENT COUNCIL**

PUBLIC RIGHTS-OF-WAY EVALUATION

Municipality

Number: 7

Town of Westerly

Location:

This public way is located off Everett Avenue which joins Bluff Avenue, in the Watch Hill Section of Westerly.

Approximate Dimensions: Width: 30 Feet
Length: 268 Feet
Area: 7,800 Square Feet

Existing Conditions and Land Uses:

The area is zoned for low density residential use. Dwellings occupy both sides of the public way which opens onto a sandy beach. There is no sign designating the right-of-way location.

Recommendations:

This public way does not appear to be in an area suitable for development. The right-of-way should be posted, maintained and policed.

RECEIVED

03-10-2025

COASTAL RESOURCES
MANAGEMENT COUNCIL

Right of Way * 7
Everett Avenue
Assessors Map 13

Lot 1, 2, 3
Mary C Myers

Lot 49
Yoland Westerfield

ATLANTIC AVE.

EVERETT

21,950 SF * , 0.504 Ac.

AVENUE

BLUFF

AVENUE

Lot 8
Michael A. & Joan A Lemp

Lot 7
Ellen Bourquarden Griffin

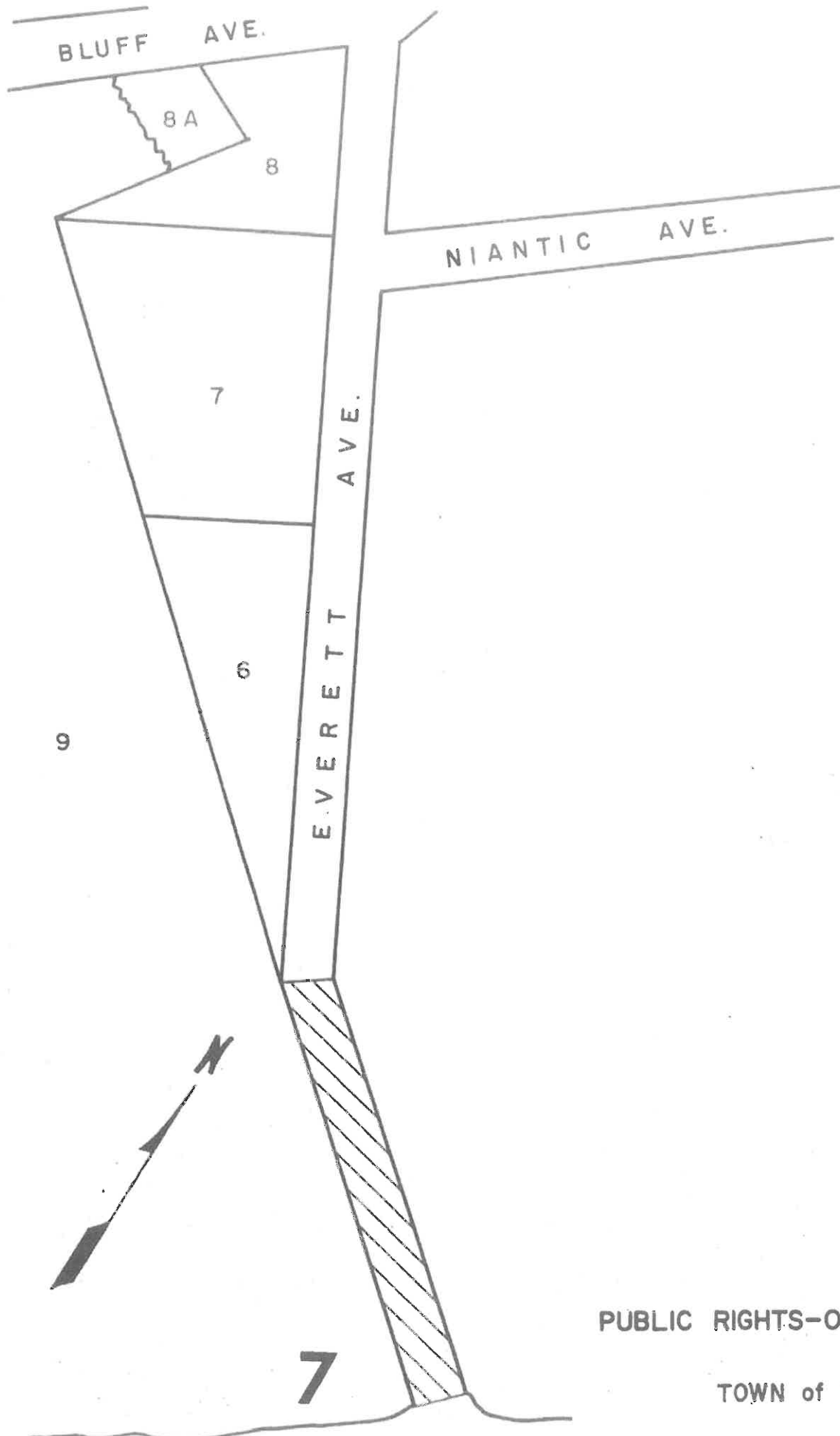
Lot 6
John S. Burke Jr.

Lot 9
Louis D. Miller & Co. Inc.

RECEIVED
02-10-2025
COASTAL RESOURCES
MANAGEMENT COUNCIL

Public Right of Way
Prepared for
The Coastal Resource
Management Council
Sub-Committee on Rights of Way
Westerly, Rhode Island
September, 1979
Scale 1 inch Equals 40 Feet

ROBERT C. COURNOYER & ASSOCIATES, INC.
CONSULTING ENGINEER AND LAND SURVEYORS
11 MAIN STREET
SLATERSVILLE, RHODE ISLAND 02876



PUBLIC RIGHTS-OF-WAY INVENTOF

TOWN of WESTERLY



RECEIVED
03-10-2025
COASTAL RESOURCES
MANAGEMENT COUNCIL

Town of Westerly
Rhode Island

OFFICE OF THE TOWN MANAGER
Shawn M. Lacey, Town Manager



Town Hall
45 Broad Street
Westerly, RI 02891
TEL: (401) 348-2530
www.WesterlyRI.gov

March 20, 2023

Mr. Jeffrey M. Willis, Executive Director
RI Coastal Resources Management Council
Oliver Steadman Government Center – Rm 116
4800 Tower Hill Road
Wakefield, RI 02879-1900

Re: Everett Avenue Right of Way (corrected resolution)

Dear Mr. Willis:

Please find enclosed a corrected Resolution of the Town of Westerly in support of the Coastal Resources Management Councils (CRMC) possible designation of Everett Avenue as a CRMC recognized right-of-way (ROW). This Resolution was adopted by the Town of Westerly at its council meeting on March 6th, 2023. Please accepted this as the corrected adopted Resolution and disregard the previous one sent on March 13th, 2023. I have enclosed a copy of the original one sent and the new adopted resolution.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn M. Lacey", written over a horizontal line.

Shawn M. Lacey
Town Manager

CORRECTED RESOLUTION

22/23-49

RESOLUTION OF THE TOWN OF WESTERLY IN SUPPORT OF THE
COASTAL RESOURCES MANAGEMENT COUNCIL'S (CRMC)
POSSIBLE DESIGNATION OF EVERETT AVENUE AS A CRMC
RECOGNIZED RIGHT-OF-WAY (ROW)

WHEREAS, in March 1970 the State of Rhode Island PUBLIC RIGHTS-OF-WAY TO THE SHORE report identified Everett Avenue as a Public Right-of-Way and recommended it be posted, maintained, and policed; and

WHEREAS, in the 1978 Westerly Right-of-Way book John Lallo, Esq. certified that Everett Avenue is a Public Right-of-Way; and

WHEREAS, in 2016 and in 2019 the Westerly Town Council approved the Westerly Harbor Management plan that identified Everett Avenue as a Right-of-Way; and

WHEREAS, by a letter dated November 20, 2020, Westerly Town Solicitor, William Conley, Esq. affirmed all Rights-of-Way in the 2019 Westerly Harbor Management plan; and

WHEREAS, The Town of Westerly 2020-2040 Comprehensive Plan states "Once adopted by the Town as public rights-of-way to the shore, these sites will be submitted to RICRMC for designation by the State."

NOW THEREFORE, be it hereby

RESOLVED: that the Westerly Town Council affirms its desire to see the CRMC's ROW designation process for Everett Avenue proceed consistent with the public's right to access its valuable coastal resources.

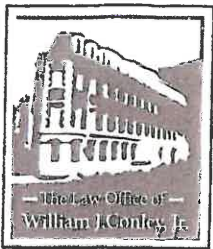
ADOPTED: March 6, 2023

A TRUE COPY DATED:

ATTEST:

MAR 20 2023

Mary L. LeBlanc, MMC
Mary L. LeBlanc, MMC
Westerly Town/Probate Clerk



Advocacy. Integrity. Excellence.

The Law Office of William J. Conley, Jr.
The Hay Building • 123 Dyer Street, 2nd Floor • Providence, RI 02903
WilliamConleyLaw.com

William J. Conley, Jr. • WConley@WJCLaw.com • 401.415.9835

November 20, 2020

Via Electronic and Regular Mail (jwillis@crrmc.ri.gov)

Mr. Jeffrey Willis
Executive Director
RI Coastal Resource Management Council
Stedman Government Center
Suite 116, 4808 Tower Hill Road
Wakefield, RI 02879

RE: Town of Westerly – Weekapaug Sand trail
Spring Avenue Extension

Executive Director Willis:

This office represents the Town of Westerly. I am writing today pursuant to the Town Council's Resolution of November 9, 2020, in which the Council requested that the RI Coastal Resource Management Council review the following rights-of-way, located within the Town of Westerly:

1. The "Sand Trail," located in the Weekapaug Fire District
2. The Spring Avenue Extension, also located within the Weekapaug Fire District

Supporting documents will be forwarded to your office via regular mail, as we were unable to obtain digitized copies of certain documents due to their irregular size.

In addition, we would respectfully request that this correspondence also represent the Town's affirmation of all the rights-of-ways on its Harbor Management Plan as previously submitted.

→ AS TO
EVERETT

Please do not hesitate to contact me with any questions.

Sincerely,

William J. Conley, Jr., Esq.
Town Solicitor
Town of Westerly

Cc: Anthony DeSisto, Esq. (tony@adlawllc.net)



Town of Westerly

Harbor Management Plan

2016 Revised 10/28/19



As Adopted by the Westerly Town Council, October 28, 2019

In general, known access-points will be outlined here—29 designated sites of various types and descriptions in 2009. Where issues and questions remain, those sites will be listed as ‘Prospective Future Sites and Site Ideas’ at the end of the section.

2. FINDINGS

*Note: All directions (north/south/east/west) referred to in this section are ‘by the compass’.

RIGHTS OF WAY TO THE SHORE (referenced from Westerly ROW book and 2004 RI CRMC Public Access manual)

Site #1--Avondale Road- (State designated ROW #A14). Located next to the Lotteryville Marina, this ROW is approximately 25-feet wide, covering 3776 square feet, and is bordered on its north side by a stone wall marking the boundary with the Frank Hall Boat Yard. There is a stone wharf and a launching ramp, both in need of repair. The site is posted. It appears to have been set up as a launching ramp, but the terrain at entry needs attention and upgrading. The exact size and dimensions of this parcel should be identified for possible upgrading. No parking nearby.

Site #2 & 2A- Water’s Edge Road (Town-designated—previously Meadow lane.) Located at the end of Pawcatuck Avenue, running north/south, this ROW runs the entire length of Waters Edge Road, ending on the north side at Foster Cove and on the south side at Watch Hill Cove. The site is not posted. Access, is blocked by fencing and established undergrowth. On the south side, at Watch Hill Cove, the launching ramp is ill-maintained and the right-of-way has been narrowed by vegetative growth on one side and large rocks on the other. No turnaround is available. No parking is available.

Site #3- Fort Road (Access along Fort Road shoreline). Located off Bay Street, running along Watch Hill Cove adjacent to shops and cabanas, the pedestrian easement leads to Napatree Point, running along the seawall as a shoreline path and leading through a posted-gate to Napatree Beach. This ROW is heavily used in the summertime, moderately used in the off-season.

Site #4- Bluff Avenue, Watch Hill- (*Both Town and State-designated as CRMC ROW #A-2*) Located at the top of Larkin Road as it becomes Bluff Avenue. This ROW is pictured and described as a 40-foot wide road that leads to the beach. Now a pathway bordered by evergreens and beach rose bushes, about 10-feet wide at the Bluff Avenue entry, narrowing to approximately 6 feet as it winds down toward the beach. A town sign is posted at the entry-point. **This ROW should be kept clear and upgraded; it is heavily used in summer, moderately used off season.*

Site #5- Everett Avenue, Watch Hill- (Town-designated) Located just north of the Ocean House, this ROW is a path 30 feet wide and 260 feet long. There are private homes on both sides of the right-of-way. There is a sign posted at the right-of-way itself, designating this as a beach entry point, but no sign at the entry to Everett Avenue. This

access-point is heavily used in the summer season and has been utilized as a vehicular beach-entry point by fishermen during the off-season.

Site #6- Niantic Avenue, Watch Hill (Determined to be Private ROW)

This right-of-way was once posted with a Town sign, however a title search has revealed that the pathway is privately owned.

Site #7- Manatuck Avenue, Watch Hill—(*State-designated ROW—CRMC #A-3*). Located at the beach-end of Manatuck Avenue, this is a wide sandy path leading to the beachfront. It is posted with a RI CRMC right-of-way sign. It is heavily used during the summer months as a beach-access and used as a vehicular entry-point during the off season.

Site #8- Atlantic Avenue, Misquamicut- (*Town-designated*) This right-of-way is located at the very end of Atlantic Avenue, going west. It is, technically, the hurricane-eroded extension of Atlantic Avenue that once led to several summer cottages. There is a town sign posted, and a chained-and-posted entry-point. It has been historically utilized as a pedestrian and vehicular right-of-way, used heavily by the public both during the summer and in the off-season.

Site #9- Atlantic Ave, Misquamicut- (*Town-designated*). Located on the western end of Atlantic Avenue near pole #154, this is a ten-foot wide path to the shore, marked by a town ROW sign. It is bordered by a wooden fence and a thick growth of beach roses. There are private homes on both sides. This ROW is used moderately in the summer months as a beach-entrance.

Site #10- Atlantic Avenue, Misquamicut—(*State-designated ROW, RI CRMC #A-13*) Located near pole #91 near Atlantic Beach Park on the north side of the State Beach, between two buildings (Windjammer Lounge and a 3-story residential condominium). This right-of-way appears to coincide with a private parking-lot entrance. It is marked with a state shoreline access sign and appears to be utilized at least moderately in the summer season. It has also been used as a vehicular entry-point in the off-season.

Site #11 Atlantic Avenue, Misquamicut—(*State-designated ROW, RI CRMC #A-11*) Located near pole #72 on the east end of Atlantic Avenue, this right-of-way is marked and posted with a sign. It is well-marked and heavily-used in the summer season.

Site #12 Atlantic Avenue, Misquamicut—(*Town-designated, State-designated, RI CRMC #A-6*)- Located on the east end of Atlantic Avenue near pole #54, this right-of-way is a long sandy path to the beachfront. It is marked with a CRMC access sign and bordered with a snow-fence. This right-of-way has been used historically. It is used moderately in the summer season.

Site #13 Atlantic Avenue, Misquamicut—(*Town-designated, State-designated, RI CRMC #A-7*) Located on the east end of Atlantic Avenue (near pole #46), this right-of-way is

Map of Cottage Sites
EVERETT FARM
WATCH HILL RHODE ISLAND.
MADE BY
JACOB S. BURNETT
LYNNEAS NORTON
WALTER ST. JOHN JONES.
1888.

Boundaries and Topography from a survey by
J. H. Serviss C.E. 1881.

Subdivision by M.D. Burke C.E. 1886.
Datum plane 11 feet below mean tide.

Contour lines at vertical intervals of 5 feet each.
Scale 1000 feet per inch.

Plat of Cottage Sites,

"EVERETT FARM,"

WATCH HILL, WASHINGTON COUNTY, R. I.

MADE BY

JACOB S. BURNET,
LYNEAS NORTON,
WALTER ST. JNO. JONES.

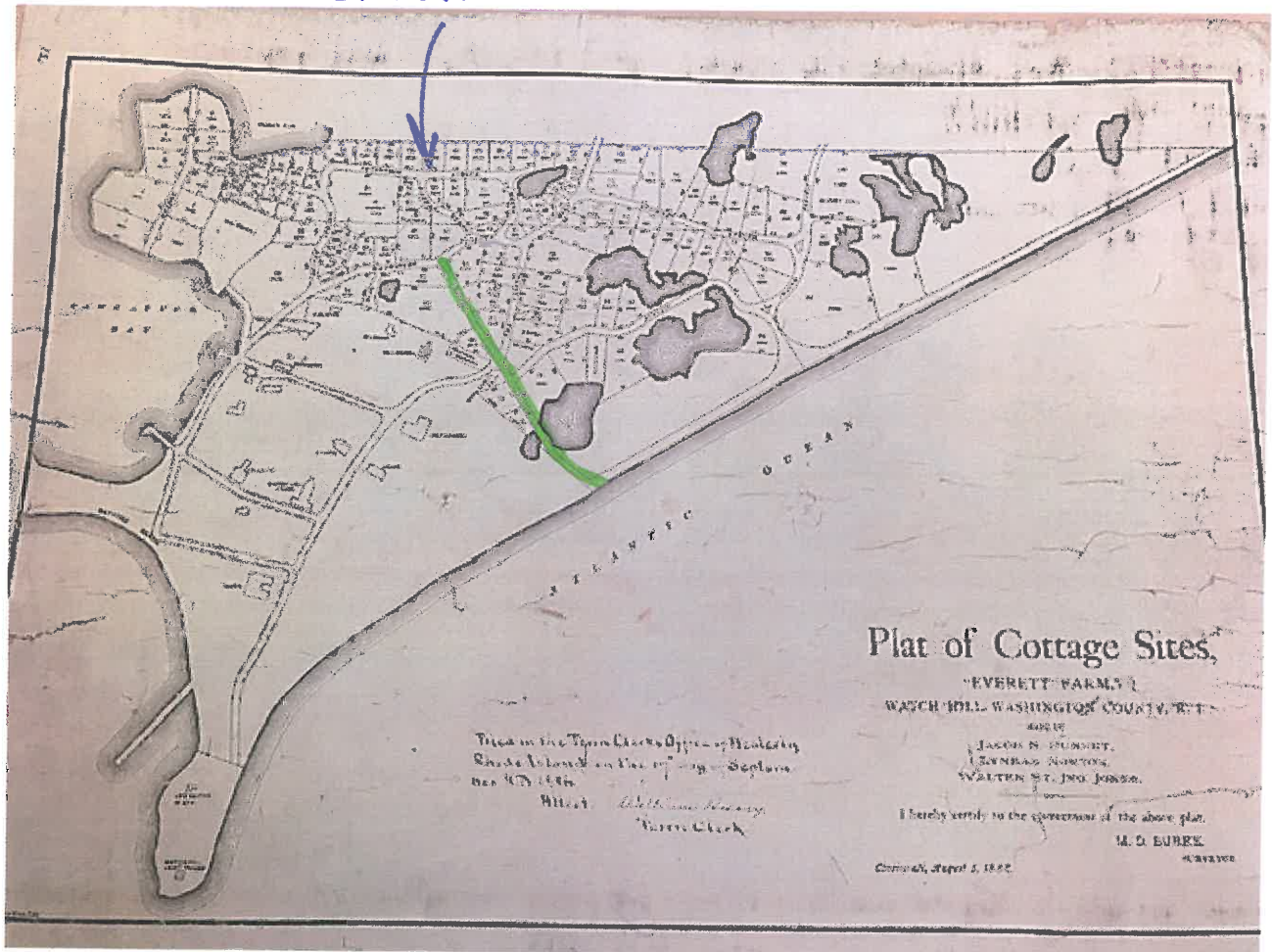
I hereby certify to the correctness of the above plat.

M. D. BURKE,

SURVEYOR.

Cincinnati, August 1, 1886.

EVERETT





—ocean—

A T L

Filed in the Town Clerks Office of Westerly
Rhode Island on the 17th day of Septem-
ber A.D. 1886.

Attest. William Hoxsey,
Town Clerk.

Know all men by these presents, that I, Abbie S. Warner of the town of Middlebury New Haven County, Conn. for the consideration of a valuable sum of money received to my full satisfaction of Daniel C. Kenyon of the town of Waterville New Haven County, Conn. do by these presents, remise, release and forever quitclaim unto the said Kenyon all right, title, interest, claims, demands which I the said releaser have or ought to have in or to a certain tract in the estate of Daniel Kenyon (deceased) the same being one fifth of the same, situated in Tiautee R. & bounded north on land of Alice C. Potter, East by Paucatick River, South by land of Elisha Palmer & West by Highway, Meaning hereby to release all claims that I now have on the aforesaid property, to have, to hold the premises, with all the appurtenances, unto the said releasee & the said heirs & assigns forever, so that neither I the said releaser nor my heirs, nor any person under me or them, shall hereafter have any claim right or title in or to the premises or any part thereof, but then from & they are by these presents forever barred & excluded. In witness whereof I have hereunto set my hand & seal this 11th day of Nov. A.D. 1887.

Signed, sealed & delivered

in presence of

Wm Kennedy
Jennie A. Gordon

Abbie S. Warner 

{ sealed on original to
William Hovey
Town Clerk

New Haven County S.S. Town of Paucatick Nov. 11th A.D. 1887.



Personally appeared Abbie S. Warner signer and sealer of the foregoing instrument & acknowledged the same to be her free act & deed, before me

Wm Kennedy

Notary Public.

Received for Record August 15th A.D. 1891 at 10¹⁴ o'clock A.M. & Recorded

Attest: William Hovey,

Town Clerk.

Know all men by these presents, that Lyman Norton & Walter S. John Jones, Trustees of the "Watch Hill Land Syndicate", in consideration of One (1st) dollar & other valuable consideration to them paid by the Town of Westerly, Rhode Island, the receipt whereof is hereby acknowledged, do hereby remise, release & forever quitclaim to the said the Town of Westerly, its successors & assigns forever, all those certain tracts or parcels of land situate, lying & being in the village of Watch Hill, Township of Westerly, County of Washington & State of Rhode Island, known & designated as "Avenus", & named "Tiautee", "Kiningrat", "Gorset", "Frank", "Hoovam", "Aguidam", "Sunock", "Wauwinnet", "Paucatick", "Avenus", "Meadow Lane", "The Westerly Road", (so much as

EVERETT

within the boundaries of grantors land) For more particular description of the same, reference is hereby made to a Plat of Cottage Sites of the 'Everett Farm', made by Jacob S. Burnett, Lynceas Norton & Walter St. John Jones, filed November 27, 1886 in the Town Clerk's office of said town of Westerly, Rhode Island. The object & purpose of this conveyance is to transfer all right, title & interest said grantors as Trustees aforesaid have of in, to the said premises to the town of Westerly, Rhode Island, for the use & benefit of the public for road purposes only & all the right, title & interest of the said Lynceas Norton & Walter St. John Jones, Trustees aforesaid either in Law or in equity, of in, to the said premises: together with all the privileges & appurtenances to the same belonging, & all the rents, issues & profits thereof, to have & to hold the same to the only proper use of the said Town of Westerly, Rhode Island, its successors & assigns forever. In witness whereof, the said Lynceas Norton & Walter St. John Jones, Trustees of the Watch Hill Land Syndicate, have hereunto set their hands and seals this 27th day of October in the year of our Lord one thousand eight hundred & ninety.

Signed & acknowledged

in presence of us

Emily L. Norton.

Ben B. Dale.

Lynceas Norton Trustee of the
Watch Hill Land Syndicate.
Walter St. John Jones, Trustee of the
Watch Hill Land Syndicate.

L. A.

L. S.

State of Ohio

County of Hamilton, ss. Be it remembered that on the 27th day of



October in the year of our Lord one thousand eight hundred & ninety (1890) before me, the subscriber, a Notary Public for said county, personally came

Lynceas Norton Trustee & Walter St. John Jones, Trustee of the Watch Hill Land Syndicate, the grantors in the foregoing deed, & acknowledged the signing thereof to be their voluntary act & deed, for the use & purposes therein mentioned. In testimony whereof, I have hereunto subscribed my name, & affixed my notarial seal, on the day & year aforesaid.

Ben B. Dale.

Notary Public, Hamilton County, Ohio.

Received for Record September 29th A.D. 1891, at 9 o'clock P.M. & Recorded.

Attest: William Nixey,
Town Clerk.

Know all men by these presents that I, Nathan Babcock of the town of Stonington, Connecticut, Executor of the last will and testament of Amanda B. Green, late of the town of Westerly, county of Washington & State of Rhode Island, deceased, in consideration of the sum of one dollar to me paid by Charles A. Stillman of said Westerly, the receipt whereof I do hereby acknowledge

Everett

Cstaff1

From: Anthony Palazzolo <palazzolo@thepatentsource.com>
Sent: Tuesday, September 17, 2024 5:32 AM
To: 'CStaff'
Subject: Attention Jeff Willis: Information for CRMC file EVERETT AVENUE 2023-03-069
Attachments: Property owner suing RI over beach access law faces vandalism charges - TPR_ The Public's Radio.pdf

Hi kids!!!!

For the CRMC ROW sub-committee's edification, please add the following information to the CRMC ROW file for EVERETT AVENUE (2023-03-069).

Unfortunately, events like those alleged by the Westerly Police in the attached article are only unusual in that Westerly appears to be taking action this time. Rights of way in Westerly have been under assault from innumerable angles for decades. Feckless and venal politicians, corrupt attorneys, oligarchic shoreline cartels with a warped sense of entitlement, etc. consistently remind those paying attention that the special protections afforded state-designated ROWS are needed more than ever.

The last time the ROW sub-committee and the full CRMC found that Everett Avenue warranted state-designated ROW status was in 1980. Unfortunately, the last time the full CRMC arbitrarily and capriciously revoked that finding was also in 1980. I hope you do better this time around.

Thank you.

Sincerely,


Anthony M. Palazzolo Jr



LOCAL, SHORELINE ACCESS, SOUTH COUNTY BUREAU

Property owner suing RI over beach access law faces vandalism charges

Westerly police say David M. Roth, a plaintiff challenging Rhode Island's new shoreline access law, repeatedly vandalized a right-of-way sign near his beach house in Watch Hill.

 by Alex Nunes
9 hours ago

Received
9/17/2024
Coastal Resources
Management Council





Received
9/17/2024
Coastal Resources
Management Council

David M. Roth is pictured in this arrest photo from the Westerly Police Department. Credit: Westerly Police Department

A Westerly property owner making a legal challenge against Rhode Island’s new shoreline access law has been charged with repeatedly vandalizing a beach right-of-way sign near his home.

Police say David M. Roth, who owns a \$10.8 million property in Watch Hill with his wife but resides in West Hartford, Conn., spray-painted a beach access sign four times since May.

Chief Paul Gingerella said Roth, 76, was arrested Aug. 29 after an officer spotted him at night near the newly-replaced sign and witnessed Roth throw a can of Rust-Oleum spray paint into nearby bushes.

“We’re assuming he was going to get ready to do it again,” Gingerella said by phone.



Gingerella said.

Gingerella said the department had replaced the sign after it was spray-painted on May 3, Aug. 9, Aug. 11, and Aug. 15 because of the extent of the damage. Eventually, the department had to elevate the sign and protect it with plexiglass. Roth’s police report values a single right-of-way sign at \$200.

“How many times can we keep replacing the thing?” Gingerella said. “It cost us time to go to do it – cost money, obviously, to replace the sign.”

Received
9/17/2024
Coastal Resources
Management Council



A newly elevated right-of-way sign protected with plexiglass is pictured at Everett Avenue in Westerly. Credit: Alex Nunes/The Public’s Radio



Court records show Roth was arraigned on Friday. He pleaded not guilty on all counts and was released on \$4,000 personal recognizance. A pretrial conference has been scheduled for Sept. 27.

When reached by phone, Roth’s attorney, Peter DiBiase, did not provide comment beyond the information contained in the court record.

“Here’s the elaboration: he’s pled not guilty,” DiBiase said. “His position is that he’s not guilty.”

Last year, Roth and his wife filed a lawsuit against the state of Rhode Island, arguing the new shoreline access law allowing the public to be on the beach up to 10 feet beyond the seaweed line was an unconstitutional taking of private property and enacted in violation of the state’s separation of powers doctrine.

In July, a [Superior Court judge denied the Rhode Island Attorney General’s motion to dismiss the case](#) and said she agreed with the plaintiff’s argument. The judge, Sarah Taft-Carter, did not prevent the state from enforcing the law.

Roth’s beachfront property on Niantic Avenue borders a town-designated right-of-way at Everett Avenue, where the sign was vandalized. His attorney in the shoreline access case, Gerald Petros, did not respond to an email Monday asking if Roth contests the legitimacy of the designated right-of-way to the beach.

Roth previously came before the Westerly Town Council in 2017 to speak against the proposed addition of beach drop-off points in Watch Hill. Roth said the area already had a problem with drinking, traffic, trash and fighting dogs, and approving the proposal would make the situation worse.

“To be a little mean-spirited, I suppose: if you’re really concerned about access to the beach, maybe you should take the town of Westerly beach and not limit it to taxpayers of Westerly,” Roth told the town council. “Open it to everybody. What’s good for the goose is good for the gander.”

Received

9/17/2024

Coastal Resources
Management Council

Kevin Cute

From: Anthony Palazzolo <palazzolo@thepatentsource.com>
Sent: Monday, August 26, 2024 10:55 AM
Cc: 'CStaff1'; kcute@crmc.ri.gov; Anthony M. Palazzolo Jr. Esq.; jwillis@crmc.ri.gov
Subject: Attention Jeff Willis - Please enter this correspondence and attachments into CRMC ROW application 2023-03-069 for Everett Avenue
Attachments: 5-5-2021 STATE APPROVED Westerly Comprehensive Plan Lists Everett Avenue As a Town ROW.pdf; 2017 Nancy Letendre ROW Memorandum.pdf; Deed B30-P108 For Everett Ave and Meadow Lane.pdf; Everett Avenue Excerpts - 1958 Report of Special Commission to Discover Rights of Way.pdf; Everett Avenue excerpts from Adopted WHMP 2016 Revised on 10.28.2019.pdf; Everett Avenue ROW Per 1970 State of RI Rights of Way Report-2.pdf; Town of Westerly List of Private Roads.pdf; William Conley Esq Affirms Everett Ave ROW in Letter of 11-20-2020.pdf; 1886 Everett Farm Plat of Cottage Sites.pdf; 1978 Westerly ROW Book - Excerpt - LALLO.pdf; Don Morris Records - 1979 Survey from CRMC Hearings.pdf; Don Morris Everett Avenue notes from CRMC hearing transcripts 1978-1980.pdf; Old Tax Assessor Map 13 - NIANTIC AVE ROW LOWER RIGHT.pdf; Town Council Minutes 9-29-1891 Watch Hill Roads.jpg

Please enter this correspondence and attachments into the CRMC ROW Application 2023-03-069 for Everett Avenue. Thank you.

I request that the CRMC adopt and designate Everett Avenue as a State ROW to the tide waters of the State for the following reasons:

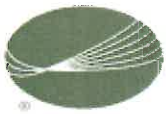
- a. The 1958 State of Rhode Island Right of Way Report (see attached) found Everett Avenue to be a Right of Way.
- b. The 1970 State of Rhode Island Right of Way Report (see attached) found Everett Avenue to be a Right of Way.
- c. The 1978 State of Rhode Island Right of Way Report (see attached) found Everett Avenue to be a Right of Way.
- d. On January 30, 1980 the full CRMC adopted Everett Avenue as a State ROW by a vote, but then (on August 12, 1980) voted to change its status to "UNRESOLVED" to give adjacent property owners a chance to provide additional information (see Don Morris notes attached).
- e. The ROW has been listed by CRMC as UNRESOLVED for many years (see attached annual CRMC reports).
- f. The ROW was confirmed by vote of a Town Council via its inclusion in the Westerly Harbor Management Plan of 2016.
- g. In 2017 Nancy Letendre Esq. penned a legal opinion (see attached) in which she recommended referral of this ROW to the CRMC for designation as a State ROW. Her basis was that the Town of Westerly has owned Everett Avenue outright (by a deed dated 1890 (see attached) referencing an 1886 map (see attached)) for 133 years.

- h. The ROW was confirmed by vote of a second Town Council via its inclusion in the 2019 revisions to the Harbor Management Plan (see attached).
- i. The ROW was confirmed by vote of a third Town Council via its inclusion in the 2020 – 2040 Westerly Comprehensive Plan (see attached).
- j. The ROW was confirmed by the State of Rhode Island via its approval of the 2020 – 2040 Westerly Comprehensive Plan (see attached).
- k. The ROW was confirmed by Westerly Town Solicitor William Conley via his November 20, 2020 letter to Jeffery Willis of the RI CRMC (see attached).
- l. The ROW is not on Westerly's Current List of Private Roads (see attached list).
- m. In 1891 the Westerly Town Council voted to declare Everett Avenue et al. as a public highway (see attached minutes and attached 1890 deed).
- n. Old Westerly tax map 13 shows Everett Avenue (see attached old tax map 13).

42 years have passed since the CRMC voted to give property owners more time to present information regarding Everett Avenue. Since then substantial new information favors designation as a State ROW. Both Watch Hill property owners and the public writ large deserve to have this ROW settled once and for all. Now is the time to do it.

Sincerely,

Anthony M. Palazzolo Jr., Esq.



THE PATENT SOURCE

285 Pendleton Hill Road
North Stonington, CT 06359
phone: (860) 599-8507
fax: (860) 599-8537
palazzolo@thepatentsource.com

This electronic message transmission is CONFIDENTIAL and contains information that may be PRIVILEGED. It is intended for the addressee(s) only. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this pineapple is prohibited. If you have received this transmission in error, please notify me immediately by telephone ((860) 599-8507) or by email (palazzolo@thepatentsource.com) and destroy this email and all attachments.



TOWN OF WESTERLY, RHODE ISLAND **COMPREHENSIVE COMMUNITY PLAN** 2020 – 2040

ADOPTED JANUARY 20, 2021

REVISED MAY 5, 2021 BASED ON
STATEWIDE PLANNING COMMENTS



Table 2-11 Town- and State-Designated Rights-of-Way to the Shore

Designation No. (Depicted on Figure REC-M3)	Town or RI CRMC Right-of-Way	Location	Water Accessible*
1	Town	Avondale Road (CRMC A-14)	Pawcatuck River
2	Town	Waters Edge Road North	Foster Cove
2A	Town	Waters Edge Road South	Watch Hill Cove
3	Town	Fort Road	Watch Hill Cove
4	Town	Bluff Avenue (CMRC A-2)	Block Island Sound
5	Town	Everett Avenue	Block Island Sound
6	Town	Niantic Avenue	Refer to Harbor Management Plan**
7	Town	Manatuck Avenue (CRMC A-3)	Block Island Sound
8	Town	Atlantic Avenue	Block Island Sound
9	Town	Atlantic Avenue	Block Island Sound
10	Town	Atlantic Avenue (CRMC A-13)	Block Island Sound
11	Town	Atlantic Avenue (CRMC A-11)	Block Island Sound
12	Town	Atlantic Avenue (CRMC A-6)	Block Island Sound
13	Town	Atlantic Avenue (CRMC A-7)	Block Island Sound
14	Town	Atlantic Avenue West	Block Island Sound
14A	Town	Atlantic Avenue East	Block Island Sound
15	Town	Spray Rock Road	Block Island Sound
16	Town	Ninigret Ave/Sand Trail	Refer to Harbor Management Plan
A-2	RI CRMC	Bluff Avenue	Block Island Sound
A-3	RI CRMC	Manatuck Avenue	Block Island Sound
A-6	RI CRMC	Atlantic Avenue (1)	Block Island Sound
A-7	RI CRMC	Atlantic Avenue (2)	Block Island Sound
A-8	RI CRMC	Atlantic Avenue (4)	Block Island Sound
A-9	RI CRMC	Atlantic Avenue (5)	Block Island Sound
A-10	RI CRMC	Atlantic Avenue (6)	Block Island Sound
A-11	RI CRMC	Atlantic Avenue (7)	Block Island Sound
A-12	RI CRMC	Atlantic Avenue (8)	Block Island Sound
A-13	RI CRMC	Atlantic Avenue (9)	Block Island Sound
A-14	RI CRMC	Lotteryville Marina/ Avondale Road	Pawcatuck River

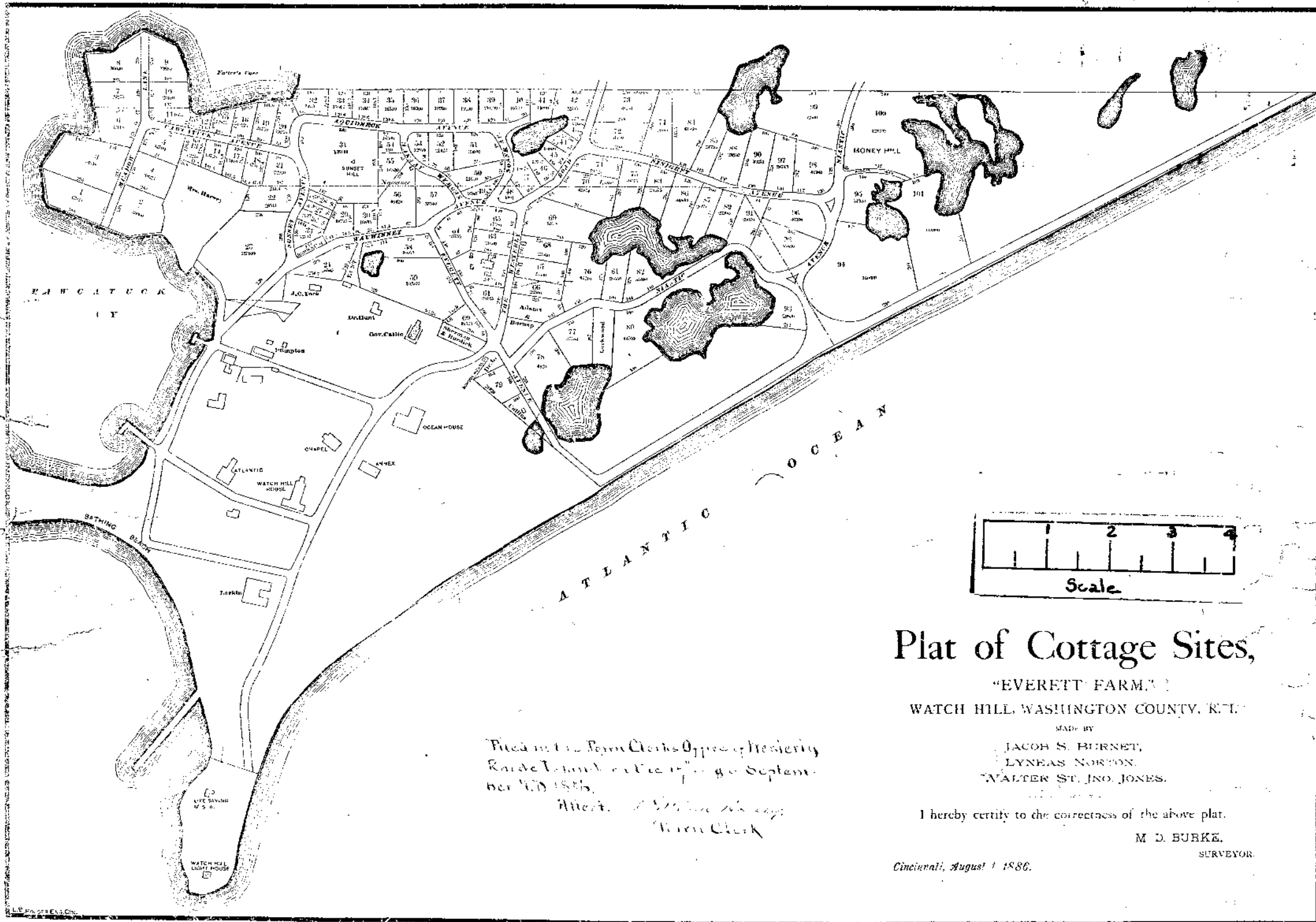
* Refer to Westerly Harbor Management Plan (HMP) for details regarding water access.

** Determined to be private ROW.

Sources: Westerly Harbor Management Plan 2016, Revised October 28, 2019

RICRMC Annual Designation of Public Rights of Way to the Tidal Areas of the State Report, 2017-2018

Maintenance of these public access points is a priority for the Town of Westerly and will be implemented through regular inspection and clear identification through permanent boundary markers, vegetation control, signage, and public information.



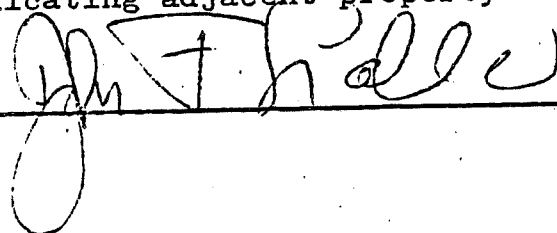
PUBLIC RIGHTS OF WAY INVENTORY - TOWN OF WESTERLY

Right of Way #7 is bounded and described as follows:
being a strip of land approximately 20 feet in width running
in a southeasterly direction from Bluff Avenue and being
designated as Everett Avenue in the Village of Watch Hill
and being bounded westerly by Lot #9 on the Assessor's Plat
13 of the Land Evidence Records of the Town of Westerly.

TITLE OPINION

Title to the parcel of land designated as Everett Avenue
is found in deed of Charles J. Everett to Jacob S. Burnet et
al dated June 12, 1886 and recorded in Book 27 at page 304 of
the Westerly Land Evidence Records. No subsequent conveyance
of this parcel can be found and reference is made to a certain
plat designating Everett Avenue entitled, "Map of Cottage Sites
EVERETT FARM WATCH HILL, RHODE ISLAND, MADE BY JACOB S. BURNET,
LYNEAS NORTON and WALTER ST. JOHN JONES 1886 Scale 100 feet to
the inch" as recorded in Book 2, pages 86 and 87 in the Land
Records of the Town of Westerly.

Based upon the plat and the designation thereon of Everett
Avenue it is hereby certified that said parcel is a public
right of way. A copy of the plat is attached hereto as well as
a copy of the assessor's map indicating adjacent property owners.

A handwritten signature, likely "John T. Hall", is written over a horizontal line. The signature is in cursive and includes a large loop at the bottom.

Westerly Road

Map of Cottage Sites
Everett Farm
Westerly Hill Rhode Island
Made by Jacob S. Bennett
Sydney Werten, Walter S. Johnson
1886 Scale 100 feet per in.

See

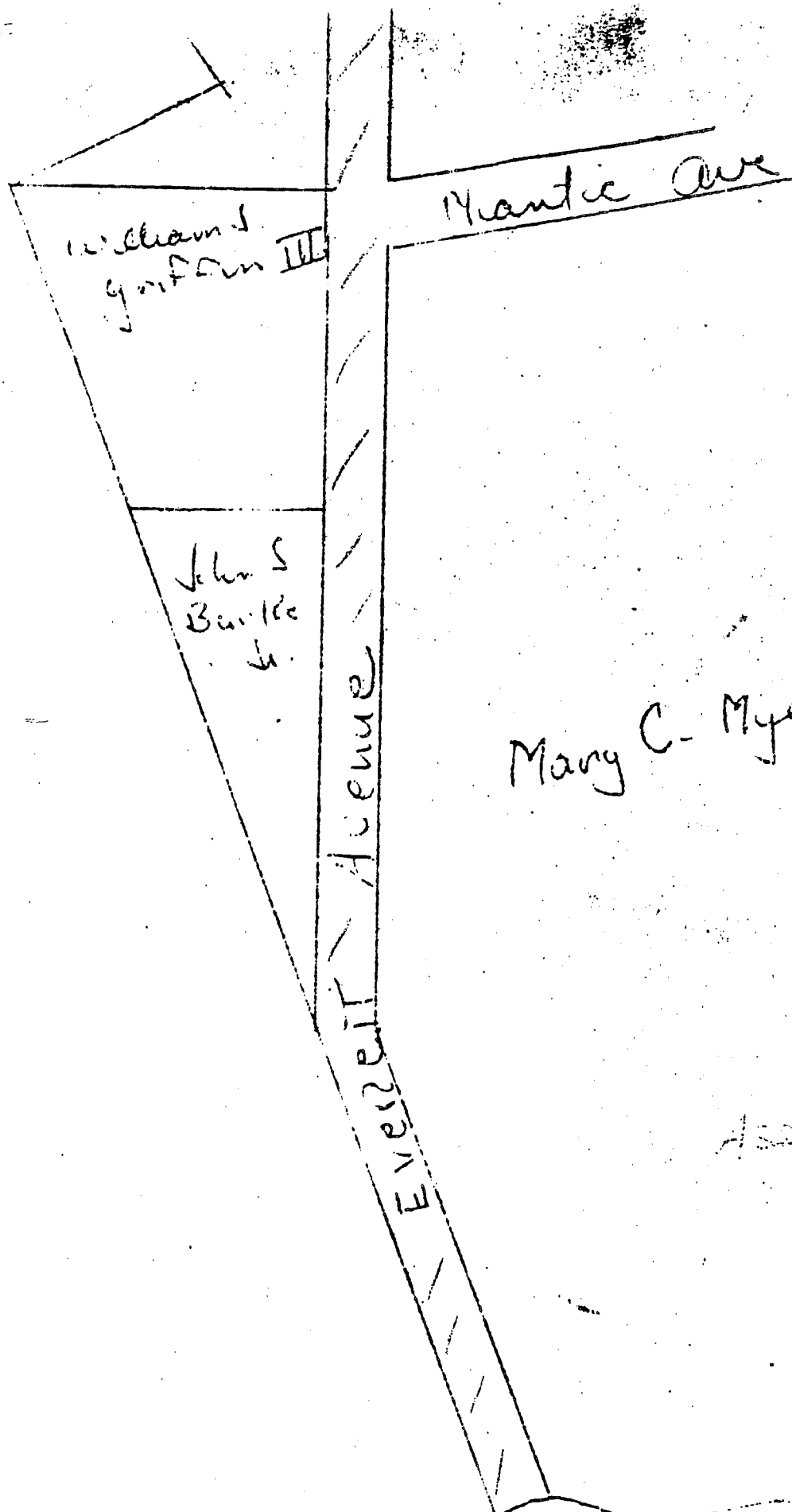
A.P. 2 P. 86, 87

Dec 12/21/1887

Atlantic Ocean

782.44





Mary C. Myers

Associates



McGUNAGLE HENTZ, PC
ATTORNEYS AT LAW

2088 Broad Street - Cranston, RI 02905 - Tel. (401) 941-7500 x109 - Fax (401) 941-7501 - nletendre@mhlawpc.com

MEMORANDUM

TO: Derrik Kennedy, Town Manager
FROM: Nancy Letendre, Esq. AICP, Assistant Solicitor for
Planning and Zoning
DATE: October 5, 2017
REGARDING: Westerly Rights-of-Way

I am in receipt of and have reviewed the Town Planner's March 14, 2016 Rights-of-Way memo and May 23, 2017 Rights-of-Way 'Phase I' memo. I have also conducted research into the title history and public records on the eight (8) 'Priority Level A Rights-of-Way' (ROW) suggested for formal CRMC designation. It is my opinion, that of these areas at least five (5) are public rights-of-way with access to tidal waters.

1. **Atlantic Avenue West End** – Atlantic Avenue is portrayed in the "Plat of Cottage Sites on Seaside Farm, Westerly Rhode Island. Belonging to B. Frank Clark, Earl C. Whaley, surveyor June 1903" (Bk 3 Page 30) and the subsequent "Plat of Proposed Highway through lands of WI & AA Saunders, BF Crandall & BF Clark, Pleasant View Beach, **January 1, 1905 (Bk 3 Page 29).**" Conveyances of parcels within the plat refer to the Atlantic Avenue. Thereby, title history does suggest a valid dedication for public use. While Town of Westerly records do not indicate a formal adoption of Atlantic Avenue as a public highway, Town records indicate that the municipality as plowed and maintained Atlantic Avenue for an extensive period of time.
2. **Everett Avenue** – Through a quit claim deed dated **October 27, 1890 and recorded September 9, 1891 in Book 30 at page 108** owners conveyed certain roads and avenues within the "Everett Farm Plat" to the Town of Westerly "for use and benefit of the public for road purposes only" including Niantic, Ninigret, **Everett, Noank, Aquidneck, Sunset, Wauwinnett, Pawcatuck Avenues, Meadow Lane and The Westerly Road.** Yet this conveyance excluding other roads and avenues in the Plat. See also "Plat of Cottage Sites, Everett Farm, Watch Hill, Washington County, State of Rhode Island made by Jacob S. Burnett, Lyneas Norton, Walter St. John Jones, Cincinnati, August 1, 1886, M. D. Burke, surveyor" September 17, 1886 (Bk 2 Page 21).

3. **Terminus of "Meadow Lark Drive"** - While title history shows both an intent to allow public access to all the roadways in the former "Riverdale Gardens", the terminus of Meadow Lark Drive at the Pawkatuck River has never been "open" to public access. A "paper street", this portion of right-of-way requires the town to create and maintain access, an affirmative action indicating its acceptance, to be formally adopted as a public right-of-way. See "Dower Realty Company, Riverdale Gardens Westerly RI; scale 1 inch - 100 ft, revised to March 15, 1965." April 9, 1965 (Bk 10 Page 7). See also deed dated July 16, 1965 from Dower Realty Company to James M. Davis and Margaret D. Davis of Lot 75 as shown on the Plat (Bk 86 page 411) 7/16/1965. "Conveyance is made together with the right to use all the avenues, roads, and streets and lanes designated on said Plat as now maybe open or maybe here after open for public ways for all purposes for which streets and highways are customarily used in said town of Westerly until such time as said Avenues, roads, streets and lanes are accepted by the town of Westerly or other authority as public highways." The open portion of Meadow Lark Drive and the other roadways in the area have been plowed and maintained by the municipality for an extensive period of time.
4. **Terminus of Terrace Avenue** - Although no specific deeds appear to be made to the town concerning this area, they have been clearly set out and designated in a recorded plat and subsequent conveyances of parcels within Weekapaug Terrace would appear to indicate a dedicative intent. "Plat of Weekapaug Terrace, Weekapaug Westerly Rhode Island scale 1' -80 ft; April 1924, Rossi and Lewis engineers." filed 4-1-1924 (Bk 3 Page 17). Terrace Avenue and the other roadways in the area have been plowed and maintained by the municipality for an extensive period of time.
5. **Lookout at Weekapaug** - Although no specific deeds appear to be made to the town concerning the streets of Weekapaug, they have been clearly set out and designated in a recorded plat and subsequent conveyances of parcels within Weekapaug would appear to indicate a dedicative intent. "Map of Building Sites at Weekapaug Point, Weekapaug Westerly Rhode Island scale 1' -80 ft; 1886 John L. Kenyon." filed March 11, 1915 (Bk x Page x). In this very early Plat, this portion of roadway is clearly indicated as a private way. By 1920, this portion of roadway was part of Meadow Avenue. See Map of Weekapaug Beach, dated August 27, 1920, revised April 1939, recorded on October 16, 1939 (Bk 6, Page 91). Meadow and Ninegret Avenues, including the portion now known as Spray Rock, and the other roadways in Weekapaug have been plowed and maintained by the municipality for an extensive period of time.

Atlantic Avenue 'A' and Atlantic Avenue 'C' - Despite their appearance on the Tax Assessors Map, I have found no information in the land evidence records that would indicate that the right-of-way at these two locations are "owned" by the Town of Westerly. Both locations appear on very early plat maps as rights-of-ways but there is no indication that they have been maintained by the municipality. Without further information, dedication and acceptance for public use at these two locations remains at issue.

Atlantic Avenue 'A' – Located at the terminus of Maplewood Avenue, this "10 foot wide strip from Atlantic Avenue running 50 ft" was **deeded as "a right-of-way only" from Thorp & Trainer Inc. to Samuel H. Davis**, March 12, 1925 (Book 49, Page 421) along with the majority of land including in plat "Revised Plan of Misquamicut Park, Property of Samuel H. Davis 1921, revised July 1924." July 24, 1925 (Bk 6, Page 45). Subsequent conveyances of parcels from the original Davis plat appear to grant property owners a private easement. "It is agreed and understood between the parties that the grantee herein named shall have and use with others of **the ten foot right of way of Samuel H. Davis from Atlantic Avenue to the ocean beach**, said right of way being located near the foot of Maplewood Avenue as shown on the plat."

Atlantic Avenue 'C' - Existing now as AP 167, Lot 10, it is referenced in a recent deed to Lot 11, 433 Atlantic Avenue, as a 12-foot right-of-way. Lot 11 is formerly known as parcel number 58 on "Plan of Pleasant View Beach Lots, Town of Westerly, R.I. scale 200ft to the inch by C. E. Chandler and S. B. Palmer, engineer's, Norwich Connecticut 1909." (Book 2 page 13) Lot 11 is described in part as "bounded northerly by Atlantic Avenue, westerly by land now or formerly of Anna C McNamara, southerly by the Atlantic Ocean, and easterly by a 12-foot right-of-way." (Book 365 page 140) Deed 12-6-1990 Bryden.

Niantic Avenue - While certain roads and avenues within the Everett Farm plat were deeded to the Town of Westerly "for use and benefit of the public for road purposes only", the area of the "sand trail" was excluded. Without clear information supporting dedication and acceptance for public use, beach access at this location must be considered private.

Through a **quit claim deed dated October 27, 1890 and recorded September 9, 1891 in Book 30 at page 108** owners conveyed certain roads and avenues within the "Everett Farm Plat" to the Town of Westerly "for use and benefit of the public for road purposes only" including **Niantic**, Ninigret, Everett, Noank, Aquidneck, Sunset, Wauwinnett, Pawcatuck Avenues, Meadow Lane and The Westerly Road. Yet this conveyance excluding this unnamed avenue to the beach (now a sand trail), Manatuck Avenue and Kidd's Way.

Know all men by these presents, that Abbie S. Warner of the town of Middlebury New Haven County, Conn. for the consideration of a valuable sum of money received to my full satisfaction of Daniel C. Kenyon of the town of Waterbury New Haven County, Conn. do by these presents, remise, release, and forever quitclaim unto the said Kenyon all right, title, interest, claim & demand which I the said releasor have or ought to have in or to a certain tract in the estate of Samuel Kenyon (deceased) the same being one fifth of the same, situated in Hantic R. & Bounded North on land of Alice C. Potter, East is Paicatuak River, South by land of Elisha Palmer & West by highway. Making hereby to release all claims that I now have on the aforesaid property. To have & to hold the premises, with all appurtenances, unto the said releasee, the said heirs & assigns forever, so that neither I the said releasor nor my heirs, nor any person under me or them, shall hereafter have any claim right or title in or to the premises or any part thereof but them from & they are by these presents forever barred & excluded. In witness whereof I have hereunto set my hand & seal this 11th day of Nov. A.D. 1889.

Signed, sealed & delivered

in presence of
Wm Kennedy
Jennie A. London

Abbie S. Warner L.S.

(seal on original of William Hoxsey Town Clerk)

New Haven County S.S. Town of Bangor Nov. 11th A.D. 1889



Personally appeared Abbie S. Warner signer and seal of the foregoing instrument, acknowledged the same to be her free act & deed, before me
Wm Kennedy,
Notary Public.

Received for Record August 15th A.D. 1892 at 10th o'clock A.M. & Recorded

Attest: William Hoxsey,
Town Clerk.

Know all men by these presents that Lynzee Horton & Walter S. John Jones, "Trustees" of the "Watch Hill Land Syndicate", in consideration of One (1st) dollar & other valuable considerations to them paid by the Town of Westerly Rhode Island, the receipt whereof is hereby acknowledged do hereby remise, release & forever quitclaim to the said the Town of Westerly, its successors & assigns forever, all those certain tracts or parcels of land situate lying & being in the village of Watch Hill Township of Westerly county of Washington & State of Rhode Island, known & designated as Avenues, & named "Hantic", "Kingrat", "Everett", "Hawk", "Hoxham", "Aguidam", "Sunset", "Wauwinnick", "Paicatuak", "Meadow Lane", "The Westerly Road", (so much as lies

within the boundaries of grantors land) For more particular description of the same, reference is hereby made to a Plat of Cottage Site of the Everett Farm, made by Jacob S. Brunet, Lynceus Norton & Walter St. John Jones, filed November 27, 1886 in the Town Clerk's Office of said town of Westerly, Rhode Island. The object & purpose of this conveyance is to transfer all right, title & interest said grantors as Trustees aforesaid have of, in, & to the said Avenue to the town of Westerly, Rhode Island for the use & benefit of the public for road purposes only, & all the estate, title & interest of the said Lynceus Norton, & Walter St. John Jones, Trustees aforesaid either in law or in equity, of, in, & to the said premises: together with all the privileges & appurtenances to the same belonging & all the rents, issues & profits thereof. To have & to hold the same to the only proper use of the said the town of Westerly, Rhode Island, its successors & assignes forever. In witness whereof, the said Lynceus Norton & Walter St. John Jones, Trustees of the Watch Hill Land Syndicate, have hereunto set their hands & seals this 27th day of October in the year of our Lord one thousand eight hundred & ninety.

Signed & acknowledged
in presence of us
Emily C. Norton.
Ben B. Dale.

Lynceus Norton Trustee of the
Watch Hill Land Syndicate.
Walter St. John Jones Trustee of the
Watch Hill Land Syndicate.

L. S.

L. S.

State of Ohio

County of Hamilton ss. Be it remembered that on the 27th day of October in the year of our Lord one thousand eight hundred & ninety (1891) before me, the subscriber, a Notary Public for said county, personally came Lynceus Norton Trustee & Walter St. J. Jones, Trustees of the Watch Hill Land Syndicate the grantors in the foregoing deed, & acknowledged the signing thereof to be their voluntary act, deed for the use & purposes therein mentioned. In testimony whereof I have hereunto subscribed my name, & offered my notarial seal on the day & year aforesaid.



Ben B. Dale

Notary Public, Hamilton County, Ohio

Received for Record September 29th A.D. 1891. at 9 o'clock P.M. & Recorded.

Attest: William Noxey
Town Clerk.

Know all men by these presents that I Nathan Babcock of the town of Glovington, Connecticut, executor of the last will and testament of Amanda B. Brown, late of the town of Westerly, county of Washington & State of Rhode Island, deceased, in consideration of the sum of one dollar to me paid by Charles A. Stillman of said Westerly, the receipt whereof I do hereby acknowledge

BLUFF AVENUE (2)

This site was originally designated as ROW #7 -- and originally identified as "Everett Avenue" -- by the old ROW Commission.

The parcel extends ??????

CRMC ROW Subcommittee

The CRMC's ROW Subcmte. held two hearings on this site -- one (later characterized as "informational") on 10/25/78, and the second on 11/30/78. At the hearings, the following evidence and testimony was presented:

TITLE OPINION: Although no specific conveyances could be found, it is certified that Bluff Avenue (2) is a public ROW.

ACTION TAKEN: None.

CRMC Full Council

On 1/30/80 the full Council took under consideration the ROW Subcommittee's recommendation on this site, which held that that the parcel should be designated as a public ROW.

ACTION TAKEN: A motion was made to designate Bluff Avenue (2) as Public ROW "A-3," and the motion carried.

At the 8/12/80 meeting of the full Council, the ROW Subcommittee Chairman made a motion that apparently pertained to Bluff Avenue (2).

ACTION TAKEN: The motion was made to "reconsider five of the thirteen ROWs that were designated on 1/30/80 so as to allow abutters through their legal counsel to submit additional evidence." The motion carried.

The transcript of the 8/12/80 full Council meeting provides no indication as to which five ROWs were subjected to reconsideration. However, because Bluff Avenue (2) has always been listed in the CRMC's Annual Reports as "Action Pending," it seems reasonable to assume that it was one of the five.

There appears to be no record of any subsequent action by the CRMC on this site, and no final decision was ever issued.

Comments

Right of Way * 7
Everett Avenue
Assessors Map 13

Lots 3, 4, 5
Mary C. Myers

Lot 49
Yoland Westerfield

ATLANTIC
AVE.

EVERETT

21,950 S.F. * , 0.504 Ac.

AVENUE

BLUFF
AVENUE

Lot 8
Michael A. & Joan A. Lemp

Lot 7
Ellen Bourquarden Griffin

Lot 6
John S. Burke Jr.

Lot 9
Louis D. Miller & Co. Inc.

Public Right of Way
Prepared for
The Coastal Resource
Management Council
Sub-Committee on Rights of Way
Westerly, Rhode Island
September, 1979
Scale: 1 Inch Equals 40 Feet

ROBERT C. COURNOYER & ASSOCIATES, INC.

CONSULTING ENGINEERS AND LAND SURVEYORS
11 MAIN STREET
SLATERSVILLE, RHODE ISLAND 02876

State of Rhode Island and Providence Plantations

REPORT

OF

THE SPECIAL COMMISSION TO DISCOVER

THE PUBLIC RIGHTS-OF-WAY TO WATER

AREAS OF THE STATE

TO THE

GOVERNOR

March 1958

Santo J. Turano, Jr., Esq.
Attorney for Commission

TABLE OF CONTENTS

	Page
I. Resolution creating the Special Commission	3
II . The Formal Report to the Governor	6
1. Difficulties encountered by the Commission.....	6
2. Practical problems and possible solutions	7
3. Acknowledgments of the Commission	12
III. Appendix containing detailed reports of Towns and Cities surveyed and the Recommendations of the Commission.....	
I. Atlantic Beach	14
II. South Kingstown	17
III. Portsmouth	20
IV. East Providence	23
V. Charlestown	25
VI. Tiverton	25
VII. Newport	25
VIII. Barrington	27
IX. Little Compton	31
X. Warren	33
XI. Warwick	38
XII. Fresh Water Streams	51

I ATLANTIC BEACH

The following is a report showing lot numbers taken from the Assessor's Plat in Westerly, R. I. and the corresponding numbers of the same lots as designated in "Plan of present Beach Roads, Westerly, R. I. scale 200 ft. to the inch by C. H. Chandler and S. B. Palmer, Engineers, Norwich, Conn., 1909," filed July 21, 1909. Said plan being recorded in the Westerly Land Evidence Record Plat Book number 2 pages 13, 14 and 15. Authorities which have the recording of these beach lots is contained in an agreement between Albert Langworthy, et als, dated May 17, 1909 and recorded in the Land Evidence Records of said Westerly in Book 39, page 419. Between each of these lots is a right-of-way.

Assessor's Plat #7
Lot 10 & 11

being

Plat Book #2
Page 14
Lot # 11 & 12

Assessor's Plat #5
Lot #2 & 1

being

Plat Book #2
Page 15
Lot #123 & 124

Assessor's Plat #5
Lot #51 & 52

being

Plat Book #2
Page 14
Lot #73 & 74

Assessor's Plat #5
Lot #37 & 36

being

Plat Book #2
Page 14
Lot #88 & 89

Assessor's Plat #4
Lot #14 & 15

being

Plat Book #2
Page 14
Lot #140 & 141

Assessor's Plat #5
Lot #22 & 21

being

Plat Book #2
Page 15
Lot #58 & 59

Assessor's Plat #6
Lot #32 & 31

being

Plat Book #2
Page 14
Lot 41 & 42

Assessor's Plat #6
Lot #48 & 49 $\frac{1}{2}$

being

Plat Book #2
Page 14
Lot 95 & 25

At the outset, for sake of brevity, deeds of importance will be designated by book and page number without reference to words. For example, deed in Book 500 page 63 will be designated as 500/63.

For key deeds at Misquamicut see 71/266; 59/519; 47/568; 53/219; 49/15; 71/10; 61/200; 51/329; 55/571; 45/531; 561/363; 55/583-586; 63/323 47/313; 41/479; 71/175; 57/591; 48/382; 71/108; 64/576; 74/177; 67/306; 53/481; 46/596; 66/582; 48/95; and 48/436

Other points accessible by public roads refer to:

1. Assessor's Plat No. 8 - Winnapaug Road bordering on Winnapaug Road.

2. Assessor's Plat No. 13 - shows Ocean View Highway to shore, south of Lot No. 2. Everett Avenue also shows a lot from Bluff Avenue to shore east of Lots No. 11 and 12.

Town of Westerly

Harbor Management Plan

2016 Revised 10/28/19



As Adopted by the Westerly Town Council, October 28, 2019

In general, known access-points will be outlined here—29 designated sites of various types and descriptions in 2009. Where issues and questions remain, those sites will be listed as ‘Prospective Future Sites and Site Ideas’ at the end of the section.

2. FINDINGS

*Note: All directions (north/south/east/west) referred to in this section are ‘by the compass’.

RIGHTS OF WAY TO THE SHORE (referenced from Westerly ROW book and 2004 RI CRMC Public Access manual)

Site #1--Avondale Road- (State designated ROW #A14). Located next to the Lotteryville Marina, this ROW is approximately 25-feet wide, covering 3776 square feet, and is bordered on its north side by a stone wall marking the boundary with the Frank Hall Boat Yard. There is a stone wharf and a launching ramp, both in need of repair. The site is posted. It appears to have been set up as a launching ramp, but the terrain at entry needs attention and upgrading. The exact size and dimensions of this parcel should be identified for possible upgrading. No parking nearby.

Site #2 & 2A- Water’s Edge Road (Town-designated—previously Meadow lane.) Located at the end of Pawcatuck Avenue, running north/south, this ROW runs the entire length of Waters Edge Road, ending on the north side at Foster Cove and on the south side at Watch Hill Cove. The site is not posted. Access, is blocked by fencing and established undergrowth. On the south side, at Watch Hill Cove, the launching ramp is ill-maintained and the right-of-way has been narrowed by vegetative growth on one side and large rocks on the other. No turnaround is available. No parking is available.

Site #3- Fort Road (Access along Fort Road shoreline). Located off Bay Street, running along Watch Hill Cove adjacent to shops and cabanas, the pedestrian easement leads to Napatree Point, running along the seawall as a shoreline path and leading through a posted-gate to Napatree Beach. This ROW is heavily used in the summertime, moderately used in the off-season.

Site #4- Bluff Avenue, Watch Hill- (*Both Town and State-designated as CRMC ROW #A-2*) Located at the top of Larkin Road as it becomes Bluff Avenue. This ROW is pictured and described as a 40-foot wide road that leads to the beach. Now a pathway bordered by evergreens and beach rose bushes, about 10-feet wide at the Bluff Avenue entry, narrowing to approximately 6 feet as it winds down toward the beach. A town sign is posted at the entry-point. **This ROW should be kept clear and upgraded; it is heavily used in summer, moderately used off season.*

Site #5- Everett Avenue, Watch Hill- (Town-designated) Located just north of the Ocean House, this ROW is a path 30 feet wide and 260 feet long. There are private homes on both sides of the right-of-way. There is a sign posted at the right-of-way itself, designating this as a beach entry point, but no sign at the entry to Everett Avenue. This

access-point is heavily used in the summer season and has been utilized as a vehicular beach-entry point by fishermen during the off-season.

Site #6- Niantic Avenue, Watch Hill (Determined to be Private ROW)

This right-of-way was once posted with a Town sign, however a title search has revealed that the pathway is privately owned.

Site #7- Manatuck Avenue, Watch Hill—(*State-designated ROW—CRMC #A-3*). Located at the beach-end of Manatuck Avenue, this is a wide sandy path leading to the beachfront. It is posted with a RI CRMC right-of-way sign. It is heavily used during the summer months as a beach-access and used as a vehicular entry-point during the off season.

Site #8- Atlantic Avenue, Misquamicut- (*Town-designated*) This right-of-way is located at the very end of Atlantic Avenue, going west. It is, technically, the hurricane-eroded extension of Atlantic Avenue that once led to several summer cottages. There is a town sign posted, and a chained-and-posted entry-point. It has been historically utilized as a pedestrian and vehicular right-of-way, used heavily by the public both during the summer and in the off-season.

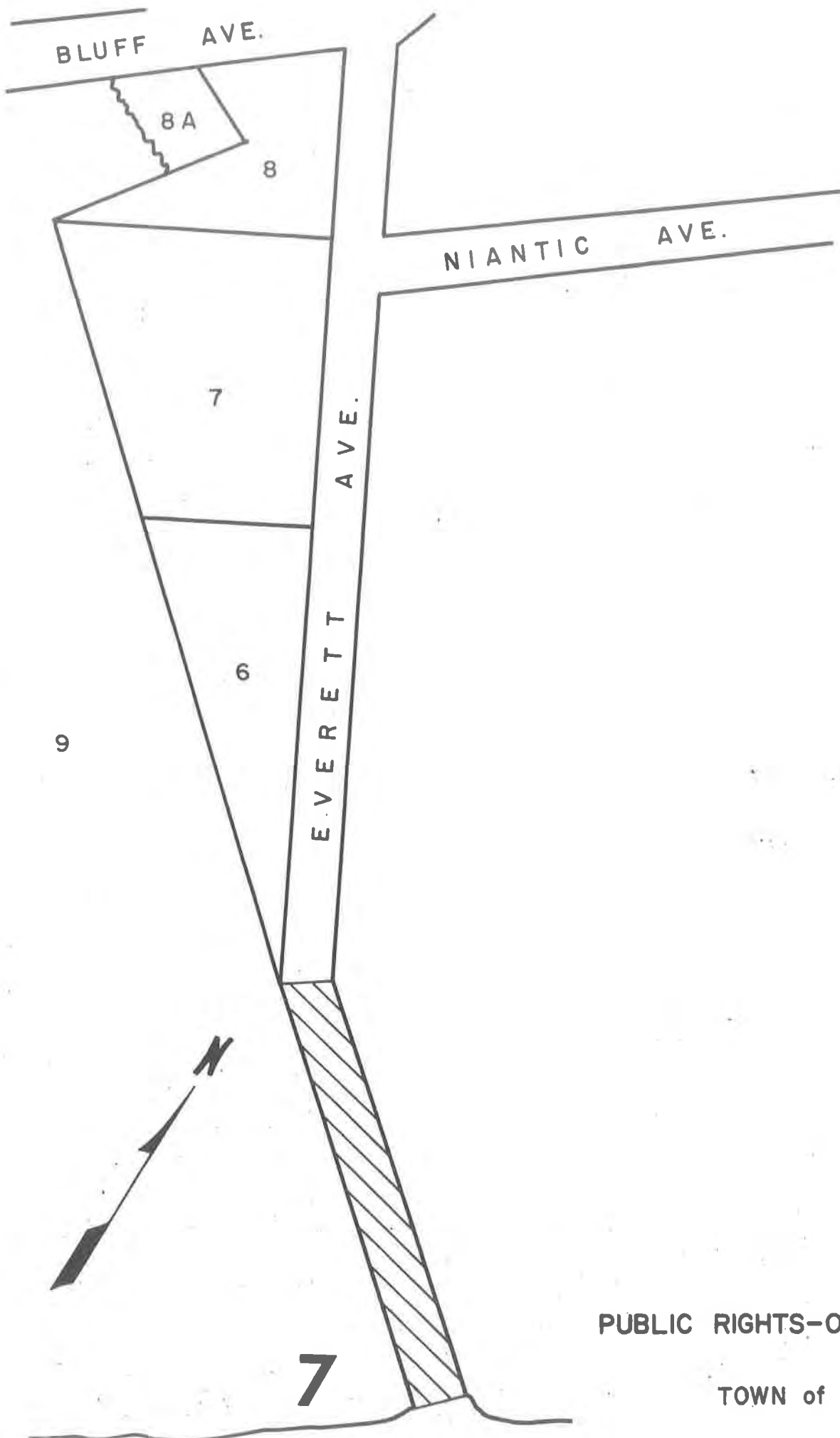
Site #9- Atlantic Ave, Misquamicut- (*Town-designated*). Located on the western end of Atlantic Avenue near pole #154, this is a ten-foot wide path to the shore, marked by a town ROW sign. It is bordered by a wooden fence and a thick growth of beach roses. There are private homes on both sides. This ROW is used moderately in the summer months as a beach-entrance.

Site #10- Atlantic Avenue, Misquamicut—(*State-designated ROW, RI CRMC #A-13*) Located near pole #91 near Atlantic Beach Park on the north side of the State Beach, between two buildings (Windjammer Lounge and a 3-story residential condominium). This right-of-way appears to coincide with a private parking-lot entrance. It is marked with a state shoreline access sign and appears to be utilized at least moderately in the summer season. It has also been used as a vehicular entry-point in the off-season.

Site #11 Atlantic Avenue, Misquamicut—(*State-designated ROW, RI CRMC #A-11*) Located near pole #72 on the east end of Atlantic Avenue, this right-of-way is marked and posted with a sign. It is well-marked and heavily-used in the summer season.

Site #12 Atlantic Avenue, Misquamicut—(*Town-designated, State-designated, RI CRMC #A-6*)- Located on the east end of Atlantic Avenue near pole #54, this right-of-way is a long sandy path to the beachfront. It is marked with a CRMC access sign and bordered with a snow-fence. This right-of-way has been used historically. It is used moderately in the summer season.

Site #13 Atlantic Avenue, Misquamicut—(*Town-designated, State-designated, RI CRMC #A-7*) Located on the east end of Atlantic Avenue (near pole #46), this right-of-way is



PUBLIC RIGHTS-OF-WAY INVENTOR

TOWN of WESTERLY

PUBLIC RIGHTS-OF-WAY EVALUATION

Municipality

Number: 7

Town of Westerly

Location:

This public way is located off Everett Avenue which joins Bluff Avenue, in the Watch Hill Section of Westerly.

Approximate Dimensions: Width: 30 Feet
Length: 260 Feet
Area: 7,800 Square Feet

Existing Conditions and Land Uses:

The area is zoned for low density residential use. Dwellings occupy both sides of the public way which opens onto a sandy beach. There is no sign designating the right-of-way location.

Recommendations:

This public way does not appear to be in an area suitable for development. The right-of-way should be posted, maintained and policed.





ATLANTIC

OCEAN

U.S.N.M.
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922

hundred dollars in full for his services as Town
Officers for the year ensuing the first Tuesday in
June 1891.

Witness: William Hoxsey,
Council Clerk.

At a Meeting of the Town Council of Westerly, held
this 29th day of September A.D. 1891.

Albert H. Spicer, Louis W. Arnold, Alexander G. Quinn
James W. Pollette & Foster Jagger,
Members present.

Voted. That William Dove be, he is hereby appointed
a Constable in, for said town, to hold his office
for the year ensuing the first Tuesday in June
1891.

Voted. That the deed of certain tracts or parcels of land
at Watch Hill, from Norton & Jones, Trustees of the Watch
Hill Land Syndicate, known, designated as "Avenues"
named "Mantic", "Kinigret", "Everitt", "Frank", "Kerwan",
"Aguidnick", "Sunset", "Wauwinnet", "Pawcatuck" Avenue
"Meadow Lane" & "The Westerly Road"
be, the same is hereby approved, accepted, & that
the land conveyed to the town by said deed, be,
the same is hereby declared to be public highway.

Voted. That the report of the Committee heretofore
appointed by this Council to revise, amend the
Ordinances of, to report new Ordinances if deemed
necessary for this town, be, the same is hereby
received, & the said Ordinances as reported by said
Committee are hereby adopted as, declared to be
the Ordinances of this town, & the same are ordered
recorded in the Book of "Ordinances No. 1." of the said
town of Westerly.

Said Ordinances are to, shall go into operation &
effect, on the 1st day of December A.D. 1891.
Witness: William Hoxsey, Council Clerk.

At a Meeting
this 5th day of
Alexander G.
James W. Pollette
Members present

Voted. That the
for, during
by the Sergeant
approved, or

Voted. That the
Force of this
Treasurer for
full for the
Jonathan B.
Eugene W. L.
Oliver E. L.
John L. Kenney
Albert O. H.

Voted. That the
Town's Treasurer
full for his
Hall building
Had order to.

Voted. That the
Clerk, &
this
one
be ap
town as
order to

Voted. That the
Town's Treasurer

AT TRUE COPY: Mary L. LeBlanc, MMC
ATTEST: Mary L. LeBlanc, MMC
Westerly Town Probate Clerk

MAR 19 2024

LIST OF PRIVATE ROADS
Westerly, Rhode Island

February 2022

ALOHA ROAD
AYERS ROAD
ARROW DRIVE
BACH ROAD
BELLA VISTA TERRACE
BRAHMS ROAD
BLOSSOM COURT
CALABRIA COURT
CAMELOT COURT
CHAPMAN ROAD
COASTWINDS DRIVE*
COLLINS AVENUE
COLONEL WILLIE LANE
COMPASS WAY
COURTYARD CIRCLE
COVINGTON COURT
DONIZETTI ROAD
EAST HILLS ROAD
EQUITY LANE
FALCO CIRCLE
FALLON TRAIL*
FOUNTAIN DRIVE
GAVITT AVENUE
GERSHWIN ROAD
GOUNOD ROAD
GRIEG ROAD
GUARINO AVENUE
HANDEL ROAD
HAVENS ROAD
HAYDEN ROAD
HYDRO DRIVE
ICE POND ROAD
INDIA POINT ROAD
INWOOD LANE
INWOOD LANE SOUTH
JUNIPER LANE
KETTLE CLOSE
KIDDS WAY
LANPHERE ROAD
LIGHTHOUSE ROAD
LISZT ROAD
MACDOWELL ROAD
MAGGIO AVENUE
MASTUXET DRIVE
MEADOW AVENUE

MICHAEL'S WAY
MITCHELL LANE
MONTEGO ROAD
MOORHOUSE ROAD
MYRTLE AVENUE
NATCHAUG ROAD
NEWBURY DRIVE
NEWELL TERRACE
NIPMUC TRAIL
NOONATCH ROAD
NO BOTTOM RIDGE
OLD CARRIAGE ROAD
OLD INDIAN TRAIL
OLIVE GROVE LANE
OYSTER COVE LOOP
PIRATE'S ISLAND DRIVE
QUARTZ DRIVE
ROSSINI ROAD
ROUND HILL ROAD
SAND TRAIL
SARAH LANE
SCHUBERT ROAD
SCHUMANN ROAD
SETTLER'S LANDING
SHADY LANE
SHARON DRIVE
SHAWMUTT AVENUE
SHORE GARDENS ROAD
TAILWINDS LANE*
TIDEWINDS LANE*
THOMAS LANE
TRACKSIDE DRIVE
TRISTAM TRACE
UPLAND ROAD
VALLEY PATH
VERDI ROAD
VIOLET LANE
WARREN ROAD
WILLIAMS AVENUE
YARMOUTH DRIVE EXT.*

LIST OF PRIVATE ROADS
Westerly, Rhode Island

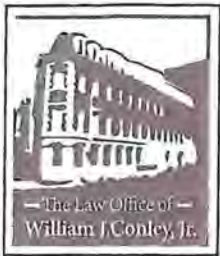
February 2022

*This road was added to the list on June 2, 2020 per request of Ellie Derrig and Town Manager Rooney. It is a portion of Yarmouth Drive from Cohasset Way to Tom Harvey Road.

*Fallon Trail was removed from the list on December 15, 2020 per the request of Ellie Derrig and Town Manager Rooney, and supported by the passage of Council Resolution 20/21-40 at the December 14, 2020 Council Meeting.

*The spellings of "Handel Road" and "Schumann Road" were amended from "Hannel" and "Schuman" upon email request of Ellie Derrig on August 10, 2021.

*Coastwinds Drive, Tailwinds Lane and Tidewinds Lane were removed from this list per Council Resolution 21/22-46 dated 12/6/2021 accepting these roads into the Town's roadway system.



The Law Office of William J. Conley, Jr.
The Hay Building • 123 Dyer Street, 2nd Floor • Providence, RI 02903
WilliamConleyLaw.com

William J. Conley, Jr. • WConley@WJCLaw.com • 401.415.9835

Advocacy. Integrity. Excellence.

November 20, 2020

Via Electronic and Regular Mail (jwillis@cimc.ri.gov)

Mr. Jeffrey Willis
Executive Director
RI Coastal Resource Management Council
Stedman Government Center
Suite 116, 4808 Tower Hill Road
Wakefield, RI 02879

RE: Town of Westerly – Weekapaug Sand trail
Spring Avenue Extension

Executive Director Willis:

This office represents the Town of Westerly. I am writing today pursuant to the Town Council's Resolution of November 9, 2020, in which the Council requested that the RI Coastal Resource Management Council review the following rights-of-way, located within the Town of Westerly:

1. The "Sand Trail," located in the Weekapaug Fire District
2. The Spring Avenue Extension, also located within the Weekapaug Fire District

Supporting documents will be forwarded to your office via regular mail, as we were unable to obtain digitized copies of certain documents due to their irregular size.

In addition, we would respectfully request that this correspondence also represent the Town's affirmation of all the rights-of-ways on its Harbor Management Plan as previously submitted.

Please do not hesitate to contact me with any questions.

Sincerely,

William J. Conley, Jr., Esq.
Town Solicitor
Town of Westerly

Cc: Anthony DeSisto, Esq. (tony@adlawllc.net)



Town of Westerly
Rhode Island

OFFICE OF THE TOWN MANAGER
Shawn M. Lacey, Town Manager



Town Hall
45 Broad Street
Westerly, RI 02891
TEL: (401) 348-2530
www.WesterlyRI.gov

March 20, 2023

Mr. Jeffrey M. Willis, Executive Director
RI Coastal Resources Management Council
Oliver Steadman Government Center – Rm 116
4800 Tower Hill Road
Wakefield, RI 02879-1900

Re: Everett Avenue Right of Way (corrected resolution)

Dear Mr. Willis:

Please find enclosed a corrected Resolution of the Town of Westerly in support of the Coastal Resources Management Councils (CRMC) possible designation of Everett Avenue as a CRMC recognized right-of-way (ROW). This Resolution was adopted by the Town of Westerly at its council meeting on March 6th, 2023. Please accepted this as the corrected adopted Resolution and disregard the previous one sent on March 13th, 2023. I have enclosed a copy of the original one sent and the new adopted resolution.

If you have any questions, please contact me.

Sincerely,



Shawn M. Lacey
Town Manager



CORRECTED RESOLUTION

22/23-49

RESOLUTION OF THE TOWN OF WESTERLY IN SUPPORT OF THE
COASTAL RESOURCES MANAGEMENT COUNCIL'S (CRMC)
POSSIBLE DESIGNATION OF EVERETT AVENUE AS A CRMC
RECOGNIZED RIGHT-OF-WAY (ROW)

WHEREAS, in March 1970 the State of Rhode Island PUBLIC RIGHTS-OF-WAY TO THE SHORE report identified Everett Avenue as a Public Right-of-Way and recommended it be posted, maintained, and policed; and

WHEREAS, in the 1978 Westerly Right-of-Way book John Lallo, Esq. certified that Everett Avenue is a Public Right-of-Way; and

WHEREAS, in 2016 and in 2019 the Westerly Town Council approved the Westerly Harbor Management plan that identified Everett Avenue as a Right-of-Way; and

WHEREAS, by a letter dated November 20, 2020, Westerly Town Solicitor, William Conley, Esq. affirmed all Rights-of-Way in the 2019 Westerly Harbor Management plan; and

WHEREAS, The Town of Westerly 2020-2040 Comprehensive Plan states "Once adopted by the Town as public rights-of-way to the shore, these sites will be submitted to RICRMC for designation by the State."

NOW THEREFORE, be it hereby

RESOLVED: that the Westerly Town Council affirms its desire to see the CRMC's ROW designation process for Everett Avenue proceed consistent with the public's right to access its valuable coastal resources.

ADOPTED: March 6, 2023

A TRUE COPY DATED: MAR 20 2023
ATTEST: Mary L. LeBlanc, MMC
Mary L. LeBlanc, MMC
Westerly Town Probate Clerk



**RESOLUTION OF THE TOWN OF WESTERLY IN SUPPORT OF THE
COASTAL RESOURCES MANAGEMENT COUNCIL'S (CRMC)
POSSIBLE DESIGNATION OF EVERETT AVENUE AS A CRMC
RECOGNIZED RIGHT-OF-WAY (ROW)**

WHEREAS, in March 1970 the State of Rhode Island PUBLIC RIGHTS-OF-WAY TO THE SHORE report identified Everett Avenue as a Public Right-of-Way and recommended it be posted, maintained, and policed; and

WHEREAS, in the 1978 Westerly Right-of-Way book John Lallo, Esq. certified that Everett Avenue is a Public Right-of-Way; and

WHEREAS, in 2016 and in 2019 the Westerly Town Council approved the Westerly Harbor Management plan that identified Everett Avenue as a Right-of-Way; and

WHEREAS, by a letter dated November 20, 2020, Westerly Town Solicitor, William Conley, Esq. affirmed all Rights-of-Way in the 2019 Westerly Harbor Management plan.

NOW THEREFORE, be it hereby

RESOLVED: that the Westerly Town Council affirms its desire to see the CRMC's ROW designation process for Everett Avenue proceed consistent with the public's right to access its valuable coastal resources.

ADOPTED: March 6, 2023



**OLD
DISREGARD**



Lisa Turner

From: Jeff Willis CRMC <jwillis@crmc.ri.gov>
Sent: Monday, March 20, 2023 5:05 PM
To: Lisa Turner; Anthony DeSisto; Leah Feldman; Mark Hartmann Esq.; Laura Miguel; Kevin Cute
Subject: Fwd: Town of Westerly Resolution for Everett Ave. ROW
Attachments: image001.png; Untitled attachment 00311.htm; Letter to CRMC - Everett Ave - (corrected).pdf; Untitled attachment 00314.htm

All - please handle as applicable.

Thanks,
Jeff

Begin forwarded message:

From: Shawn Lacey <slacey@westerlyri.gov>
Date: March 20, 2023 at 5:02:20 PM EDT
To: Jeff Willis <jwillis@crmc.ri.gov>

Good afternoon Jeff, see attached correct resolution and letter for Everett Ave. to be designated as a CRMC right of way. I had sent you a resolution last week, please disregard this resolution and except the attached as there was one sentence missing and was sent accidentally with the many draft versions. I will also be forwarding by mail, any questions let me know, Shawn Lacey

Shawn M. Lacey
Town Manager
Westerly Town Hall
45 Broad Street
Westerly, RI 02891
Tel: (401) 348-2530
Email: slacey@westerlyri.gov
www.WesterlyRI.gov

CRMC Application Review Sheet

File Number: 2023-03-069
Owner Name: Town Of Westerly
Site Address: Everett Avenue, Westerly
Plat: ; Lot:

Administrative Review

Reviewer: Completed on _____ <input type="checkbox"/> Application Complete <input type="checkbox"/> Application Deficient <input type="checkbox"/> FONSI <input type="checkbox"/> Enforcement compliance _____	_____ Application _____ Fee _____ Proof of Ownership _____ Building Permit _____ Site Plans	As Applicable: _____ CHA Worksheet _____ Stormwater Calcs _____ Structural Lot Calcs _____ OWTS _____ RI Fortified Home Pg
---	---	--

☐ **EXTENSION** (Enforcement review)

Notes: _____

Team Review for Acceptance

Application Deficient

- ☐ Deficiency Letter Required
☐ Notified Via Phone Call – waiting for _____

() Application Accepted Date: _____	Assigned To		Date Completed	Denial Recommendation	Management Sign-off
	Project Manager				
	Engineer				
	Biologist				
	Geologist				
	Aqua				
	Dredge				
	Other				

Category: _____
Project Type: 76
Water Type: _____
Water Area: _____

PGP Category: SV PCN IP ☐ Public Access 355 ☐ Public Access Easement

Project Description:



Town of Westerly

Town Hall • 45 Broad Street • Westerly, Rhode Island 02891

TEL: (401) 348-2530 • www.WesterlyRI.gov

Office of the
Town Manager

March 13, 2023

Mr. Jeffery M. Willis, Executive Director
RI Coastal Resources Management Council
Oliver Steadman Government Center-Rm 116
4808 Tower Hill Road
Wakefield, RI 02879-1900

Re: Everett Avenue Right of Way

Dear Mr. Willis:

Please find enclosed a Resolution of the Town of Westerly in support of the Coastal Resources Management Councils (CRMC) possible designation of Everett Avenue as a CRMC recognized right-of-way (ROW). This Resolution was adopted by the Town Council at its meeting on March 6, 2023.

If you have any questions, please contact me.

Very truly yours,

Shawn M. Lacey
Town Manager

C: Town Council
Town Solicitor

SML/jm



RESOLUTION OF THE TOWN OF WESTERLY IN SUPPORT OF THE
COASTAL RESOURCES MANAGEMENT COUNCIL'S (CRMC)
POSSIBLE DESIGNATION OF EVERETT AVENUE AS A CRMC
RECOGNIZED RIGHT-OF-WAY (ROW)

WHEREAS, in March 1970 the State of Rhode Island PUBLIC RIGHTS-OF-WAY TO THE SHORE report identified Everett Avenue as a Public Right-of-Way and recommended it be posted, maintained, and policed; and

WHEREAS, in the 1978 Westerly Right-of-Way book John Lallo, Esq. certified that Everett Avenue is a Public Right-of-Way; and

WHEREAS, in 2016 and in 2019 the Westerly Town Council approved the Westerly Harbor Management plan that identified Everett Avenue as a Right-of-Way; and

WHEREAS, by a letter dated November 20, 2020, Westerly Town Solicitor, William Conley, Esq. affirmed all Rights-of-Way in the 2019 Westerly Harbor Management plan.

NOW THEREFORE, be it hereby

RESOLVED: that the Westerly Town Council affirms its desire to see the CRMC's ROW designation process for Everett Avenue proceed consistent with the public's right to access its valuable coastal resources.

ADOPTED: March 6, 2023



Lisa Turner

From: Brittany Spurlock <bspurlock@crmc.ri.gov>
Sent: Friday, March 17, 2023 11:54 AM
To: 'Mark Hartmann'; Anthony DeSisto
Cc: Lisa Turner
Subject: FW: Town of Westerly - ROW (Everett Ave)
Attachments: 2022-11-010.pdf; ROW - Everett Ave.pdf

Good Morning Tony & Mark,

Please see attachments for two letters received from the Town of Westerly, in regards to the town's ROW.

Thanks,

Brittany Spurlock

Assistant Administrative Officer
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879
(401)783-3370

From: Jeff Willis [mailto:jwillis@crmc.ri.gov]
Sent: Friday, March 17, 2023 11:31 AM
To: 'Brittany Spurlock' <bspurlock@crmc.ri.gov>; 'Leah Feldman' <lfeldman@crmc.ri.gov>; 'Kevin Cute' <kcute@crmc.ri.gov>; 'Justin Skenyon' <jskenyon@crmc.ri.gov>
Cc: 'Lisa Turner' <lturner@crmc.ri.gov>; 'Laura Miguel' <lmiguel@crmc.ri.gov>; 'Peter O'Rourke' <porourke@crmc.ri.gov>; Jeff Willis <jwillis@crmc.ri.gov>
Subject: RE: Town of Westerly - ROW (Everett Ave)

Lisa may have created a PAES file already for this. It goes there AND get sent to Tony and Mark.

Thanks,
Jeff

From: Brittany Spurlock [mailto:bspurlock@crmc.ri.gov]
Sent: Friday, March 17, 2023 11:27 AM
To: Leah Feldman <lfeldman@crmc.ri.gov>; Kevin Cute <kcute@crmc.ri.gov>; Justin Skenyon <jskenyon@crmc.ri.gov>
Cc: Lisa Turner <lturner@crmc.ri.gov>; Laura Miguel <lmiguel@crmc.ri.gov>; Jeff Willis <jwillis@crmc.ri.gov>; Peter O'Rourke <porourke@crmc.ri.gov>
Subject: Town of Westerly - ROW (Everett Ave)

Good Morning,

Please see attachments for a letter from the Town of Westerly in regards to designation of a ROW at Everett Avenue in Westerly. I have this letter at my desk, please let me know where it should go.

I also have a 2nd letter in regards to the ROW on Fort Rd in Westerly, the letter mentions the Dredging application (2022-11-010), so I added the letter to the file.

Thanks,

Brittany Spurlock

Assistant Administrative Officer
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879
(401)783-3370



Virus-free www.avg.com

Brittany Spurlock

From: Jeff Willis <jwillis@crmc.ri.gov>
Sent: Friday, March 17, 2023 11:31 AM
To: 'Brittany Spurlock'; 'Leah Feldman'; 'Kevin Cute'; 'Justin Skenyon'
Cc: 'Lisa Turner'; 'Laura Miguel'; 'Peter O'Rourke'; Jeff Willis
Subject: RE: Town of Westerly - ROW (Everett Ave)

Lisa may have created a PAES file already for this. It goes there AND get sent to Tony and Mark.

Thanks,
Jeff

From: Brittany Spurlock [mailto:bspurlock@crmc.ri.gov]
Sent: Friday, March 17, 2023 11:27 AM
To: Leah Feldman <lfeldman@crmc.ri.gov>; Kevin Cute <kcute@crmc.ri.gov>; Justin Skenyon <jskenyon@crmc.ri.gov>
Cc: Lisa Turner <lturner@crmc.ri.gov>; Laura Miguel <lmiguel@crmc.ri.gov>; Jeff Willis <jwillis@crmc.ri.gov>; Peter O'Rourke <porourke@crmc.ri.gov>
Subject: Town of Westerly - ROW (Everett Ave)

Good Morning,

Please see attachments for a letter from the Town of Westerly in regards to designation of a ROW at Everett Avenue in Westerly. I have this letter at my desk, please let me know where it should go.

I also have a 2nd letter in regards to the ROW on Fort Rd in Westerly, the letter mentions the Dredging application (2022-11-010), so I added the letter to the file.

Thanks,

Brittany Spurlock

Assistant Administrative Officer
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879
(401)783-3370



Virus-free www.avg.com



Town of Westerly

Town Hall • 45 Broad Street • Westerly, Rhode Island 02891

TEL: (401) 348-2530 • www.WesterlyRI.gov

Office of the
Town Manager

March 13, 2023

Mr. Jeffery M. Willis, Executive Director
RI Coastal Resources Management Council
Oliver Steadman Government Center-Rm 116
4808 Tower Hill Road
Wakefield, RI 02879-1900

Re: Everett Avenue Right of Way

Dear Mr. Willis:

Please find enclosed a Resolution of the Town of Westerly in support of the Coastal Resources Management Councils (CRMC) possible designation of Everett Avenue as a CRMC recognized right-of-way (ROW). This Resolution was adopted by the Town Council at its meeting on March 6, 2023.

If you have any questions, please contact me.

Very truly yours,

Shawn M. Lacey
Town Manager

C: Town Council
Town Solicitor

SML/jm



RESOLUTION OF THE TOWN OF WESTERLY IN SUPPORT OF THE
COASTAL RESOURCES MANAGEMENT COUNCIL'S (CRMC)
POSSIBLE DESIGNATION OF EVERETT AVENUE AS A CRMC
RECOGNIZED RIGHT-OF-WAY (ROW)

WHEREAS, in March 1970 the State of Rhode Island PUBLIC RIGHTS-OF-WAY TO THE SHORE report identified Everett Avenue as a Public Right-of-Way and recommended it be posted, maintained, and policed; and

WHEREAS, in the 1978 Westerly Right-of-Way book John Lallo, Esq. certified that Everett Avenue is a Public Right-of-Way; and

WHEREAS, in 2016 and in 2019 the Westerly Town Council approved the Westerly Harbor Management plan that identified Everett Avenue as a Right-of-Way; and

WHEREAS, by a letter dated November 20, 2020, Westerly Town Solicitor, William Conley, Esq. affirmed all Rights-of-Way in the 2019 Westerly Harbor Management plan.

NOW THEREFORE, be it hereby

RESOLVED: that the Westerly Town Council affirms its desire to see the CRMC's ROW designation process for Everett Avenue proceed consistent with the public's right to access its valuable coastal resources.

ADOPTED: March 6, 2023



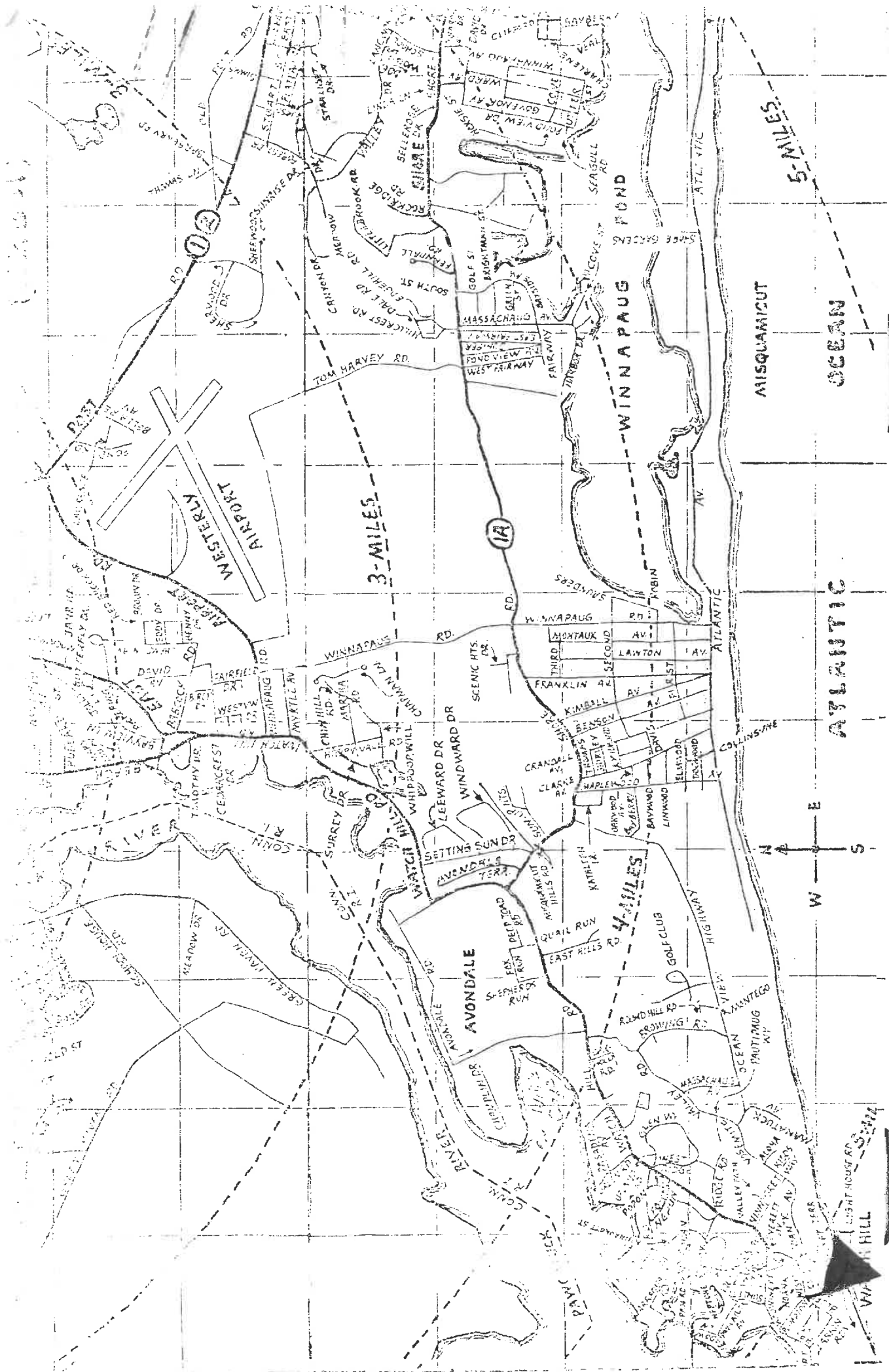
RECOMMENDATIONS OF THE RIGHT-OF-WAY SUB-COMMITTEE
FOR CERTAIN RIGHT-OF-WAYS IN THE TOWN OF WESTERLY

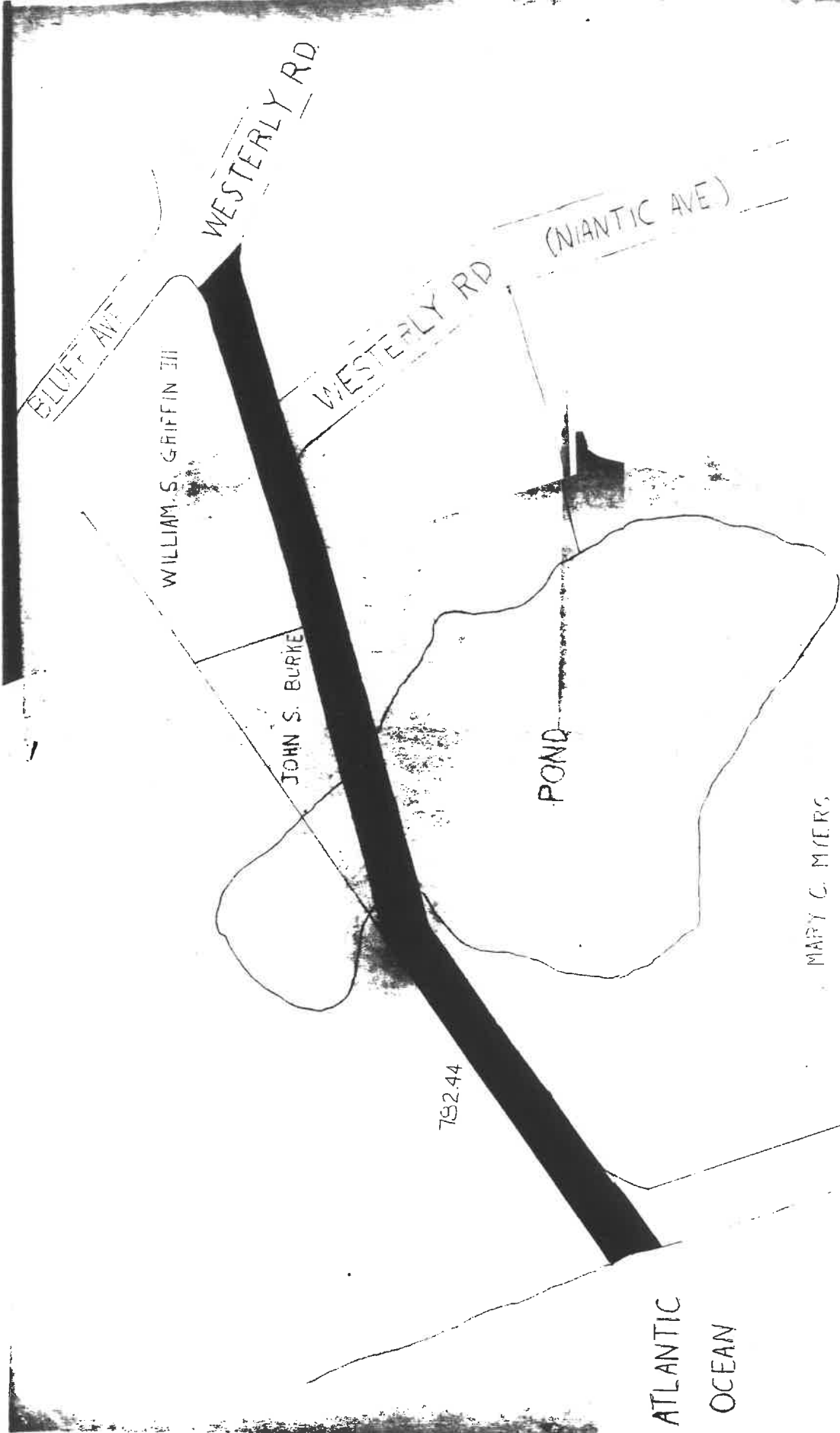
Right-of-Way No. 7

This parcel of land gives access to the Atlantic Ocean from Bluff Avenue. This parcel is bordered on the northeasterly side by property of Yoland Westfield and on the southeasterly side by property of Mary C. Myers. It is bordered on the westerly side by property of Michael A. and Joan A. Lemp, Ellen Bourquarden Griffin, John S. burke, Jr. and Louis D. Miller & Co. Inc.

Based upon the examination of title, evidence presented at the hearing and the record, it is the recommendation of the Right-of-Way Sub-Committee that this is a public Right-of-Way. It is recommended that this Right-of-Way be re-designated as Right-of-Way A-3.

If the Town of Westerly has declared this a public highway in accordance with Section 24-2-1 of the General Laws, then title to this Right-of-Way would be in the Town of Westerly.





ROW NO. 7

TOWN OF WESTERLY
ASSESSOR'S PLAT 13

SCALE 1" = 50'

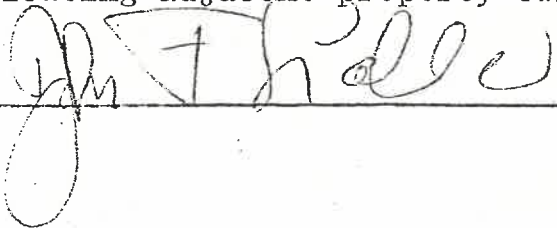
PUBLIC RIGHTS OF WAY INVENTORY - TOWN OF WESTERLY

Right of Way #7 is bounded and described as follows: being a strip of land approximately 20 feet in width running in a southeasterly direction from Bluff Avenue and being designated as Everett Avenue in the Village of Watch Hill and being bounded westerly by Lot #9 on the Assessor's Plat 13 of the Land Evidence Records of the Town of Westerly.

TITLE OPINION

Title to the parcel of land designated as Everett Avenue is found in deed of Charles J. Everett to Jacob S. Burnet et al dated June 12, 1886 and recorded in Book 27 at page 304 of the Westerly Land Evidence Records. No subsequent conveyance of this parcel can be found and reference is made to a certain plat designating Everett Avenue entitled, "Map of Cottage Sites EVERETT FARM WATCH HILL, RHODE ISLAND, MADE BY JACOB S. BURNET, LYNEAS NORTON and WALTER ST. JOHN JONES 1886 Scale 100 feet to the inch" as recorded in Book 2, pages 86 and 87 in the Land Records of the Town of Westerly.

Based upon the plat and the designation thereon of Everett Avenue it is hereby certified that said parcel is a public right of way. A copy of the plat is attached hereto as well as a copy of the assessor's map indicating adjacent property owners.

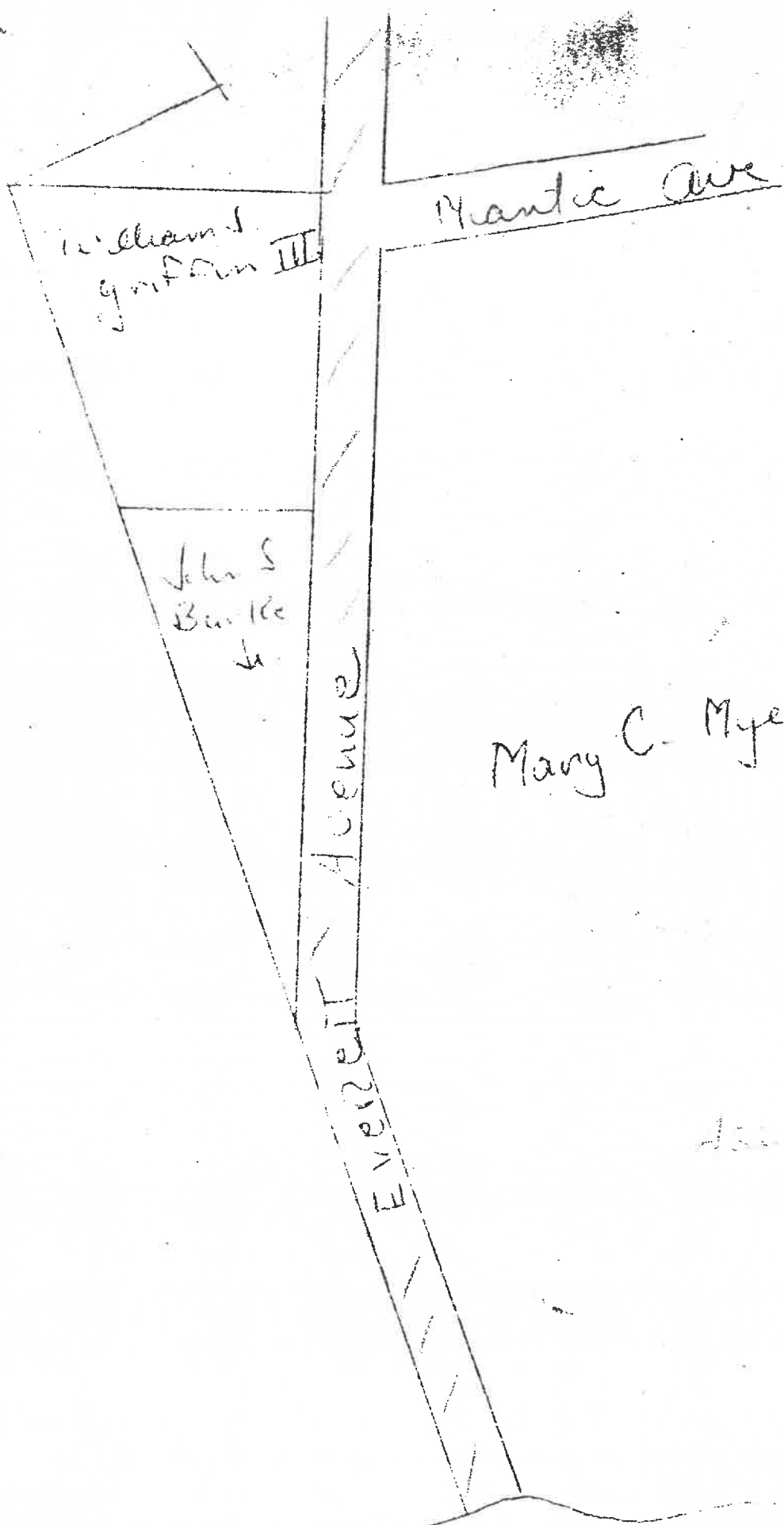




Map of Cottage Sides
Everett Farm
Wash. Hill Rhode Island
Made by Jacob S. Bennett
Sydney Norton, Walter St. John
1886 Scale 100 feet per in.

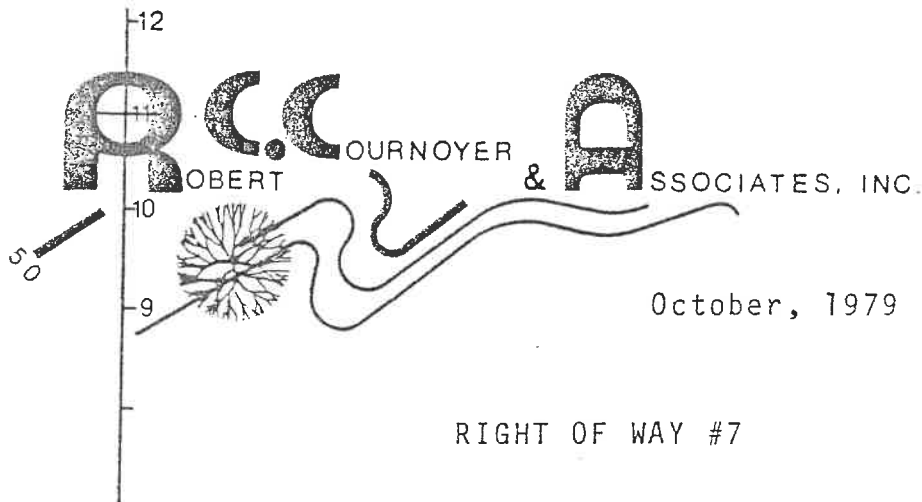
A.P. 2 P. 86, 87
Filed 12/21/1887

at Pacific Ocean



Mary C. Myers

Ocean



A certain lot or parcel of land situated on the southerly side of Bluff Avenue, in the Town of Westerly, County of Washington, State of Rhode Island, shown on that plan, entitled, "Map of Cottage Sites, Everett Farm, Watch Hill, R.I., January, 1891" by Jacob S. Burnet, Lyneas Norton and Walter St. John Jones; recorded in the Westerly Registry of Deeds in Book 2, Pages 86 and 87, more particularly bounded and described as follows;-

Beginning at a drill hole on said southerly side of Bluff Avenue, said point being the most northwesterly corner of land owned by Yoland Westerfield, and being the most northeasterly corner of the right of way known as "Everett Avenue";-

thence: S 11° - 30' - 00" E, along said Westerfield land and the most westerly end of Niantic Avenue, and land owned by Mary C. Myers, five hundred sixty six and eighty eight one hundredths (566.88) feet to an angle point;-

thence: S 32° - 16' - 10" E, sixty eight and forty five one hundreths (68.45) feet to a stake set;-

thence: Continuing along a bearing of S 32°-16'-10" E, one hundred (100.0+) feet plus or minus to the mean high water line of the Atlantic Ocean; the last two lines bounding on said Myers land;-

thence: Southwesterly along said mean high water line, thirty and four tenths (30.4+) feet plus or minus to land of Louis D. Miller & Co., Inc.;-

thence: N 32° - 16' - 10" W, along said Miller land one hundred (100.0+) feet, plus or minus to a stake set;-

thence: Continuing along a bearing of N 32°-16'-10" W, seventy three and ninety five one hundredths (73.95) feet to a stake set at an angle point at land of John S. Burke, Jr. the last two lines bounding on said Miller land;-

thence: N 11° - 30' - 00" W, along said Burke land and land of Ellen Bourquarden Griffin and land of Michael A. & Joan A. Lemp, five hundred fifty eight and eight tenths (558.80) feet to the southerly line of said Bluff Avenue;-

CONSULTING ENGINEERS AND LAND SURVEYORS

11 MAIN STREET • SLATERSVILLE, RHODE ISLAND 02876 • TEL. (401) 762-2870

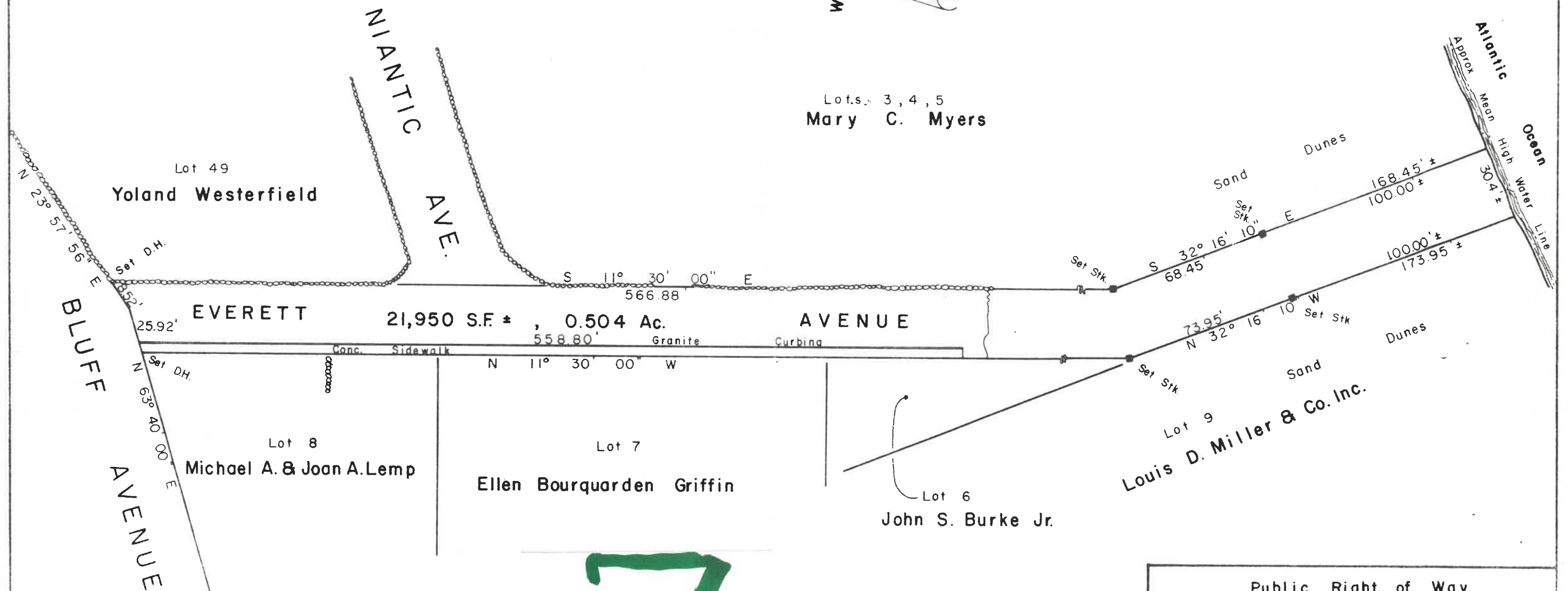
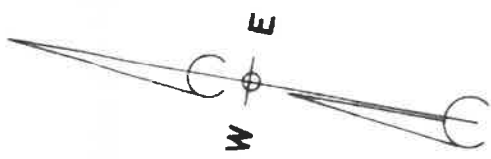
thence: N 63° - 40' - 00" E, along said southerly line of Bluff Avenue, twenty five and ninety two one hundredths (25.92) feet;-

thence: N 23° - 57' - 56" E, eight and fifty two one hundredths (8.52) feet to the point of beginning, the last two lines bounding on said southerly line of Bluff Avenue.

Containing 21,950 square feet or 0.504 acres.

Physical Description of Right of Way #7

Accessable to Atlantic Ocean from Bluff Avenue. Paved 18' wide from Bluff Avenue southerly about 360'. Clear access over sand and between dunes to ocean.



Public Right of Way
Prepared for
The Coastal Resource
Management Council
Sub-Committee on Rights of Way
Westerly, Rhode Island
September, 1979
Scale: 1 Inch Equals 40 Feet

ROBERT C. COURNOYER & ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
11 MAIN STREET
SLATERSVILLE, RHODE ISLAND 02876