

**PUBLIC INFORMATIONAL MEETING AND DISCUSSION – RIGHT OF WAYS/BEACH ACCESS  
WEDNESDAY DECEMBER 16, 2015 – 6:00 P.M.  
THIRD FLOOR MEETING ROOM – WESTERLY PUBLIC LIBRARY**

*(Minutes for the December 16, 2015 right-of-ways/beach access meeting were transcribed using the audio recording available as an MP3 file; some voices were not identified.)*

The meeting was brought to order by Derrik Kennedy, Town Manager, at [6:00 p.m.]

Mr. Kennedy stated the purpose of the meeting was for resident groups and associations to provide information to town staff. Future meetings may be scheduled as necessary.

**1. SUBMISSION OF DISCREPANCIES AND ERRORS**

Mr. Kennedy requested attendants to review the list of known public right-of-ways provided and note any specific discrepancies or errors on an attached comment page. Comments should be submitted to the Office of the Town Manager or Department of Development Services.

**2. PUBLIC COMMENT**

Mr. Kennedy stated he and town staff are seeking input on immediate concerns regarding right-of-ways and beach access. At least one representative was requested to speak for each group and association present before additional speakers were heard.

Joseph MacAndrew, Conservation Commission, stated the Conservation Commission has adopted all but one (1) of the eleven (11) CRMC right-of-ways. Two (2) right-of-ways are unidentifiable due to multiple designations. A title search was requested for one right-of-way which has a person's name. Right-of-ways between Weekapaug Bridge and the Town Beach should be addressed for emergency vehicle accessibility. The Conservation Commission has surveyed and maintains its adopted right-of-ways. Two additional right-of-ways in Watch Hill were noted.

A CRMC representative confirmed for Mr. MacAndrew CRMC-designated right-of-ways may be disputed within thirty (30) days.

Mr. MacAndrew cited a recommendation by David Prescott, Save the Bay, for a Town Council meeting on right-of-ways and beach access to be held annually and recommended developing an adoption process for Town right-of-ways using CRMC standards.

John Stellatano stated there were several discrepancies on the provided list regarding CRMC-designated right-of-ways and questioned the disappearance of four (4) right-of-ways on Atlantic Avenue. Clarification was recommended regarding jurisdiction to monitor and make decisions on right-of-ways designated by both the Town and CRMC as well as the responsibility of enforcement.

John Ornberg stated all CRMC- and Town-designated right-of-ways have parking restrictions and recommended loading areas be designated to allow people to be dropped off. Clarification was requested on the definition of a standing vehicle. Erosion of a right-of-way at Bluff Avenue has occurred due to obstructions.

Henry Davidson, Rhode Island Mobile Sportfishermen Club member, stated concerns of obstructions by property owners to a right-of-way on Atlantic Avenue and to accessing East Beach.

Michael Geary, President of Weekapaug Surfcasters, stated the group owns a right-of-way and works to maintain its unobstructed access.

David Prescott, Save the Bay, stated public access to right-of-ways is a core issue for the organization and it is working with CRMC and others to provide data on right-of-ways. Bike parking was suggested as an alternative to vehicle parking.

George Nicholas questioned what the Town's and Police Department's position are on loading and unloading at right-of-ways and how other states protect and uphold right-of-ways access.

Matthew Ferraro noted a lack of waste receptacles at Wuskenau Town Beach and East Beach. Dog waste receptacles were recommended to be designed and/or installed at Wuskenau.

Jim Dell, Rhode Island Shoreline Access Coalition, stated many obstructions of right-of-ways have occurred and active use by residents is the strongest action to counter obstructions.

Michael Ryan requested parking lots by Misquamicut State Beach currently reserved for fishermen should be made accessible for all. Obstructions on Lighthouse Road and the shrinking width of the right-of-way to East Beach should also be reviewed.

Roy Springer requested two access points on Atlantic Avenue opposite of the Misquamicut State Beach be clarified and vehicle parking at a third access point be clarified. The Larkin Road parking permit program was recommended to be expanded to allow vehicle parking at other nearby right-of-ways where space is available and parking is not currently permitted.

Charles McGraff noted fencing had previously existed and requested the installation of physical markings or structures to be considered for clearly identifying right-of-ways.

Joe [Unidentified] questioned why vehicles registered out-of-state have been granted parking permit passes.

[Unidentified 1] noted the decrease of identifiable right-of-ways over time and stated action is needed to prevent the trend's continuation.

Lisa Konicki, Executive Director of the Ocean Community Chamber of Commerce, noted the importance of tourists in the local economy and questioned the feasibility of establishing a minimum right-of-way width. A donation of previously used fencing was offered to the Town if it was interested in reestablishing a physical delineation of right-of-ways. A funding campaign to purchase and install bike

parking through the Chamber Foundation would likely be supported by the Chamber's Board of Directors. Signage was recommended as a possible deterrent against littering and waste.

Joan Gordon, Treasurer of the Avondale Home Association, stated a right-of-way on Avondale Road has been closed off for several years and questioned if a process for notification existed.

Mr. Kennedy confirmed public notification would be provided and recommended Town Council meetings as a suitable space for comments on right-of-ways and beach access.

Ms. Gordon stated her concern of increased traffic resulting in increased litter.

Caswell Cooke, Sr. questioned why some right-of-ways have been excluded from the list.

Mr. Kennedy clarified the list included all right-of-ways believed to exist.

Mr. Cooke noted obstructions to right-of-ways on Meadow Avenue.

Derrick Jones noted obstructions to right-of-ways allowing access to East Beach.

Philip Overton, Town Councilor, stated issues regarding access have become worse over time and stated his support for more robust beach access.

Mr. Stellatano cited an image identifying the mean high water mark provided by NOAA and stated a Supreme Court case ruled it as the boundary mark between private and State property. He reiterated his previous concerns of jurisdiction and obstruction to right-of-ways by sunbathers.

Mr. MacAndrew noted GIS mapping is available on the Town's website ([westerly.govoffice.com](http://westerly.govoffice.com)) and commended neighbors of their adopted right-of-ways for assisting in their maintenance. The public was encouraged to assist in maintaining right-of-ways by removing litter and debris when found in the right-of-ways.

Mr. Kennedy stated email addresses were being collected to allow for notification of future meetings and the Town's Facebook page would post a notification as well.

Mr. Dell recommended the updating process for the Comprehensive Plan should include discussion of right-of-ways and stated the aforementioned Supreme Court case had ruled the mean high tide line to be theoretical. A series of articles on the subject of shoreline access are available at [www.rishoreaccess.org](http://www.rishoreaccess.org).

[Unidentified 2] questioned how the Town would deal with individuals instructing others on how and where they may use the right-of-way may be used, citing a personal incident. A volunteer or paid position of Beach Commissioner, which would require the holder to be knowledgeable in environmental aspects, was suggested.

Nate Lauder stated he worked as a land surveyor and noted the constitutional right-of-way is to the shoreline and not the beach.

[Unidentified 3] questioned what actions could be taken by the Town to support vehicle parking at some right-of-ways on Atlantic Avenue and Watch Hill Road.

Mr. Kennedy stated his appreciation and a summary of the meeting would be provided to the Town Council.

The meeting concluded at [7:43 p.m.]

Minutes for the December 16, 2015 right-of-ways/beach access meeting submitted by:

Benjamin Delaney