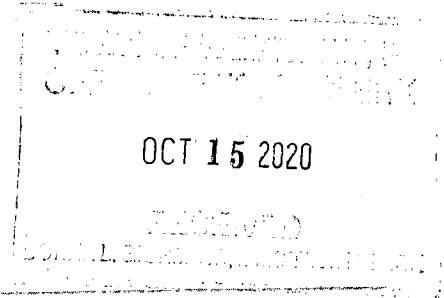


## Mary Leblanc

**From:** Donna Giordano  
**Sent:** Thursday, October 15, 2020 8:55 AM  
**To:** Mary Leblanc  
**Subject:** FW: Public Comment on the Comp Plan Recreation



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**From:** gina fuller <gfuller26@yahoo.com>  
**Sent:** Wednesday, October 14, 2020 8:05 PM  
**To:** Christopher A. Duhamel <CDuhamel@westerlyri.gov>; Donna Giordano <dgiordano@westerlyri.gov>; Max Hence <maxhence@aol.com>  
**Subject:** Public Comment on the Comp Plan Recreation

Dear Town Council,

I am submitting the following as public comment on the Public Hearing of the Comp Plan.

I would like to make some comments regarding recreation generally and then specifically address one area. I appreciate how quickly you have reacted to concerns of citizens regarding rights of way and access to the shore. These are important recreational opportunities, protecting and providing access is an important responsibility of the Town.

I have been listening to the discussions of the Council regarding various recreation topics over last few months and over several meetings and topics.

I would like to ask the Council to spend some time really thinking about recreation, what it is and what means to ALL of our residents as well as what the town's role is in providing recreation for it's residents.

Our Comp Plan has a lot of focus on meeting the recreational needs of tourists, visitors and seniors. I watched last week as all the volunteers were praised for all of their efforts to provide sports programs to the community. What you all seem to miss is your responsibility in providing recreation, it can't all be on the volunteers. The Town, as I and many others see it, should be responsible for supporting more than beach activities, the town should be responsible for maintaining fields, courts, and facilities to house the programs that volunteers offer.

Westerly does not provide trash pick up to anyone and many people do not have city water and/or sewer services. What does that leave? Roads and schools. Why not recreation? We ended the year with a million dollar surplus in the middle of a pandemic, you could have spent half of that on improving recreation and providing a recreational programs and still had a surplus. There is no way you should be looking at the Rec Dept as having a deficit, that is part of what our taxes should pay for.

This brings me specifically to Tower St. One of the goals of the state's Comprehensive Planning and Land Use process is: "To encourage the involvement of all citizens in the formulation, review, and adoption, or amendment of the comprehensive plan. Public engagement is an essential cornerstone of land- use planning."

To this point a petition was submitted to you with close to a thousand signatures on it in support of keeping Tower St community center and programs. Earlier this summer, you asked the Planning Board to look at Tower St to determine if it is still served a Public Need before you could sell it.

While the Planning Board was working, you removed Tower St from the Comp Plan. One thousand signatures were gathered while the Planning Board took 3 meetings to review and provide you with an opinion. The Planning Board determined that the property does still serve a Public Need and recommended further study.

The same night you received that opinion you voted in **closed session** and with no public discussion of the opinion, to sell the property. The last couple of weeks you have reacted quickly to the pleas of 300 people who live near the golf course. My question to you is how do the 900+ people who submitted a petition and the already issued opinion of the Planning Board of the Public Need get your attention?

Also, I would like to know if you are required to hold a Public Hearing on the disposal of Tower St after you get the Planning Board opinion and before you take action to dispose of the property?

If you are sending parts of the Comp Plan or all of it to the Planning Board, will you take their recommendations on Tower St?

*Did the Council consider any of the following items found in the draft Comprehensive Plan you approved in closed session when you determined Tower St no longer served a Public Need?:*

The sale of Tower St property is contrary to the following items listed in the Comp Plan.

Page 4

1. Protect the integrity of the Town's existing residential development pattern with limited changes to density. Residential districts shall reflect the actual development patterns in the community which the Plan intends to preserve. In areas vulnerable to flood hazards or sea level rise, in the aquifer protection or recharge area, contain suburban sprawl. Increase residential density in areas with public sewer and water by providing more options for multi-family development, including apartments and multi-family structures of 2 to 4 units, to meet the needs of low- and moderate-income households.

*The Tower St area already has over 50% LMI housing, what the residents in this area need is green space, recreation and leisure.*

Page 5

4. Preserve Westerly's waters, open space, and natural resources. The conservation and protection of coastal waters, freshwater ponds, rivers, wetlands, scenic views, and environmentally sensitive lands, including beaches, shall be addressed when considering potential future growth.

*Tower St's is open space and a scenic view in the fully developed part of town.*

10. Support institutions such as Westerly Public Schools, Westerly Hospital, emergency responders, Westerly Library, and numerous and diverse public-private partnerships and non-profit organizations throughout Westerly. People choose to live where their children can receive a good education, where they have access to quality healthcare, where they feel safe, and where they can participate in and contribute to community activities. The missions, functions, and vision of these institutions -are intended to support the entire community.

*Tower St was full of such groups and was in itself an institution worth supporting. This was a place where the community contributed to community activities.*

GOAL REC-1 Recreation will increase in value as an essential component of Westerly's quality of life and attractiveness.

Policy REC-1.1 Enhance recreational programming to serve all demographics.

Action REC-1.1.A Expand recreational programming to meet changing demands and occur year-round by aggressively pursuing a variety of funding sources (i.e. grants, sponsorships and donations) and prepare a formal assessment of recreational programming needs in the Town

Policy REC-1.2 Enhance recreational facilities to serve all demographics and be Americans with Disabilities Act (ADA) Compliant

Action REC-1.2.A Implement the 2017 Westerly Athletic Facilities Master Planning Site Analysis and Evaluation.

*This should include Tower St. We should consider combining all the Master Plans into one Comprehensive Master Recreation Plan.*

Action REC-1.2.D Prepare a plan for ongoing improvements to playgrounds and facilities for community recreation.

GOAL REC-2 Increased investments in open space will yield long-term recreational opportunities and ensure public health

GOAL SF-1 Westerly will provide services critical to the community's continued health, safety, and well-being.

Policy SF-1.1 Support the mission and activities of organizations and businesses that provide services to veterans, families, elderly persons, those of low- and moderate-income, those experiencing homelessness, and those with special needs.

Action SF-1.2.C Improve collaboration between the Recreation Department and Westerly School District on recreational programming for children and young people and facility management.

Action SF-1.2.E Train land-use decisionmakers on the impact of development on community provided services and facilities.

Sincerely  
Gina Fuller  
19 Moriah Drive

October 14, 2018

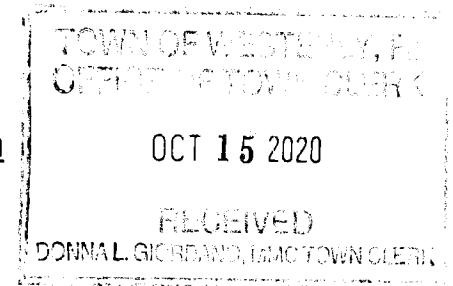
10/19/20 Mtg  
Citizens Corner

**Public Hearing**

**2020 -2040 Comprehensive Community Plan**

**October 14, 2020**

**Continued from October 6, 2020**



**Citizens Comments**

As luck would have it, the novel and totally unexpected COVID-19 pandemic took hold of the Town of Westerly during the last but most crucial stages of the 2010-2040 Comprehensive Plan update. In its midst, fears of the pandemic and stress of trying to keep businesses up and running and citizens' families safe and healthy hung over the Town like a dark cloud. Yet, citizens are being asked to read hundreds and hundreds and hundreds of pages of Comprehensive Plan and Zoning Ordinance revisions and participate in revising both essential town-wide documents, all via a computer. Despite their enormity and importance, with no proceedings being televised, the Town is losing valuable input from a large sector of the population, especially our seniors, many of whom have no computer or clue how to figure out Zoom. This is a huge problem that the 2018 Comprehensive Plan Draft can help resolve.

In 2015, the Town Council appointed the nine (9) member Westerly Comprehensive Plan Citizen's Advisory Committee to provide the **citizens' perspective** in preparing the update of the Town's current 2010 Comprehensive Plan. R.I. State regulations along the way required switching from a minor update to a complete revision of the Plan. Nonetheless, between August 2016 and February 2018, the **Advisory Committee** fulfilled State requirements and completed its work to provide the 101 page **2018 Comprehensive Plan Draft** from the **Westerly citizens' perspective**. (Henceforth referred to as the 2018 Draft).

The **2018 Draft** "strives to achieve an appropriate balance between conservation and development that will ultimately enhance the quality of life for all the citizens of Westerly." Westerly residents attended innumerable workshops, focus groups and Committee meetings. "Results of public meetings and surveys clearly indicate that the highest priority of Westerly residents is protection of our waterfront, beaches, water quality, open space and environmentally-sensitive lands." And, based on public input, "people love Westerly and do not want to see it change very much."

The Committee's research is impeccable. The members produced documents that are clear, accurate, internally consistent and reflective of the feedback the Committee received from their fellow citizens. Most of all, the Committee's work is subject to RI Open Meeting Law requirements. The **2018 Draft** reflects the heart and soul of Westerly citizens, all due to the concerted time, effort and participation that was put into the 2018 Plan. The **2015 Advisory Committee** stated publicly and frequently that they would deliver a "stand alone" document that can serve as a statement of the early status of the 2018 Draft and as a point of comparison going

forward. Their Committee made those statement in good faith and in the firm belief that the citizens of Westerly should be as involved as possible in the preparation of this 2018 Draft, a document that could potentially affect all of them in the future. The 2018 Comprehensive Plan Draft is the cornerstone of a community commitment to an open process and an informed public.

Why would one not think that the Council appointed 2015 Westerly Comprehensive Plan Citizen's Advisory Committee's 2018 Draft would not be at the core of this evening's Public Hearing? After all, it is a citizen based Committee appointed to provide the **citizen's perspective** in updating the current 2010 Comprehensive Plan. In February 2018, with their work done and 101 page **2018 Draft** complete as it could be, all material has been forwarded to the Westerly Planning Board, which has the responsibility to prepare an updated draft.

At the June 4, 2018 Regular Town Council Meeting, under Communications and Reports, b Town Council—6/4/2018, 8. "From Gail Mallard, Chair, Comprehensive Plan Citizens Advisory Committee— Request to have committee's work posted on the town's website. From the letter dated Friday April 13, 2018, "In February our Committee completed its work...Now that we have are finished, we respectfully ask that you arrange for our work products to be posted on the Town of Westerly website. We request that each page be marked "Draft, February 2018" so that it will be clear that the documents are still draft and that the process of preparing a new Comprehensive Plan is still underway" (In the Planning Board's hands.). (I believe the Council released the **2018 Draft**).

Eighteen months after the Advisory Committee completed the **2018 Draft** (February 2018), Town Planner LeTendre presented the Council with a 267 page revised Comprehensive Plan Draft at the November 4, 2019 Committee of the Whole Meeting. What happened during those eighteen months I have no clue. This working draft is the product of work by a consultant, advisory commission, the Planning Board and the Department of Development Services (DDS).

The LeTendre introduced Comprehensive Plan proposal comes with no citizen-supported perspective and lacks Open Meetings legitimacy.

During that Meeting Town Planner LeTendre said the Department of Development Services (DDS)/ town staff will present the Town Council with proposed zoning changes and amendments to the municipal zoning regulations. There are "very few and very limited" zone change proposals she said.

When the 1998 Zoning Ordinance was amended, per Charter provisions, Town Council Meeting Minutes stated that an organizational meeting of the Zoning Review Committee was to be held on November 1, 1996. Minutes of the Zoning Review Committee's January 22, 1997 show that there are fifteen (15) members on the Committee. It looks like 8 residents and 7 elected and appointed officials with Thomas J. Ligouri, Chairman. Mr. Ligouri said as much at the June 16, 2020 Planning Board Meeting. Town Council Duhamel and Mr. Ligouri should know better.

Be warned TAXPAYERS COUNT!

Hatsy Moore

# Memo

**To:** The Honorable Town Council  
**From:** Mary L. LeBlanc, MMC, Deputy Town Clerk  
**CC:** J. Mark Rooney, Town Manager  
William J. Conley, Jr., Esq., Town Solicitor  
**Date:** October 23, 2020  
**Re:** Proposed 2020-2040 Comprehensive Plan

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Attached please find **additional** correspondence submitted to date by the public regarding the proposed Comprehensive Plan and requests that Spring Avenue right-of-way be referred to CRMC for a determination of its status.

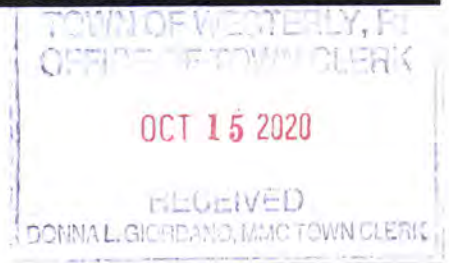
**Rights-of-Way**

Jason D. Jarvis  
Michael Palazzolo  
Rosemary Burns  
Brian Harding  
Chéri Smith  
Erica Sposato  
John J. Kelley  
Joe Carvalho  
Leslie Luginbuhl  
Scott Keeley  
Erik Hoy  
Michael Ryan  
Kristen Martino  
Thomas Wirges  
Joe and Ann Geary  
Donna Parssinen  
Ellen Kane  
James Tarbox  
Jeffrey Gardner  
Tim Lamb  
Daryl Aresco

Mark Phillips  
Stephen Higgins  
Bob Goulet  
Philip W. Zembruski  
Kristie Zembruski  
Dave Davino  
David Land  
Delphine Cyr  
Andrew Zembruski  
Holly Karnes  
Samuel D. Zembruski  
Patrick Cozzolino  
Richard Taylor  
Gwen Whitham  
Mary Landry  
Carl Heise

**Mary Leblanc**

**From:** jason jarvis <buddhajay108@yahoo.com>  
**Sent:** Wednesday, October 14, 2020 10:28 PM  
**To:** Mary Leblanc  
**Subject:** public hearing



First off thank you all for staying up late this evening.

Please forgive my angst/ frustration. I have received phone calls, emails and have been approached while fishing the breach way at 3 am. The issue of public access, loss of working waterfronts, gentrification. Its all come to a head. The last speaker during the public hearing showed the true colors of the weekapaug fire district. We donate here and we are members of this and that. We give time and money to the little subservient ,downtrodden little people of westerly. This is a perfect example of our society today. This women believes that she has more rights to access the beach than the rest of us. She works harder than the rest of us. Guess what were all born and we all die. Whats important is what we do in between.

Boasting about the volunteer work you and yours do and the money you and yours can throw around doesn't make you better than me. She is fortunate enough to be able to do that. Most people i know are working hard to pay their mortgage.

I dont boast about my volunteer work or my sacrifices. i do those things because i am physically able to do them. Its a perfect example of those that are privileged and the rest that are the cogs in the wheel. To think that quonnie beach is not accessible to residents of RI because the weekapaug fire district says so. Well thats unacceptable. What is the weekapaug fire district? They have no fire department, no fire trucks. Where does the money go? To build a new facility for their privileged tax shelter. They are not a governing body. I also need to address something that has bothered me from previous public hearings with this council. Councilor Ahern, please do not take this the wrong way. Its apparent that you have no patience or are just fed up listening to the public. On more than one occasion you make comments for people to hurry up or that the comments are redundant. Its a public hearing which means council members listen to the public and not interrupt.

Despite my gruff appearance i am a commercial fisherman and have done so for over 20 years . Prior to that i spent eight years of my life as a therapist saving kids and their families for the pains of addiction. I have a great deal of experience in reading people and also i know Robert's rules of order pretty well, i spend a good amount of time on the listening end of public hearings as a member of the RIMFC. I must admit ,i never thought my social work education would be used during council meetings. The point i was trying to make earlier comes down to this. the best way to describe it is by telling a short story. My dad worked at the Mystic seaport for 45 years as a master shipwright. He was a master at his craft. He was working on a piece for one of the many vessels he restored. An administrator walked in with a bunch of "suits". My dads quote. Well one of the suits was JP Morgan. My dad paused ,lit his pipe and looked at him. He said i don't care who you are ,you put your pants on same as me. one leg at a time. He then went back to working on his piece of timber. We are slowly unraveling hundreds of years of systemic discrimination. Maybe its time people worked for the common good of a community. Maybe we will realize were all in this together. God forbid the bottom drops out and our food supply is compromised. Many in weekapaug will be looking for the farmer, hunter fisherman. At that point we will be using money to start the cook stove.

Thanks for your service  
sincerely

Jason D Jarvis

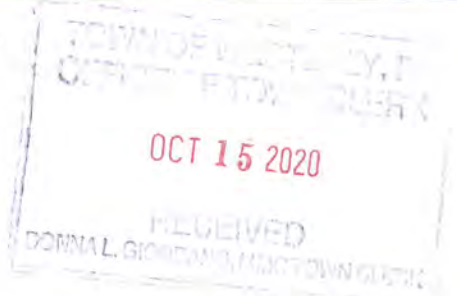
PS:

I was unaware that the town had received correspondence from the CRMC regarding the right of ways. I would love to see that letter. That should have been the opening statement of the hearing. Probably would have shortened the meeting

**Mary Leblanc**

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**From:** michael palazzolo <mpal\_52@yahoo.com>  
**Sent:** Thursday, October 15, 2020 2:08 AM  
**To:** Mary Leblanc  
**Subject:** Spring St ROW



Dear Honorable Members of the Westerly Town Council,

I am submitting this letter as public comment to the October 14, 2020 Public Hearing on the 2020-2040 Comprehensive Plan. I request that you please read this letter into the record.

**I request that the Spring Avenue right of way be included in the new Comprehensive Plan. I further request that you immediately refer the Spring Avenue Right of Way to the Coastal Resources Management Council (CRMC) to investigate and make a determination on its status. It is imperative that the Council formally vote to send the Spring Avenue ROW to the CRMC prior to the election in November.**

At last week's Public Hearing several of the Council members acknowledged that they believed Spring Ave was a town owned ROW. The Town provides public parking spaces in this location and owns a water line easement. Attorney Conely also confirmed that the 2008 Charles Soloveitzik opinion determined that further research is necessary to consider several other factors such as public use, additional title and land records research, and utility easements. **Please take a formal vote to include Spring Ave in the Comprehensive Plan for further study.**

Myself and others have provided the Council with testimony and evidence of the use of Spring Ave by the public as a ROW for decades. Families and fishermen have used Spring Ave as access from the parking spots to fish and enjoy all the pleasures of the shore as guaranteed to us in Sections 16 and 17 of the Rhode Island Constitution.

**Please immediately refer the Spring Avenue Right of Way to the Coastal Resources Management Council (CRMC) to investigate and make a determination on its status.**

Thank you for your consideration,

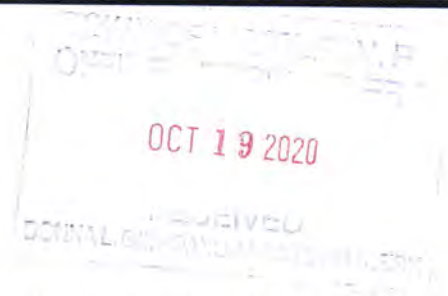
Michael Palazzolo  
3 Cone St  
Westerly RI

Sent from Yahoo Mail for iPad

## Mary Leblanc

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**From:** michael palazzolo <mpal\_52@yahoo.com>  
**Sent:** Saturday, October 17, 2020 5:29 AM  
**To:** Mary Leblanc  
**Subject:** Spring Ave ROW



Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Michael Palazzolo

3 Cone St

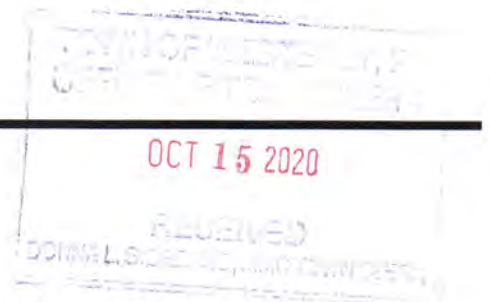
Westerly

Sent from Yahoo Mail for iPad

## Mary Leblanc

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**From:** William J. Aiello  
**Sent:** Thursday, October 15, 2020 7:50 AM  
**To:** Donna Giordano  
**Cc:** Mary Leblanc  
**Subject:** Fwd: I request that the Spring Avenue right of way be included in the new Comprehensive Plan.



For the Record.

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**From:** ROSEMARY BURNS <rose.burns@sbcglobal.net>  
**Sent:** Wednesday, October 14, 2020 3:43:09 PM  
**To:** Sharon E. Ahern <sahern@westerlyri.gov>; Brian H. McCuin <BMcCuin@westerlyri.gov>; William J. Aiello <waiello@westerlyri.gov>; Karen Cioffi <kcioffi@westerlyri.gov>; Suzanne K. Giorno <sgiorno@westerlyri.gov>; Christopher A. Duhamel <CDuhamel@westerlyri.gov>; Caswell Cooke, Jr. <CCooke@westerlyri.gov>  
**Cc:** krcute56@gmail.com <krcute56@gmail.com>  
**Subject:** I request that the Spring Avenue right of way be included in the new Comprehensive Plan.

Dear Honorable Members of the Westerly Town Council,

I am submitting this letter as public comment to the October 14, 2020 Public Hearing on the 2020-2040 Comprehensive Plan. I request that you please read this letter into the record.

**I request that the Spring Avenue right of way be included in the new Comprehensive Plan. I further request that you immediately refer the Spring Avenue Right of Way to the Coastal Resources Management Council (CRMC) to investigate and make a determination on its status. It is imperative that the Council formally vote to send the Spring Avenue ROW to the CRMC prior to the election in November.**

At last week's Public Hearing several of the Council members acknowledged that they believed Spring Ave was a town owned ROW. The Town provides public parking spaces in this location and owns a water line easement. Attorney Conely also confirmed that the 2008 Charles Soloveitzik opinion determined that further research is necessary to consider several other factors such as public use, additional title and land records research, and utility easements. **Please take a formal vote to include Spring Ave in the Comprehensive Plan for further study.**

Myself and others have provided the Council with testimony and evidence of the use of Spring Ave by the public as a ROW for decades. Families and fishermen have used Spring Ave as access from the parking spots to fish and enjoy all the pleasures of the shore as guaranteed to us in Sections 16 and 17 of the Rhode Island Constitution.

**Please immediately refer the Spring Avenue Right of Way to the Coastal Resources Management Council (CRMC) to investigate and make a determination on its status.**

Thank you for your consideration,  
Rosemary Burns  
45 Westford Rd  
Stafford Springs, CT 06076  
8609937243

## Mary Leblanc

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**From:** William J. Aiello  
**Sent:** Thursday, October 15, 2020 7:50 AM  
**To:** Donna Giordano  
**Cc:** Mary Leblanc  
**Subject:** Fwd: Spring Avenue Extension Right of Way



For the Record

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**From:** Brian Harding <hthatchery@sbcglobal.net>  
**Sent:** Wednesday, October 14, 2020 2:42:58 PM  
**To:** William J. Aiello <waiello@westerlyri.gov>  
**Subject:** Spring Avenue Extension Right of Way

Dear Mr. Aiello,

I am submitting this letter as public comment to the October 14, 2020 Public Hearing on the 2020-2040 Comprehensive Plan. I request that you please read this letter into the record.

**I request that the Spring Avenue right of way MUST be included in the new Comprehensive Plan. I further request that you immediately refer the Spring Avenue Right of Way to the Coastal Resources Management Council (CRMC) to investigate and make a determination on its status. It is imperative that the Council formally vote to send the Spring Avenue ROW to the CRMC prior to the election in November.**

At last week's Public Hearing several of the Council members acknowledged that they believed Spring Ave was a town owned ROW. The Town provides public parking spaces in this location and owns a water line easement. Attorney Conely also confirmed that the 2008 Charles Soloveitzik opinion determined that further research is necessary to consider several other factors such as public use, additional title and land records research, and utility easements.

**This is a town and if need be state level decision on ROW's that should not be passed to private entities for potential litigation of those rights.**

Myself and others have provided the Council with testimony and evidence of the use of Spring Ave by the public as a ROW since the 1920's. Families and fishermen have used Spring Ave as access from the parking spots to fish and enjoy all the pleasures of the shore as guaranteed to us in Sections 16 and 17 of the Rhode Island Constitution.

**Please refer the Spring Avenue Right of Way to the Coastal Resources Management Council (CRMC) to investigate and make a determination on its status.**

Thank you for your consideration,

Brian Harding  
104 S Woody Hill Rd.  
Westerly, RI 02891

Brian Harding  
Harding Trout Hatchery

P.O. Box 397  
Bethlehem, CT 06751  
(203) 266-6707  
Email: HTHatchery@sbcglobal.net  
hthrophytrout.com

## Mary Leblanc

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**From:** William J. Aiello  
**Sent:** Thursday, October 15, 2020 7:54 AM  
**To:** Donna Giordano  
**Cc:** Mary Leblanc  
**Subject:** Fwd: Spring Avenue ROW



For the Record.

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**From:** Chéri Smith <cheri22smith@gmail.com>  
**Sent:** Wednesday, October 14, 2020 4:58:21 PM  
**To:** Caswell Cooke, Jr. <CCooke@westerlyri.gov>; Sharon E. Ahern <sahern@westerlyri.gov>; Christopher A. Duhamel <CDuhamel@westerlyri.gov>; Suzanne K. Giorno <sgiorno@westerlyri.gov>; Karen Cioffi <kcioffi@westerlyri.gov>; William J. Aiello <waiello@westerlyri.gov>; Brian H. McCuin <BMcCuin@westerlyri.gov>  
**Cc:** krcute56@gmail.com <krcute56@gmail.com>  
**Subject:** Fwd: Spring Avenue ROW

\*\* Please read this email into the record \*\*

Dear Honorable Members of the Westerly Town Council,

I am submitting this letter as public comment to the October 14, 2020 Public Hearing on the 2020-2040 Comprehensive Plan. I request this letter be read into the record.

At last week's Public Hearing, several Council members acknowledged that they believed the Right of Way at Spring Ave was a town owned. As you know, the Town provides public parking spaces in this location and owns a water line easement. Attorney Conely also confirmed the 2008 Charles Soloveitzik opinion that further research is necessary, to review and consider several additional factors such as public use, title and land records, and utility easements.

I respectfully request that the Council take a formal vote to include the Spring Avenue ROW in the Comprehensive Plan, at a minimum, for further study.

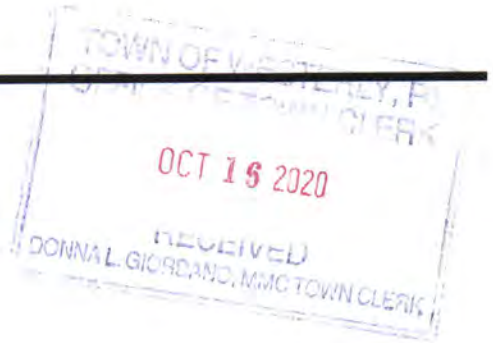
Many people have provided the Council with testimony and evidence of the use of Spring Avenue ROW by the public for decades. Families and fishermen have used the Spring Avenue ROW to access the shore from the public parking spots, to fish and enjoy all the pleasures of the shore as guaranteed to us in Sections 16 and 17 of the Rhode Island Constitution. As a resident of Charlestown, and avid ocean goer, fisherman, and conservationist, I, too, am writing for a second time to compel the Council to do the right thing. This ROW is of particular interest to me, as I used to fish there with my Dad, Grandad, and uncles when I was a child. It is distressing to me, and to others who also remember using this ROW throughout their childhoods, that certain individuals and associations are attempting to formally usurp this public right of way, for their own private use.

The right of Rhode Islanders to access the shoreline has been inalienable since it was written into the

**Mary Leblanc**

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**From:** Chéri Smith <cheri22smith@gmail.com>  
**Sent:** Friday, October 16, 2020 12:22 PM  
**To:** Mary Leblanc; Joe Q Pubic  
**Subject:** October 26th Meeting - Agenda Item



Dear Honorable Members of the Westerly Town Council,

We The People are calling on you to As you are aware, Attorney Conley has confirmed the Solovietzik opinion never concluded Spring Avenue was not a town road.

Over the last few weeks, the public (including myself) has provided confirmation that the Spring Avenue ROW has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged that Spring Avenue is a public right of way. The only step remaining to end the debate, and to firmly establish the public's right to access the shore via the Spring Avenue ROW, is to forward the matter to CRMC for determination.

I respectfully urge the Council to add an item to the agenda of the October 26, 2020 regular meeting, to initiate a vote on sending the Spring Avenue Right of Way matter to CRMC for review. Thank you for your consideration and efforts thus far.

Sincerely,

Chéri Smith  
Charlestown, Rhode Island

State constitution in 1843. As climate change and associated sea level rise create tides which bring the high water line further and further up the shore, while also eroding the shore, itself, defending this right to shore access for all Rhode Islanders is of utmost importance. Limiting public rights of way also creates an economic issue for the State and its seaside communities, because our beaches and shoreline play such an integral role in our tourism industry.

I urge the Council to add all 11 of the future Right of Way projects listed in the Harbor Plan, as well as the Spring Avenue Right of Way, to the Comprehensive Plan. Furthermore, I respectfully request that the Council immediately refer the Spring Avenue Right of Way to the Coastal Resources Management Council to investigate and make an official determination on its status. It is imperative that the Council formally vote to send the Spring Avenue ROW to the CRMC prior to the election in November.

Lawmakers in our State are constitutionally obligated to protect Rhode Islanders' lateral access to the shore. Please act accordingly when finalizing the Comprehensive Plan.

Respectfully,

Chéri A. Smith  
Charlestown, RI

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CHÉRI SMITH  
Mobile: 401.477.6610

## Mary Leblanc

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**From:** Donna Giordano  
**Sent:** Thursday, October 15, 2020 8:45 AM  
**To:** Mary Leblanc  
**Subject:** FW: Endorsement of comments regarding Spring Avenue Extension and ROWs

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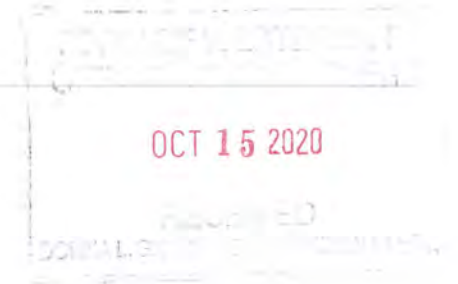
**From:** erica sposato <ericasposato@yahoo.com>  
**Sent:** Wednesday, October 14, 2020 9:06 PM  
**To:** Donna Giordano <dgiordano@westerlyri.gov>  
**Subject:** Endorsement of comments regarding Spring Avenue Extension and ROWs

To: The Honorable Town Council of Westerly, RI  
From Erica Sposato-58 Potter Hill Road, Westerly, RI

Please accept for the record, my endorsement of an October 14, 2020 email submitted by Susan Cornacchia of South Kingstown to the Town Clerk with subject "Spring Avenue Extension and Public ROWs

Thank you

Erica Sposato



## Mary Leblanc

---

**From:** Donna Giordano  
**Sent:** Thursday, October 15, 2020 9:09 AM  
**To:** Mary Leblanc  
**Subject:** FW: endorsement of comments re: Spring Ave Extension and ROWs

-----Original Message-----

From: John Kelly <kelly.hisveryself@gmail.com>  
Sent: Wednesday, October 14, 2020 5:28 PM  
To: Donna Giordano <dgiordano@westerlyri.gov>  
Subject: endorsement of comments re: Spring Ave Extension and ROWs



To: The Honorable Town Council of Westerly, RI

From: John J Kelly  
76 Winnapaug Road  
Westerly, RI

Please accept for the record, my endorsement of an October 14, 2020 email submitted by Susan Cornacchia of South Kingstown to the Town Clerk, with subject "Spring Avenue Extension and Public ROWs".

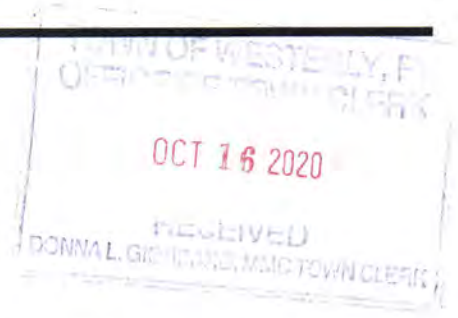
Sincerely,

John J Kelly

**Mary Leblanc**

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**From:** Joseph Carvalho <caryjc@gmail.com>  
**Sent:** Friday, October 16, 2020 12:59 PM  
**To:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** openspringavenue



Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Joe Carvalho Rims193L  
17 Bayberry Rd.  
Bolton, CT 06043

October 16, 2020



Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

  
Leslie Luginbuhl #571

## Mary Leblanc

---

**From:** Scott Keeley <scott@keeleydeangelo.com>  
**Sent:** Friday, October 16, 2020 2:27 PM  
**To:** Mary Leblanc  
**Subject:** Spring Ave

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

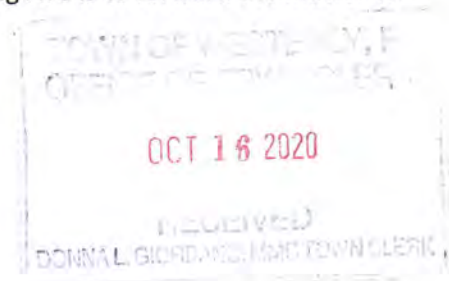
Sincerely,

Scott Keeley  
Patent Agent

62 Baxter Street  
Charlestown, RI 02813

(401) 207-9073

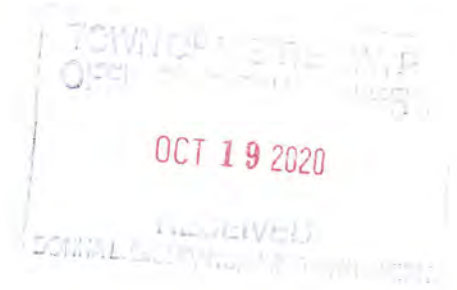
[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.keeleydeangelo.com&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpgnVfiiMM&r=EhuNrSUtq55POAx2nuZBgVBSVRIVEp1AfpMEHAF1uIA&m=rR6mhe3YIQLr6VeG2haZze8Tw9YpNsrT9M040jbXCfA&s=FcaQwWBPrjiEzuOSr9k9FzFR51S\\_mn0gN73oHx97\\_B8&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.keeleydeangelo.com&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=EhuNrSUtq55POAx2nuZBgVBSVRIVEp1AfpMEHAF1uIA&m=rR6mhe3YIQLr6VeG2haZze8Tw9YpNsrT9M040jbXCfA&s=FcaQwWBPrjiEzuOSr9k9FzFR51S_mn0gN73oHx97_B8&e=)



**Mary Leblanc**

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**From:** Erik Hoy <erikhoymd@gmail.com>  
**Sent:** Friday, October 16, 2020 11:53 PM  
**To:** Mary Leblanc  
**Cc:** openspringavenue@gmail.com  
**Subject:** Protecting public's access to ROWs in Westerly



Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Erik Hoy, MD, MBA

Wakefield, RI

Sent from my iPhone

## Mary Leblanc

---

**From:** Mike Ryan <michaelt52@yahoo.com>  
**Sent:** Saturday, October 17, 2020 8:36 AM  
**To:** Mary Leblanc  
**Cc:** openspringavenue@gmail.com  
**Subject:** Open Spring Ave



Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Michael Ryan  
37 Woodlund Ave  
Westerly RI

\*

*"There is nothing noble in being superior to your fellow man; true nobility is being superior to your former self." Hemingway*

## Mary Leblanc

---

**From:** k <ka444m@hotmail.com>  
**Sent:** Saturday, October 17, 2020 8:53 AM  
**To:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** Spring Ave. ROW



Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,  
Kristin Martino  
11 Yarmouth Dr.  
Westerly, RI

Sent from my iPhone

## Mary Leblanc

---

**From:** tomwirges@yahoo.com  
**Sent:** Saturday, October 17, 2020 9:05 AM  
**To:** Mary Leblanc  
**Subject:** Spring Ave ROW

OCT 19 2020

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Thomas wirges

28 Balsam Rd  
South Kingstown, RI

Sent from my iPad

## Mary Leblanc

---

**From:** Joe Geary <jgeary@sciessent.com>  
**Sent:** Saturday, October 17, 2020 1:04 PM  
**To:** Mary Leblanc  
**Cc:** openspringavenue@gmail.com  
**Subject:** Spring Ave, Westerly, ROW

OCT 19 2020

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,  
Joe and Ann Geary  
31 Deer Run  
Charlestown, RI

## Mary Leblanc

---

**From:** Donna Parssinen <donna@parssinen.de>  
**Sent:** Saturday, October 17, 2020 1:11 PM  
**To:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** Send the Spring Avenue right of way to CRMC for review

Dear Honorable Members of the Westerly Town Council, We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far, Sincerely, Donna Parssinen  
37 Haversham Road, Westerly, RI 02891

OCT 19 2020

## Mary Leblanc

---

**From:** Donna Giordano  
**Sent:** Monday, October 19, 2020 3:30 PM  
**To:** Chris Duhamel; Suzanne K. Giorno; Sharon E. Ahern; Caswell Cooke, Jr.; Karen Cioffi; William J. Aiello; Brian H. McCuin; build@sorensenmccuin.com  
**Cc:** Mark Rooney; Mary Leblanc  
**Subject:** FW: Request to add an agenda item to the Town Council Meeting on October 26, 2020: requesting a formal vote by the Town Council to request the CRMC investigate the Spring Ave Extension ROW

Please see email below.

OCT 19 2020

---

**From:** ellen kane <ellen.kane.kelly@gmail.com>  
**Sent:** Monday, October 19, 2020 3:23 PM  
**To:** Donna Giordano <dgiordano@westerlyri.gov>  
**Cc:** openspringavenue@gmail.com  
**Subject:** Fwd: Request to add an agenda item to the Town Council Meeting on October 26, 2020: requesting a formal vote by the Town Council to request the CRMC investigate the Spring Ave Extension ROW

Subject: Request to add an agenda item to the Town Council Meeting on October 26, 2020: requesting a formal vote by the Town Council to request the CRMC investigate the Spring Ave Extension ROW  
To: <[palazzolo@thepatentsource.com](mailto:palazzolo@thepatentsource.com)>

Dear Honorable Members of the Westerly Town Council,

I am contacting you to request that you agree to add an agenda item to the Town Council Meeting on October 26, 2020, that of a formal vote on the request by citizens to refer consideration of the Spring Avenue Extension ROW to the CRMC.

The CRMC has the legal authority and resources to fully investigate and decide this question. They are the experts and the last attorney hired by the Town Council, Attorney Soloveitzik, issued his 2008 opinion that the evidence he reviewed was conflicting and that more evidence was necessary to come to an accurate conclusion on this question. Evidence that the CRMC is uniquely positioned to obtain and evaluate.

The Council is familiar with the resources and powers of the CRMC, including their ability to do this work without additional cost to the taxpayers of Westerly.

I'm concerned that letters and comments by citizens have been mischaracterized by some as "confused" or "not knowing what they're talking about" in regard to the Spring Ave ROW. The citizens requesting CRMC involvement are not confused. The letters I've read don't indicate confusion about requesting CRMC and neither did public comments. I'm not sure whether this is an attempt to minimize the credibility of public input or a case of focusing on a detail as a way to ignore the big picture - that of public sentiment wanting the Spring Ave ROW turned over to the CRMC.

The letters I've read are all extremely well-reasoned letters and show none of the "confusion" mentioned by others.

I hope members of the Town Council will put this issue on the agenda for a formal vote next session on October 26, 2020.

Thank you for your consideration of this matter,

Sincerely,

Ellen Kane

76 Winnapaug Road  
Westerly, RI 02891

Why continue to use Town resources on a problem best addressed by a state agency? What

## Mary Leblanc

---

**From:** James Tarbox <jimtarbox@verizon.net>  
**Sent:** Monday, October 19, 2020 1:36 PM  
**To:** Mary Leblanc  
**Subject:** Agenda Item

OCT 19 2020

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

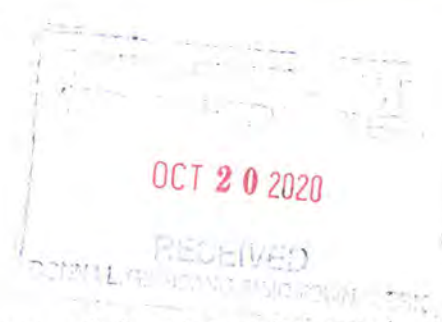
Thank you for your time and efforts,

James Tarbox  
52 Riverview Ave

## Mary Leblanc

---

**From:** Jeffrey Gardner <watchhilloysters@gmail.com>  
**Sent:** Monday, October 19, 2020 5:12 PM  
**To:** Mary Leblanc  
**Subject:** Fwd: Spring Street Right of way history  
**Attachments:** Spring Avenue Pictorial 1898 to Present.pdf



To The Honorable Westerly Town Council,

I have reviewed the below "file" containing photos etc of Spring Street in Weekapaug. I believe it contains enough evidence for the Town Council to vote to refer this matter to the R.I. CRMC for further review. I would request this vote be taken at the next regular meeting. Jeff Gardner Westerly resident living at 227 Shore Rd, Westerly, R.I. 02891

----- Forwarded message -----

**From:** Ken Blanchard Jr <[wax4144ep1@gmail.com](mailto:wax4144ep1@gmail.com)>  
**Date:** Mon, Oct 19, 2020 at 4:24 PM  
**Subject:** Spring Street Right of way history  
**To:** Easthampton, R&G Blanchard, Ken <[wax4144ep@yahoo.com](mailto:wax4144ep@yahoo.com)>

Hi Everyone,

Here is the file that Jim sent to me for your reading pleasure. It's 60 pages so it's very thorough

Thanks,

Ken B.



Virus-free. [www.avast.com](http://www.avast.com)

During the September 28, 2020 Westerly Town Council meeting citizen comments were taken regarding a possible Spring Avenue, Weekapaug right of way and a September 16, 2008 legal opinion from Charles Soloveitzik regarding same. Afterward, various Councilors responded to the citizen comments. One response came from Councilor Aiello who indicated that the Soloveitzik opinion itself stated that it was incomplete. He pointed out that Attorney Soloveitzik stated that he did not have any of the necessary evidence of possible public use of Spring Avenue because such evidence wasn't in the land evidence records. Councilor Aiello then asked the public to provide the Council with evidence of use of the Spring Avenue as a right of way.

The following pictorial timeline is the result of less than three weeks of effort by no one with specialized investigative training and/or experience and it was produced at near zero cost. While the reader may conclude that it is vastly better than having none of the necessary evidence of use (as was the case before now), it nonetheless pales in comparison to the evidence that may result from a formal CRMC right of way investigation. It is not the end. It is not even the beginning of the end. It is, perhaps, the end of the beginning.

A GOOGLE search for "Weekapaug 'Inn Beach'" may identify "Inn Beach" in Weekapaug as the beach immediately adjacent to and easterly of Weekapaug Point (Noyes Point). <https://www.google.com/search?client=firefox-b-1-d&q=weekapaug+%22Inn+Beach%22+>

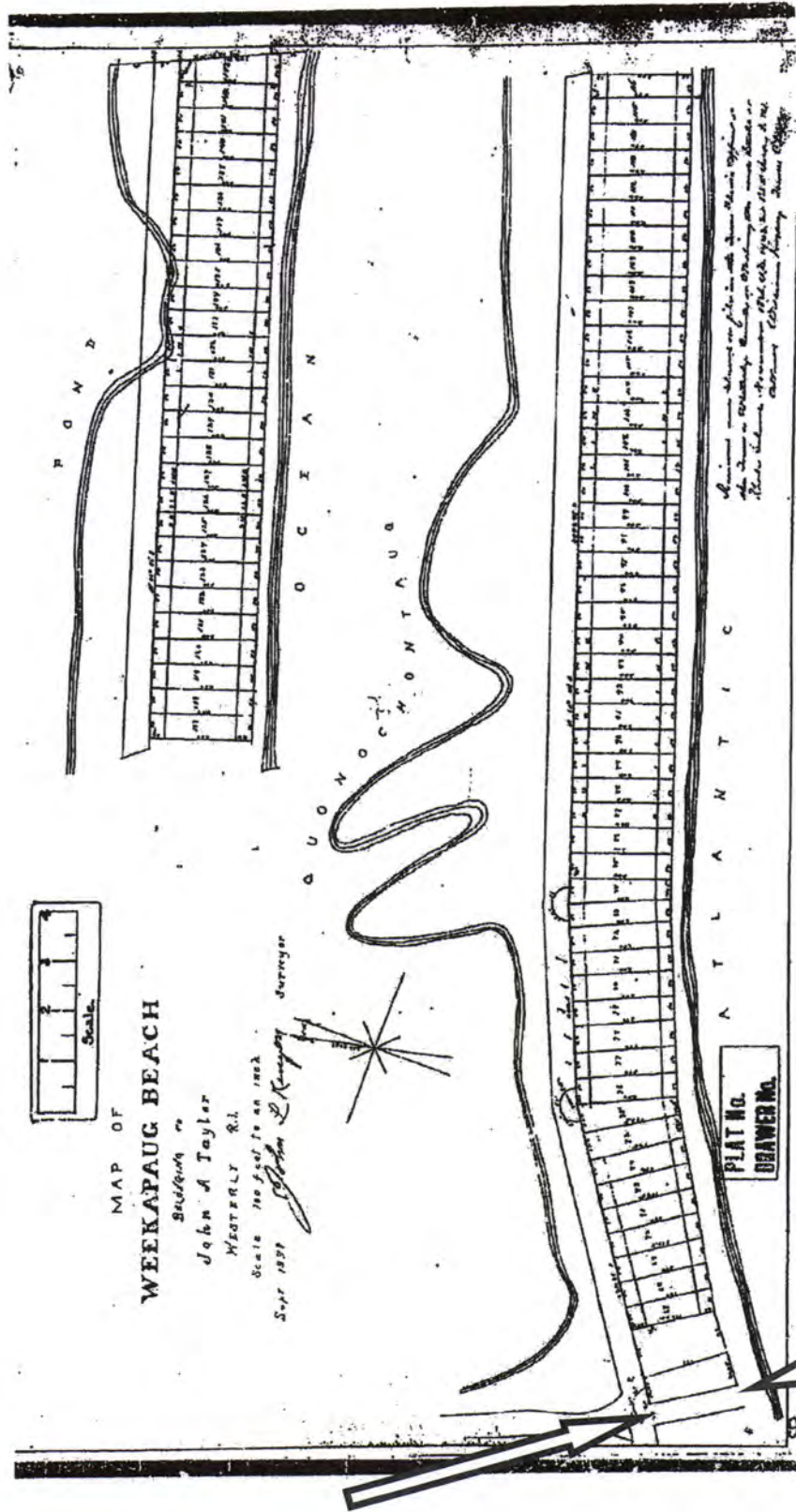


## Weekapaug Inn Beach

A 2020 Tax Assessor map shows Spring Avenue (identified by added arrow) as theoretical public access from what is now Spray Rock Road to Inn Beach.



1898 - The earliest recorded plan of Weekapaug Beach (aka Inn Beach) might be "Map of Weekapaug Beach, Property of John A. Taylor, Westerly, R.I. Scale 100 feet to an inch Sept 1898 John L. Kenyon, Surveyor" (see below). It was recorded November 18, 1903 in Plat Book 2, pages 70-71. Added arrows may identify Spring Avenue (unlabeled) as extending to, and as the only possible public access to, Inn Beach. The first deed referencing the 1898 plan (after its 1903 recodation) transferred lots 77 and 81, was recorded on November 30, 1903, and appears in the Westerly Land Evidence records at book 35, page 352. Others followed. Evidence of public use of Spring Avenue (as shown on the 1898 map) as early as 1903 may be of interest. The September 16, 2008 Charles Soloveitzik opinion for the Westerly Town Council includes the 1898 map but it is silent as to related deeds and/or public use of Spring Avenue between 1903 and 1920.



Formal efforts at actively " ... advancing and promoting Weekapaug as a healthy, attractive, and sanitary summer resort ..." for the general public may have begun as early as establishment of the Rockhaven and Weekapaug Inns (1898), accelerated with the 1904 expansion of the Weekapaug Inn, and accelerated further by 1906 when the Weekapaug Improvement Society expressly sought legal incorporation for such purposes.

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Weekapaug

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STATE OF RHODE ISLAND, &c.

I, Charles P. Bennett, secretary of state, hereby certify that Frederick C. Buffum, Mary Morgan

Issued Aug. 10, 1905.

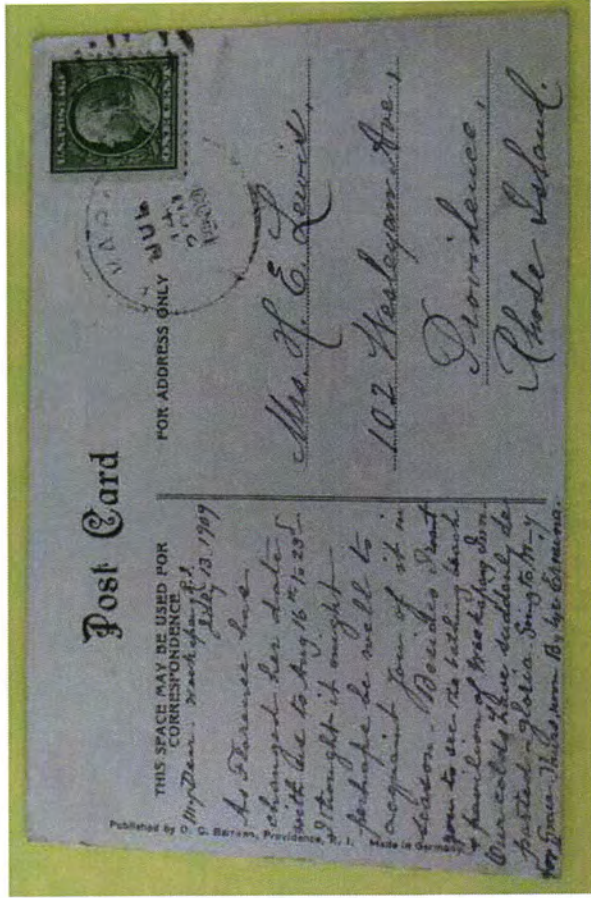
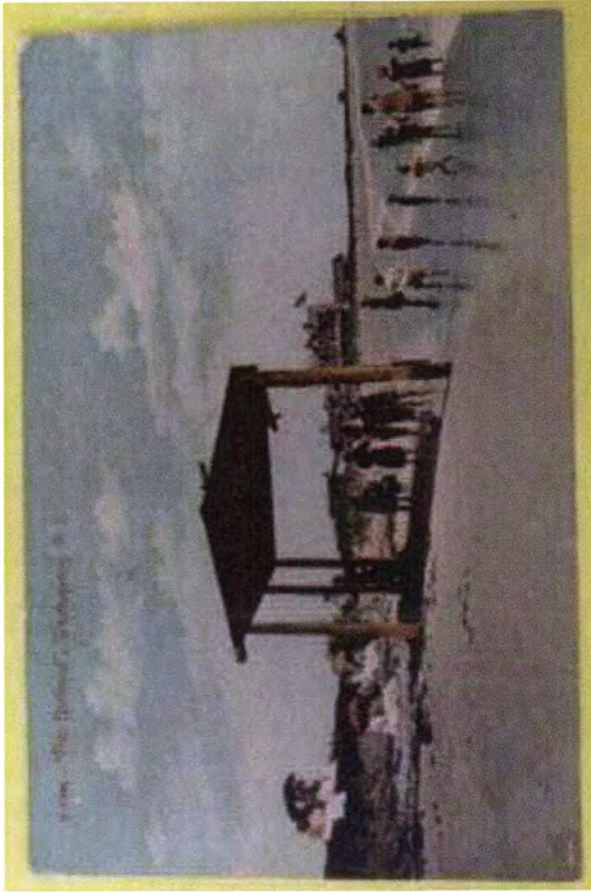
468

JANUARY, 1906.

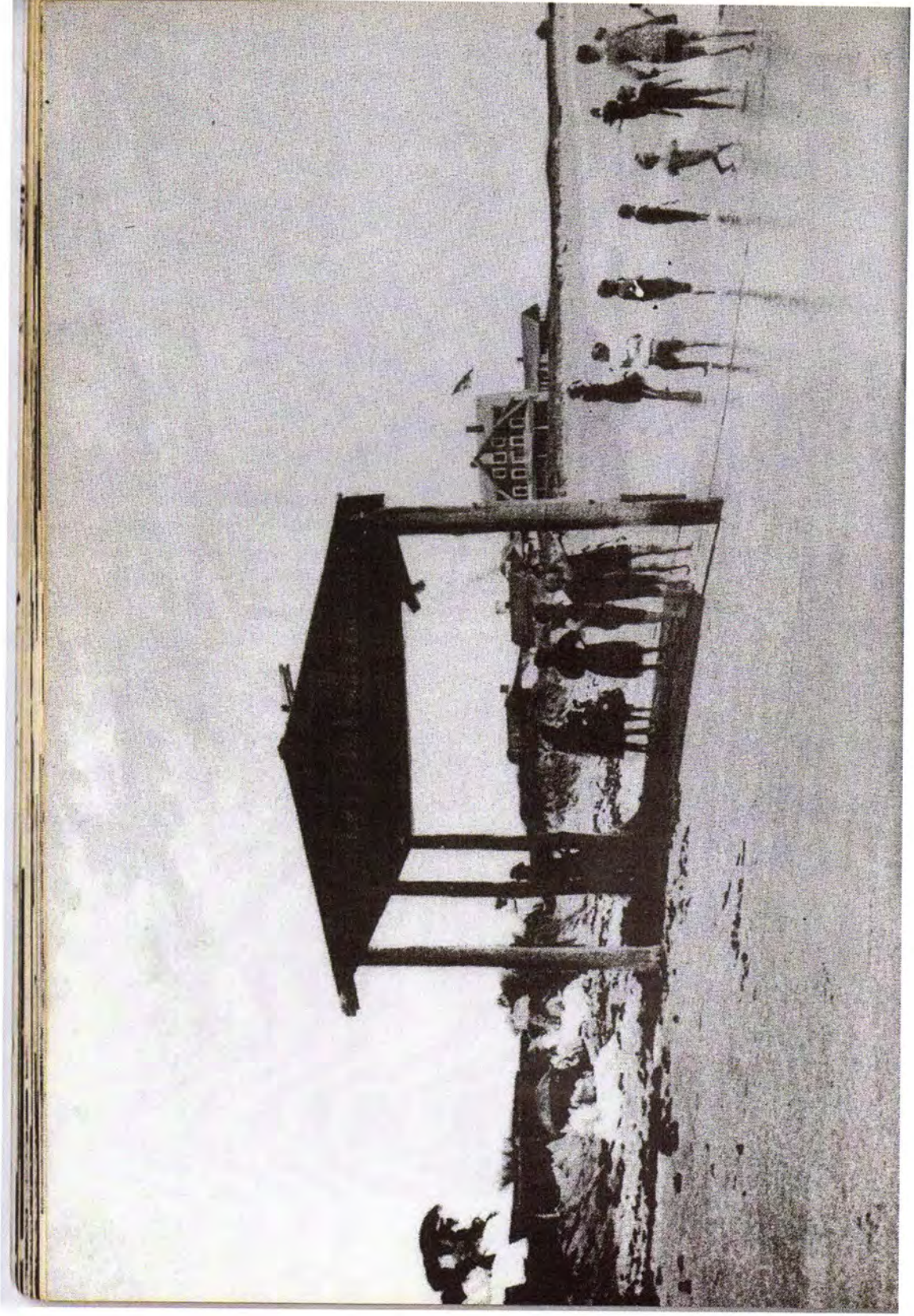
Hapgood, Albert H. Langworthy, Susan B. Munson, Josephine W. Corbin, S. L. Munson, and Phoebe M. P. Buffum have filed in the office of the secretary of state, according to law, their agreement to form a corporation under the name of The Weekapaug Improvement Society, for the purpose of improving the beach, roads, walks, culverts, and paths in and around the cottages and hotels at the summer resort known as Weekapaug in the town of Westerly in said county of Washington, also for the purpose of building board and convenient walks and removing any rubbish, ashes, or other unsightly collections or objects from the driveways, walks, and paths in and around the cottages and hotels at said Weekapaug and any seaweed or driftwood or other collections from the bathing beach at said Weekapaug; and for the purpose of creating and cultivating among the summer residents at said Weekapaug a closer social intercourse and advancing and promoting Weekapaug as a healthy, attractive, and sanitary summer resort, and adding in all possible ways to its natural attractiveness, conditions, social life, and beauty, in accordance with law, and have also filed the certificate of the general treasurer that they have paid into the general treasury of the state the fee required by law.

These, and possibly other marketing efforts, may have proved so successful that The Weekapaug Fire District may have felt the need to actively block the public's use of Inn Beach by about 1960. "I have been coming to this area since 1955, roughly. I have been going to the Weekapaug Beach. I have had to wear buttons, I know, since 1960 because it is private property and there was a concern I think by the Inn as well as the residents of Weekapaug that the beach was being over crowded. So I know for a fact that it has been controlled for, what, sixty years and there has been a guard to explain the rules and signage as well." Comments of Richard Constantine, October 14, 2020, Westerly Town Council Meeting Video at 2:58:30 to 2:59:07.

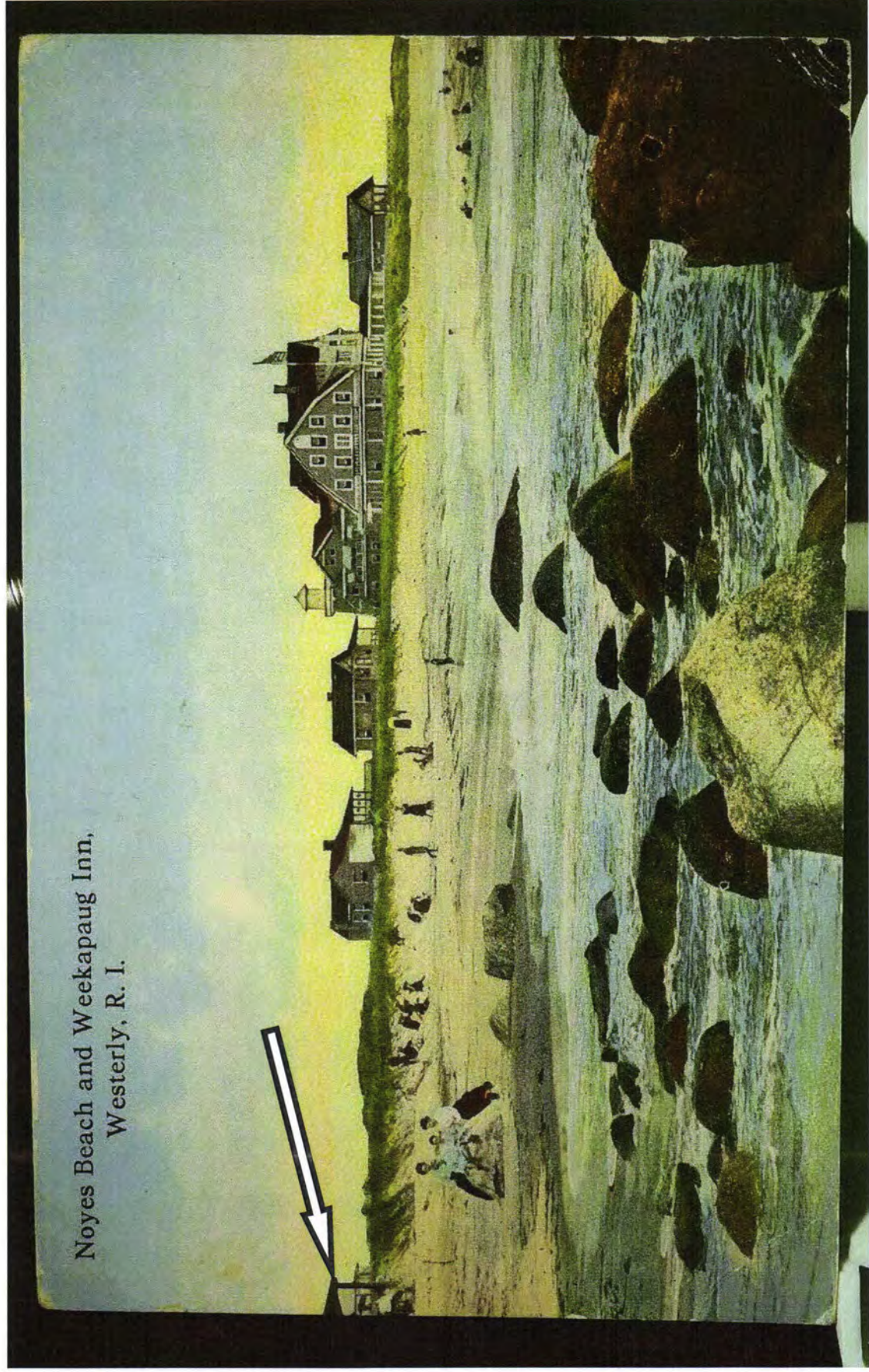
About 1904-09 Inn Beach- This colored postcard (dated and postmarked 1909) may show beachgoers at a bathing shelter where a Spring Avenue foot path (not visible from this angle) meets an Inn Beach bathing shelter with the Weekapaug Inn in background. Related postcard may be available on the Internet as of 10/11/2020 at [https://www.ebay.com/itm/Vintage-Weekapaug-Westerly-RI-Rhode-Island-Postcard-Bathers-Shelter-Cabana-Inn-/193653078641?hash=item2d169f7a71%3Ag%3AnLsAAOSw4PifUOuH&nma=true&si=9ZmLOXM%252Fmi4QNYUZHFb2WOb8ulo%253D&orig\\_cvip=true&nor dt=true&rt=nc&\\_trksid=p2047675.l2557](https://www.ebay.com/itm/Vintage-Weekapaug-Westerly-RI-Rhode-Island-Postcard-Bathers-Shelter-Cabana-Inn-/193653078641?hash=item2d169f7a71%3Ag%3AnLsAAOSw4PifUOuH&nma=true&si=9ZmLOXM%252Fmi4QNYUZHFb2WOb8ulo%253D&orig_cvip=true&nor dt=true&rt=nc&_trksid=p2047675.l2557)



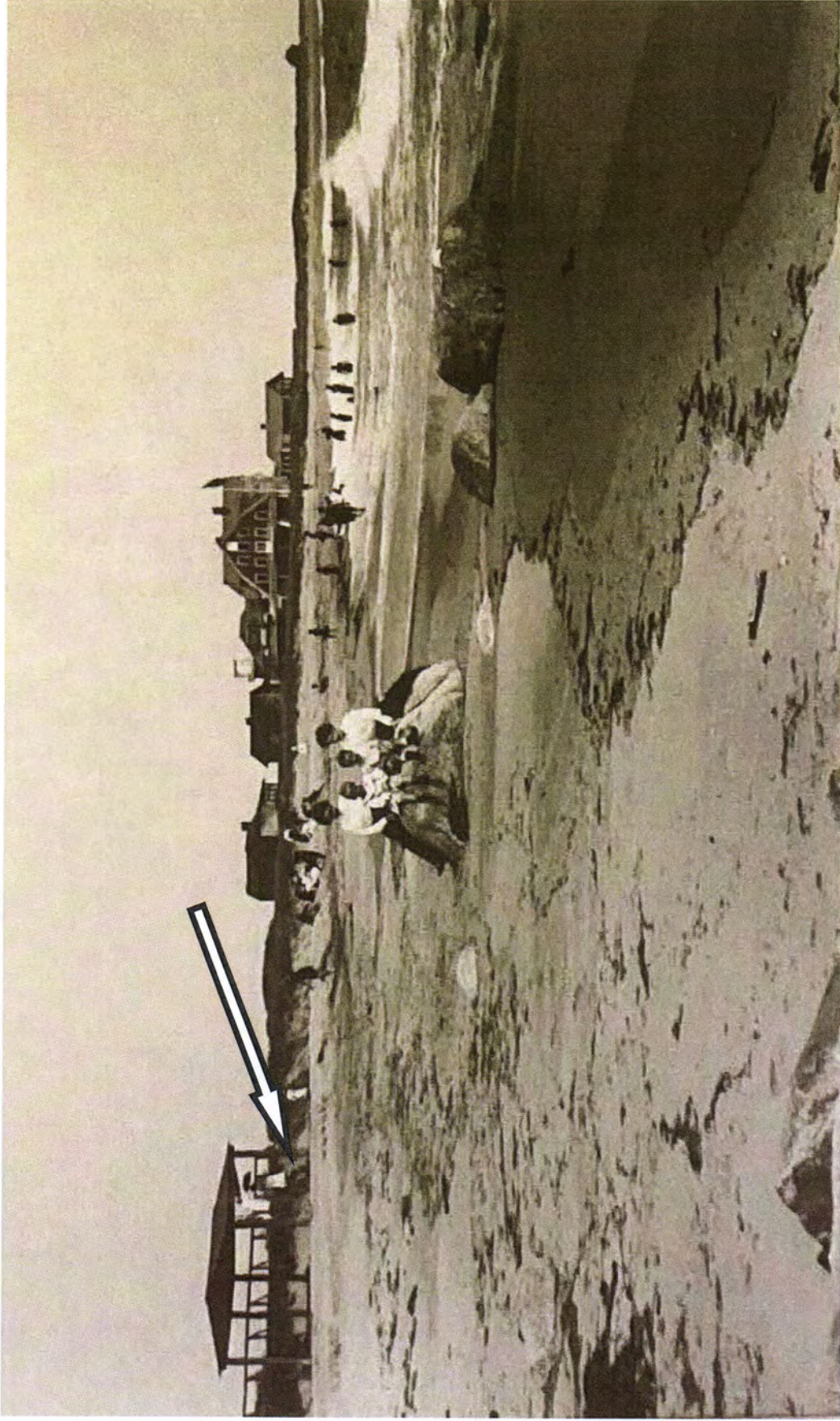
About 1904-09, Inn Beach " ... Bathing shelter on Inn Beach. The Inn Beach appealed to the sporting bather because its waves broke closer to the shore. The Fenway or Rockhaven Beach was favored by young children and the more timid. Its warmer waters and rolling breakers made it seem less perilous." A Pictorial History of Weekapaug Rhode Island, page 44, The Utter Company 1976 . Caption Id. at page 45. The Spring Avenue foot path is not visible from this angle.



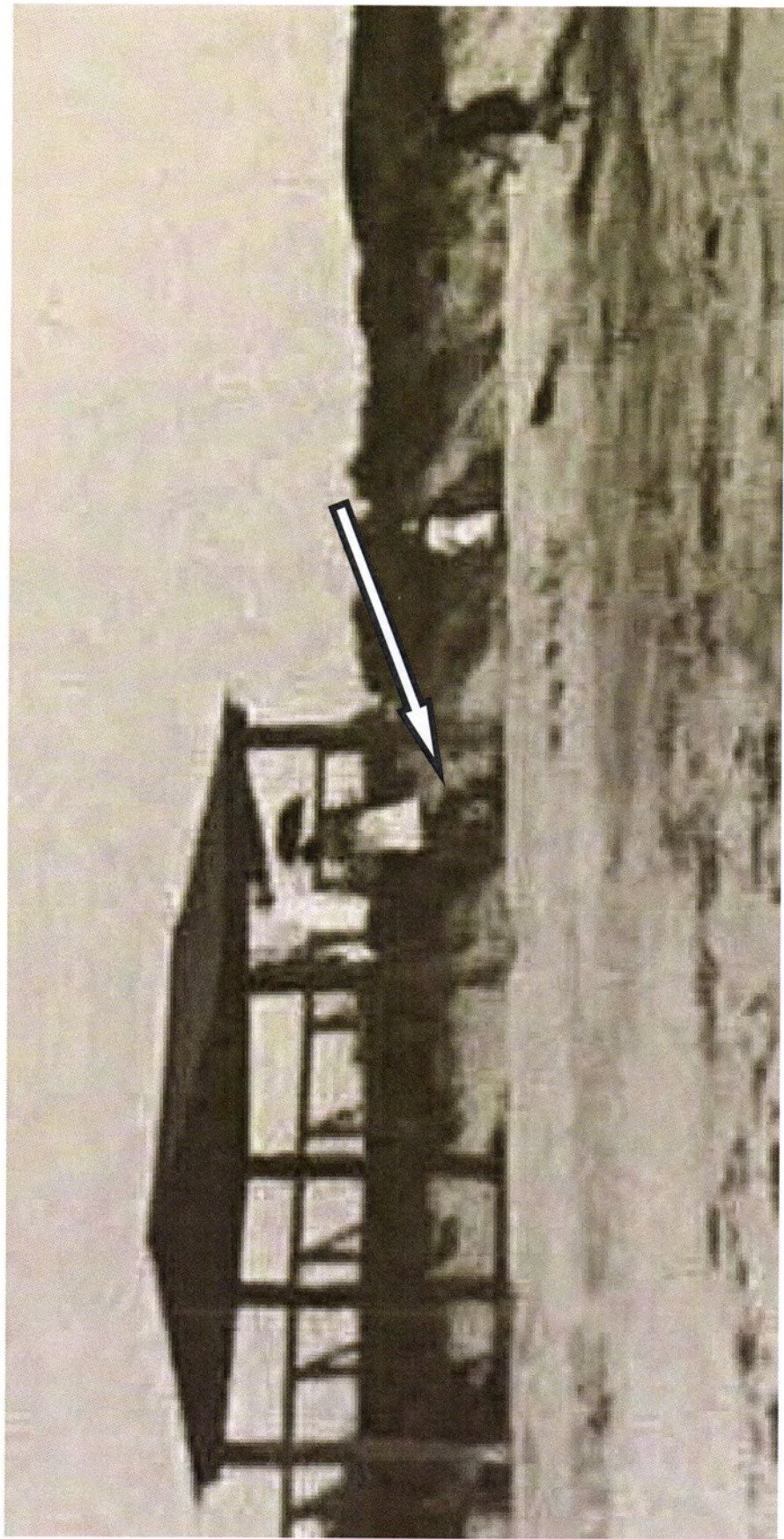
About 1904-13, Inn Beach (Weekapaug Inn after expansion but before revetment, in background) - Foreground of colored postcard may show beachgoers concentrated on Inn Beach where the Spring Avenue foot path (not visible from this angle) meets the Inn Beach bathing shelter. Added arrow may identify the bathing shelter. Related postcard may be available on the Internet as of 10/4/2020 at <https://www.ebay.ca/itm/254718309030?ssPageName=STRK%3AMEBIDX%3AIT&fromMakeTrack=true>



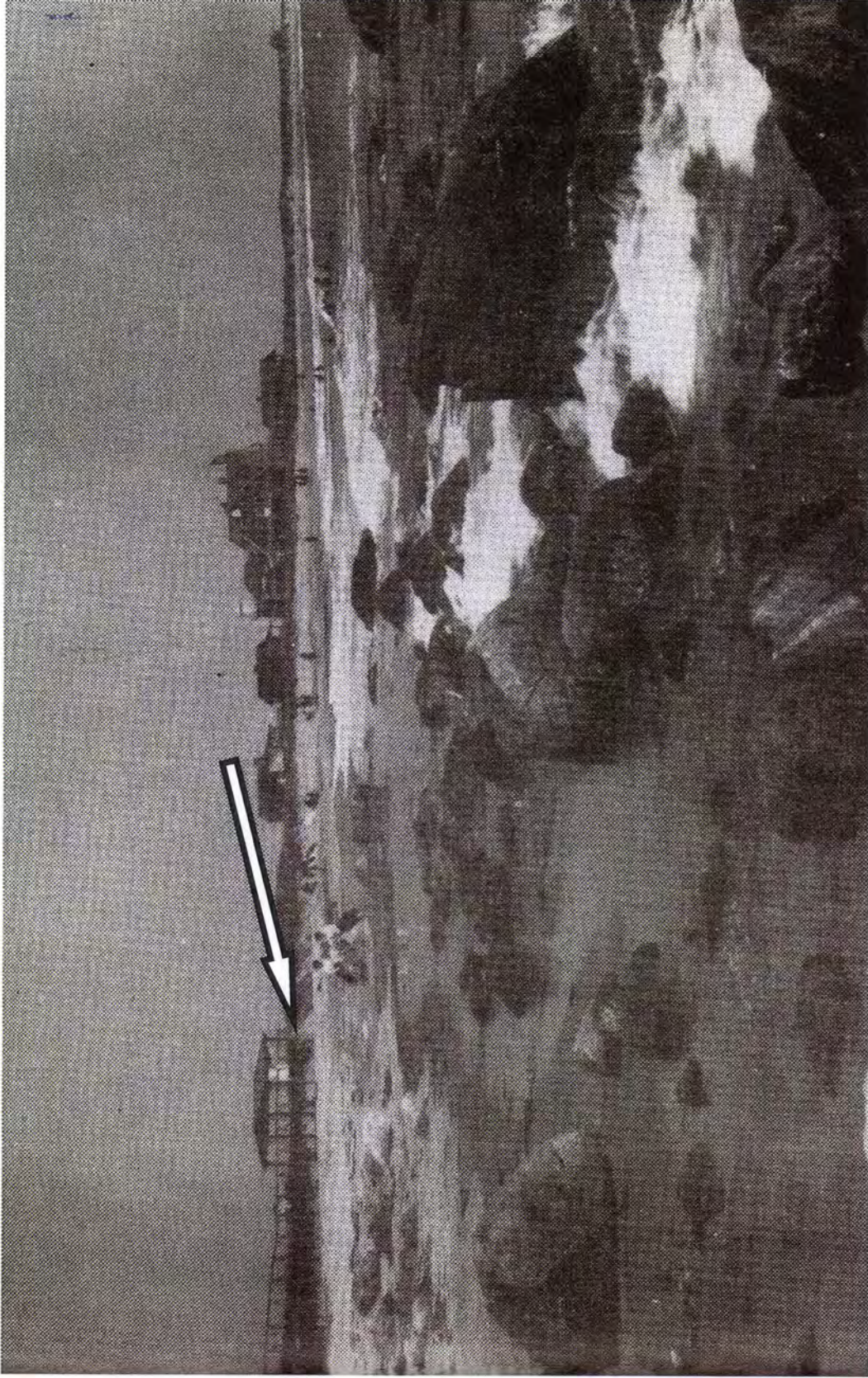
About 1904-13, Inn Beach (Weekapaug Inn after expansion but before revetment, in background) - Foreground of photograph may show beachgoers concentrated on Inn Beach where the Spring Avenue foot path (not visible from this angle) meets the Inn Beach bathing shelter. Added arrow may identify women in dresses descending beach access stairs next to bathing shelter. Related photograph may be from a personal collection and also may be available on the Internet as of 10/8/2020 at <https://www.facebook.com/WesterlyImages/photos/a.1277822225636196/1277823032302782/?type=3&theater>.



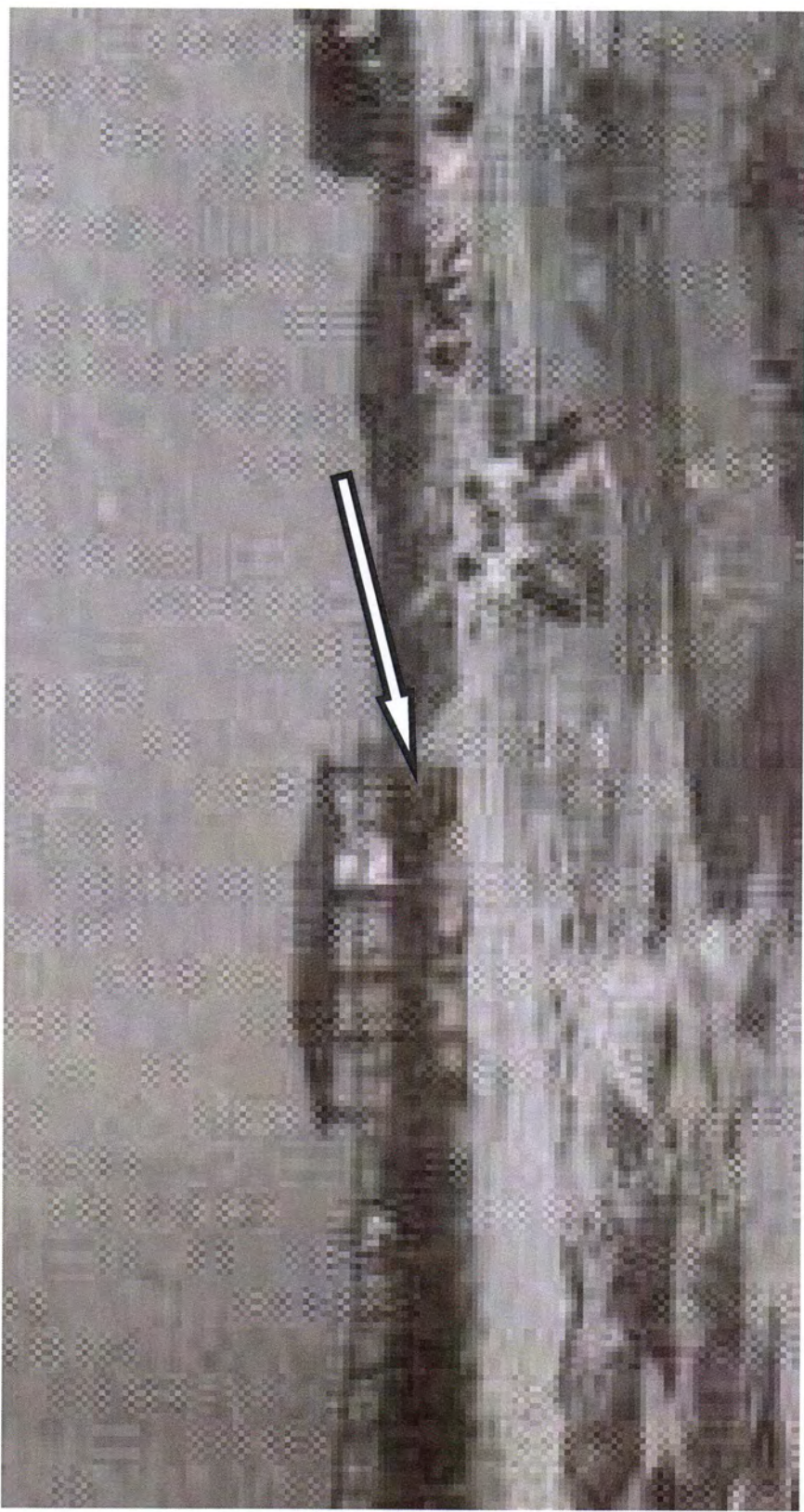
About 1904-13, Inn Beach - This zoomed version of the page 7 photograph may show beachgoers at the Inn Beach bathing shelter. Added arrow may identify women in dresses descending beach access stairs next to bathing shelter.



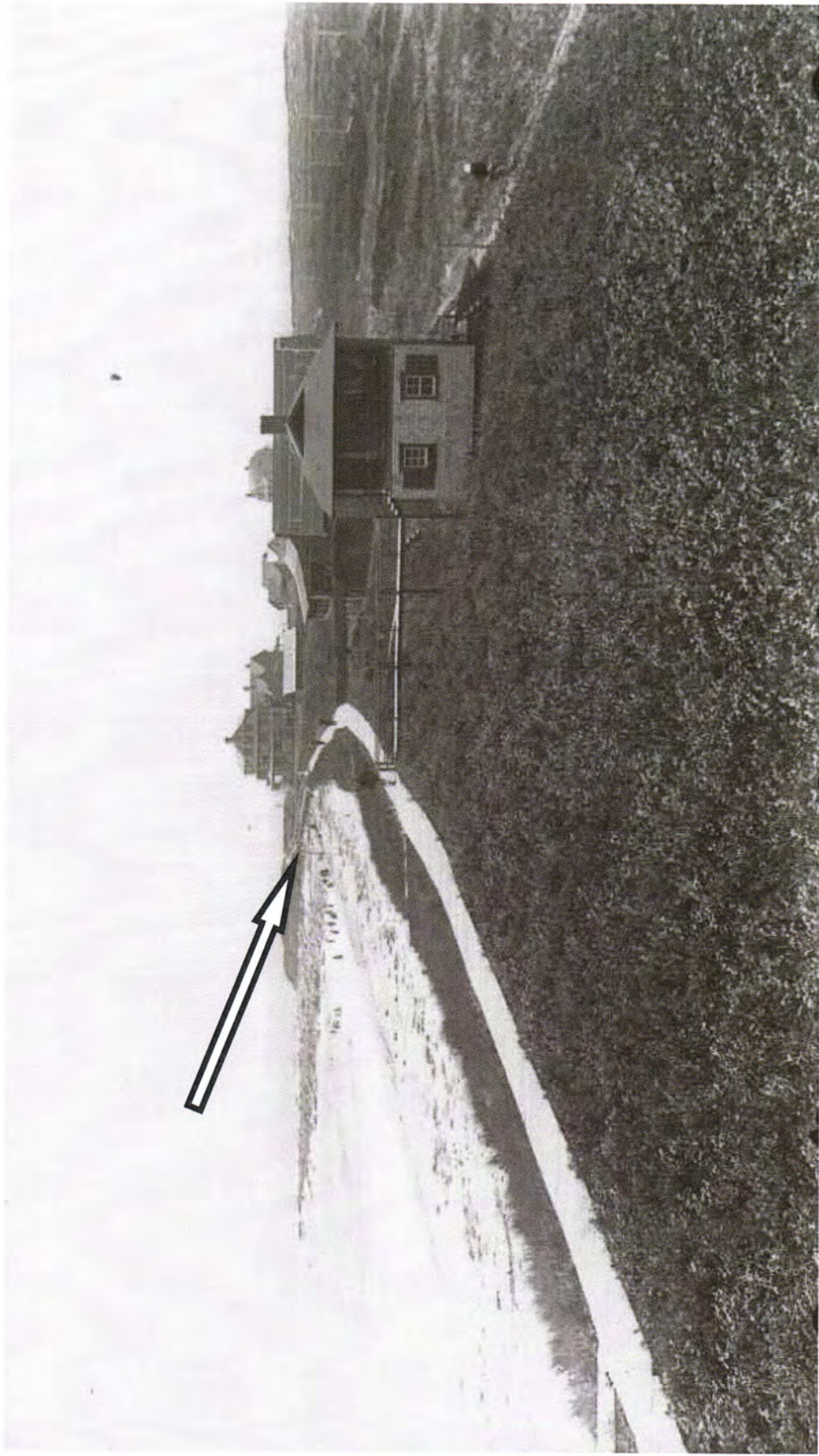
About 1904-13, Inn Beach (Weekapaug Inn after expansion but before revetment, in background) - Foreground of photograph may show beachgoers concentrated on Inn Beach where the Spring Avenue foot path (not visible from this angle) meets the Inn Beach bathing shelter. Added arrow may identify woman in dress about to descend beach access stairs next to the bathing shelter. See related photo in *A Pictorial History of Weekapaug Rhode Island*, page 15, *The Utter Company 1976*.



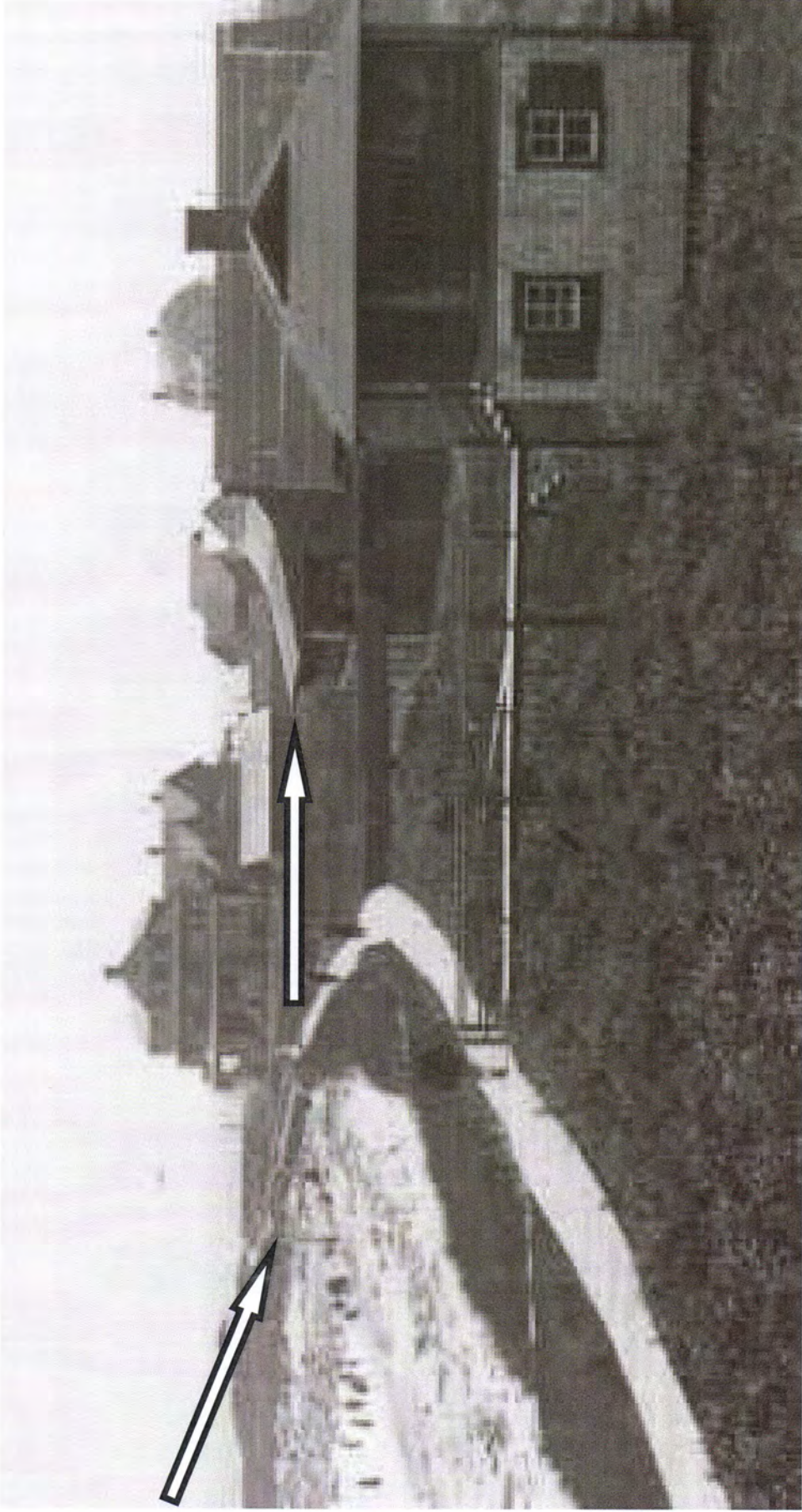
About 1904-13, Inn Beach - This zoomed version of the page 9 photograph may show beachgoers at and near the Inn Beach bathing shelter. Added arrow may identify woman in dress about to descend beach access stairs next to the bathing shelter.



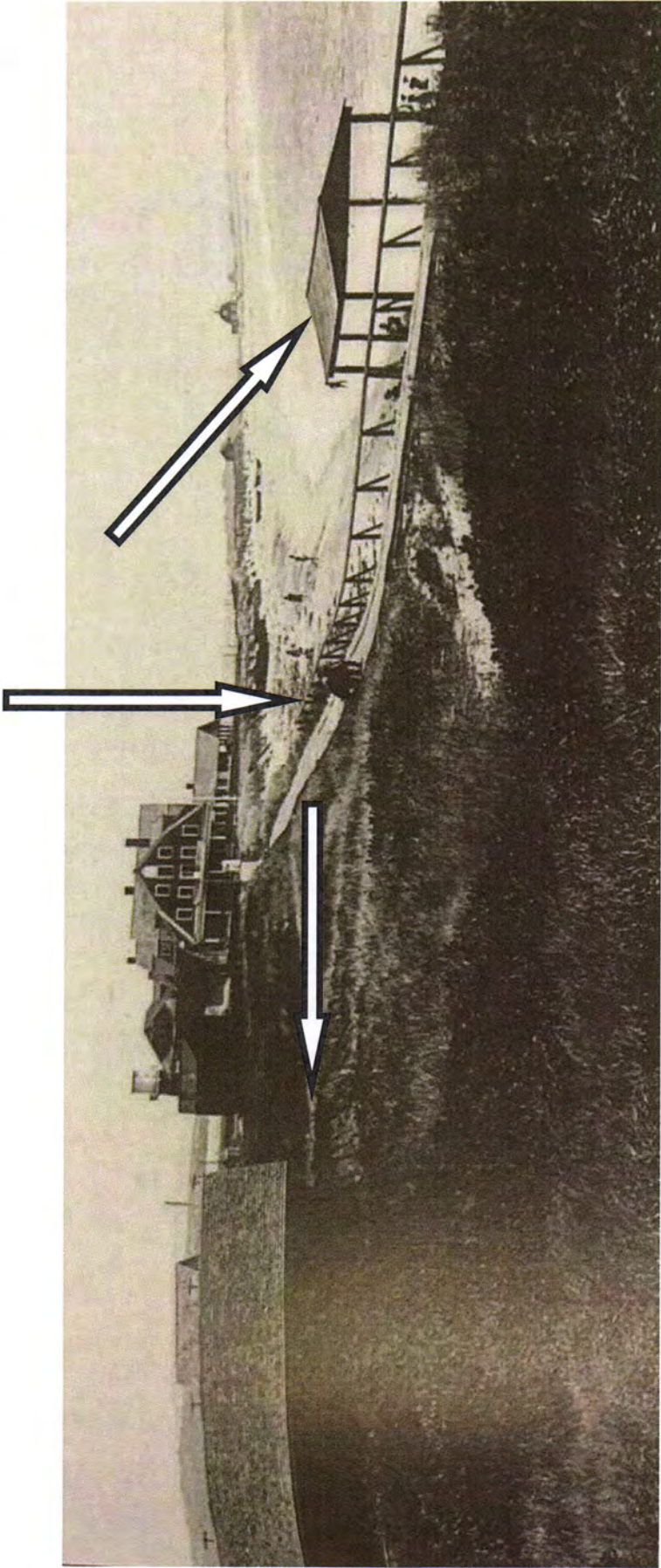
About 1910, Weekapaug Point/Inn Beach (note "The Briars" cottage rebuilt 1910) - Photograph may have been taken from Weekapaug Inn and may show beachgoers concentrated on Inn Beach where the Spring Avenue foot path (not visible from this angle) meets the Inn Beach bathing shelter. Added arrow may identify the bathing shelter. See related photograph "E4 1033 Weekapaug--looking west on the beach" at Westerly Public Library Special Collections.



About 1910, Weekapaug Point/Inn Beach - This zoomed version of the page 11 photograph may show beachgoers concentrated on Inn Beach where the Spring Avenue foot path (not visible from this angle) meets the Inn Beach bathing shelter. Added arrows may identify the bathing shelter and the location of the Spring Avenue foot path (not visible from this angle).



About 1904-1913, Inn Beach - Photograph may show beachgoers concentrated on Inn Beach where the Spring Avenue foot path (not visible from this angle) meets the Inn Beach bathing shelter. Added arrows may identify the bathing shelter, a break in the railing for the beach access stairs, and the location of the Spring Avenue foot path. Beachgoers and/or the two men sitting on the bench on the boardwalk may be the general public and/or Weekapaug residents. Related photographs may be in a personal collection, and in *The Weekapaug Inn: The best of all possible worlds, 1899-1999*, Robert C Buffum 1999.



1914 - On May 8, 1914 the Weekapaug Land and Beach Improvement Company may have granted to the Town of Westerly a water utility easement that expressly identifies Spring Avenue. That easement may have been recorded on June 13, 1914 at book 42, page 267. The October 2019 Westerly Harbor Management Plan (page 48, at §4 last policy; and page 50, at PA5) and Rhode Island Coastal Resources Management Council literature may indicate that a utility easement may serve (at least in part) as the basis of a CRMC designated public right of way. The September 16, 2008 Charles Soloveitzik opinion for the Westerly Town Council is silent as to utility easements and their possible applicability altogether.

KNOW ALL MEN BY THESE PRESENTS, That the  
 Weekapaug Land and Beach Improvement Company,  
 a corporation organized under the laws of the state of Rhode Island, for and in consideration  
 of the sum of ONE DOLLAR to said corporation paid by the  
 town of Westerly, Rhode Island,  
 the receipt whereof is hereby acknowledged, and for other good and valuable considerations,  
 does hereby give, grant, bargain, sell and convey unto the said Town of Westerly, its succe-  
 sors and assigns,  
 the perpetual right and privilege to lay water mains, water pipes and any  
 and all devices necessary for conducting water in connection with the Westerly Water Works in,  
 through, over, under and along any and all of the streets and avenues which have been laid  
 out and surveyed in the lands owned by said corporation at and near Weekapaug in said Wester-  
 ly, to wit: Shammatt Avenue, Meadow Avenue, Spring Avenue and Main Street, and in, through  
 over, under and along any portion of the lands of said Weekapaug Land and Beach Improvement  
 Company which may be laid out hereafter in the lands of said corporation at or near Weekapaug  
 in said Westerly, and to maintain such mains, pipes and devices perpetually. And for that  
 purpose permission is hereby granted to said Town of Westerly to dig ditches, pockets and cut-  
 tings in said avenues and streets, but to suitably refill the same as soon as practicable and  
 to take all necessary precautions to prevent accidents and injuries therefrom.

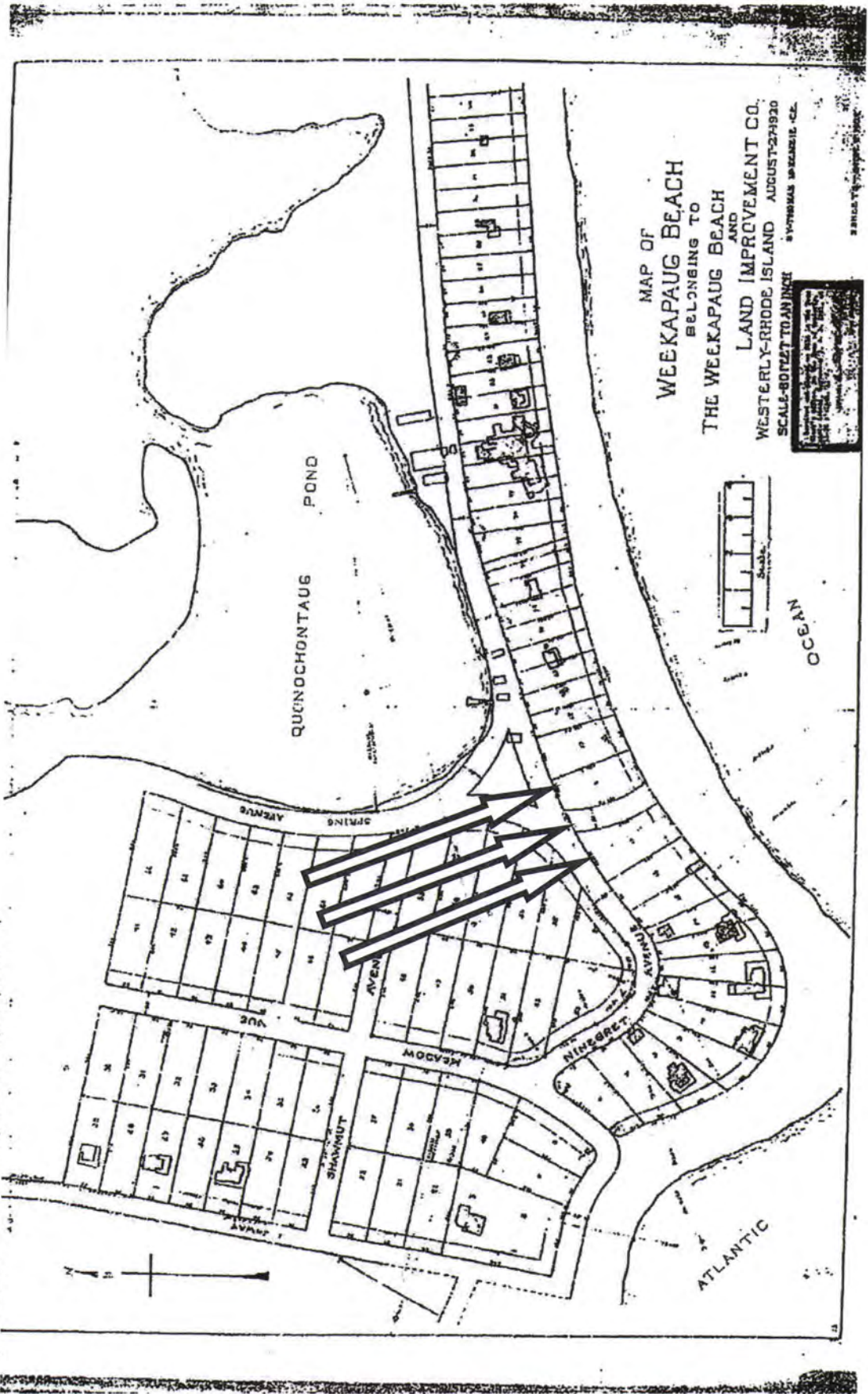
TO HAVE AND TO HOLD the aforesaid rights and privileges unto the said  
 Town of Westerly, its successors and assigns forever. And the said Weekapaug Land and Beach  
 Improvement Company, for itself and for its successors and assigns, hereby covenants with the  
 said town of Westerly, its successors and assigns, that it is lawfully seized in fee simple of  
 said granted premises; that it has good right, full power and lawful authority to sell and  
 convey the enameled aforesaid; that the said Town of Westerly, its successors and assigns,  
 shall by these presents at all times forever hereafter peaceably and quietly have and enjoy  
 said rights and privileges, against the lawful claims and demands of all persons.

IN TESTIMONY WHEREOF, the said Weekapaug Land and Beach Improvement Company has caused  
 these presents to be signed by its Treasurer thereunto lawfully authorized, and its corporate  
 seal to be hereunto affixed this eighth day of May in the year of our Lord One Thousand Nine  
 Hundred and Fourteen.

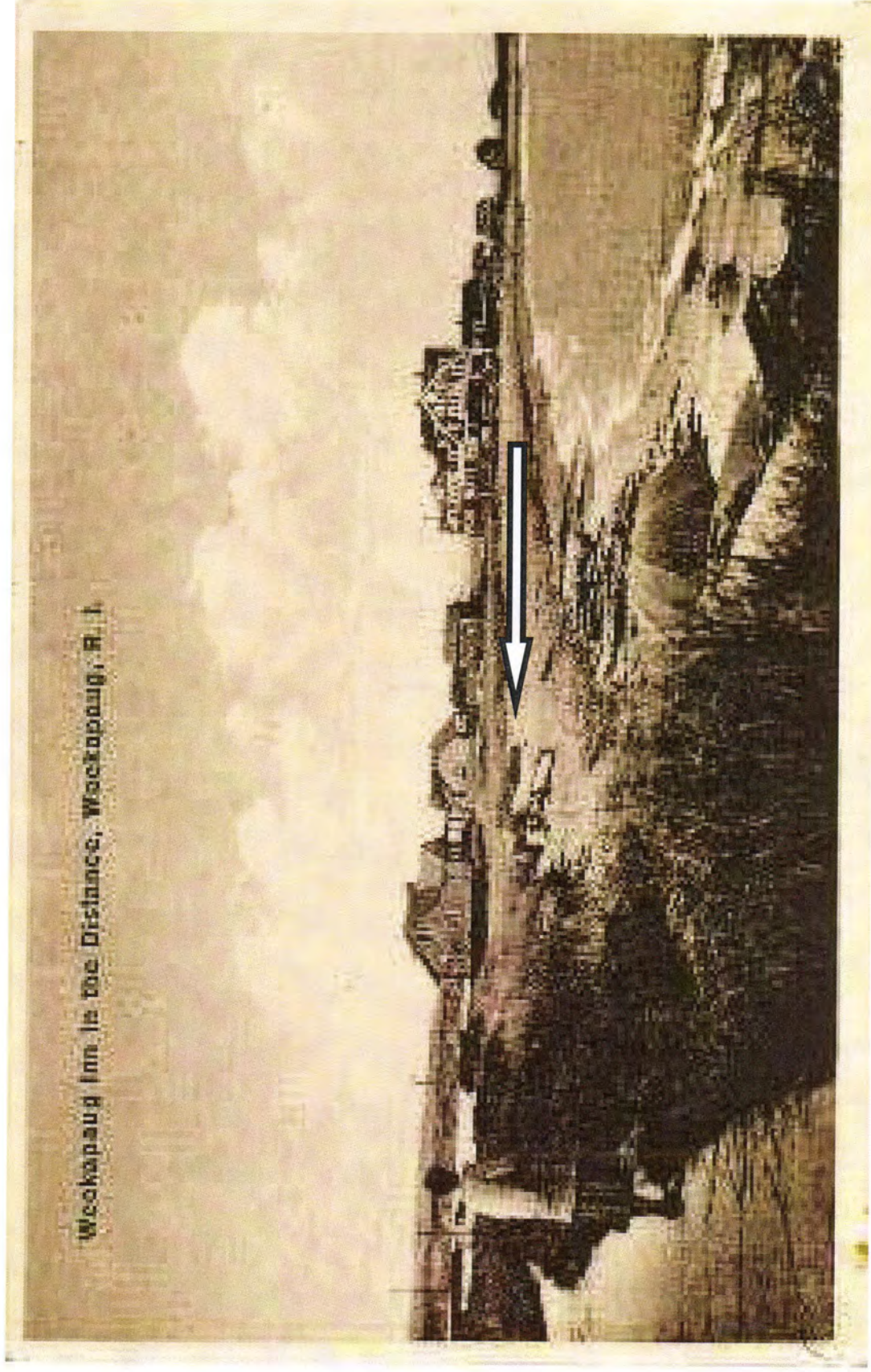
Signed, Sealed and Delivered in presence of:  
 J. R. Frith [L.S.]  
 James A. Smith Treasurer

STATE OF NEW YORK,  
 County of New York, ss.  
 In the city of New York in said county, on this 8th day of May, A.D.  
 1914, personally appeared before me James A. Smith, to me known and by us known to be the  
 party who, in his capacity of Treasurer of the Weekapaug Land and Beach Improvement Company,  
 executed the foregoing instrument, and acknowledged the same instrument, by him executed, to  
 be his free act and deed in his said capacity and the free act and deed of said Weekapaug Land  
 and Beach Improvement Company.  
 [L.S.]  
 Joseph R. Frith Notary Public, NOTARY PUBLIC, KINGS  
 COUNTY, No. 42. Certificate Filed in New York Coun-  
 ty No. 46. Kings County Register's No. 5037  
 New York County Register's No. 5013  
 Commission Expires March 30, 1916.

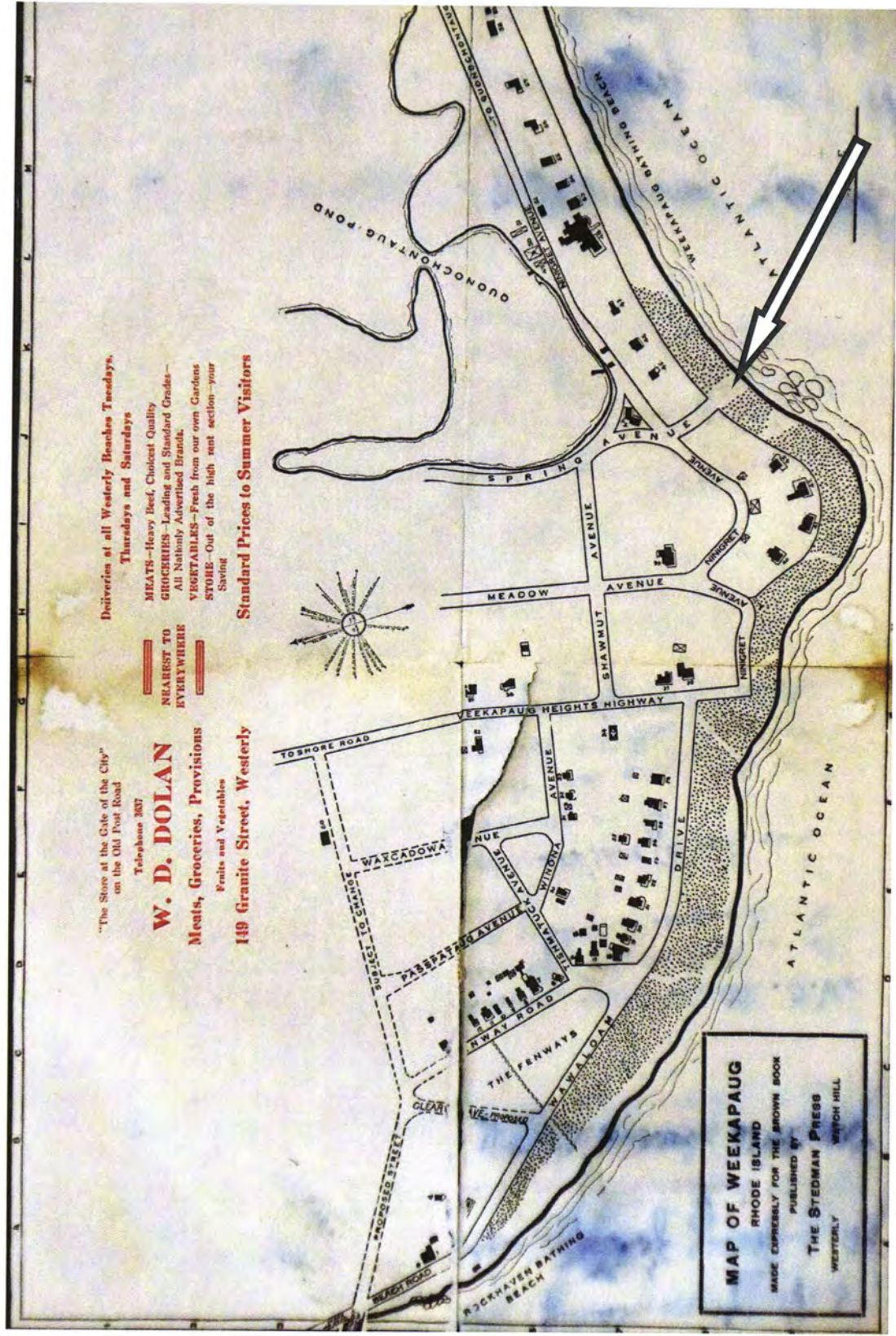
1920-21 - A 1920 Plan entitled "Map of Weekapaug Beach Belonging to The Weekapaug Beach and Land Improvement Company, Westerly, Rhode Island, August 27, 1920, Scale-80 feet to an inch, by Thomas McKenzie, C.E." was recorded September 3, 1921 in Plat Book 2, pages 22-23 (see below). Soloveitzik may have viewed this plan as more important than others in his September 16, 2008 opinion (see Id at p. 2, para. 2.). One may wonder why this 1920 plan is more significant than the 1898 plan of Weekapaug Beach shown above and/or the April 1, 1884 plan of Weekapaug Point (with the multitudinous recorded deeds referencing both). Nonetheless, this 1920 plan will be referenced herein for simplicity. Arrows added left to right may identify this 1920 plan Lot 17, Spring Avenue, and this 1920 plan Lot 18, respectively.



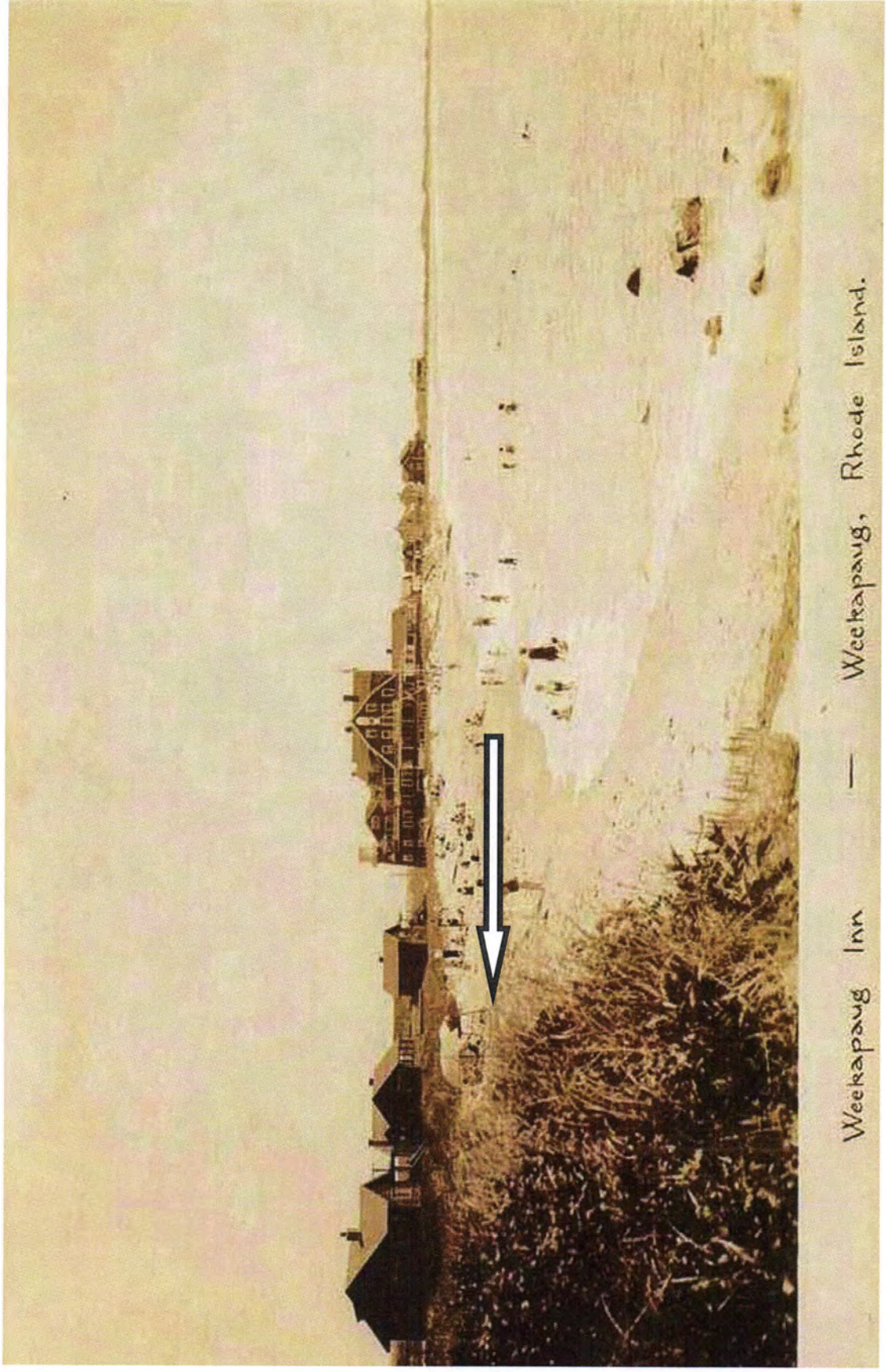
About 1920's-37, Inn Beach (note houses east of Weekapaug Inn, the concrete walk, and absence of the bathing shelter) - Photograph may show beachgoers concentrated on Inn Beach near the Inn Beach end of the Spring Avenue foot path. Added arrow may identify the Inn Beach end of the foot path. Related postcard may be available on the Internet as of 10/12/2020 at <https://www.worthpoint.com/worthopedia/1920s-weekapaug-inn-cottages-2056449997>



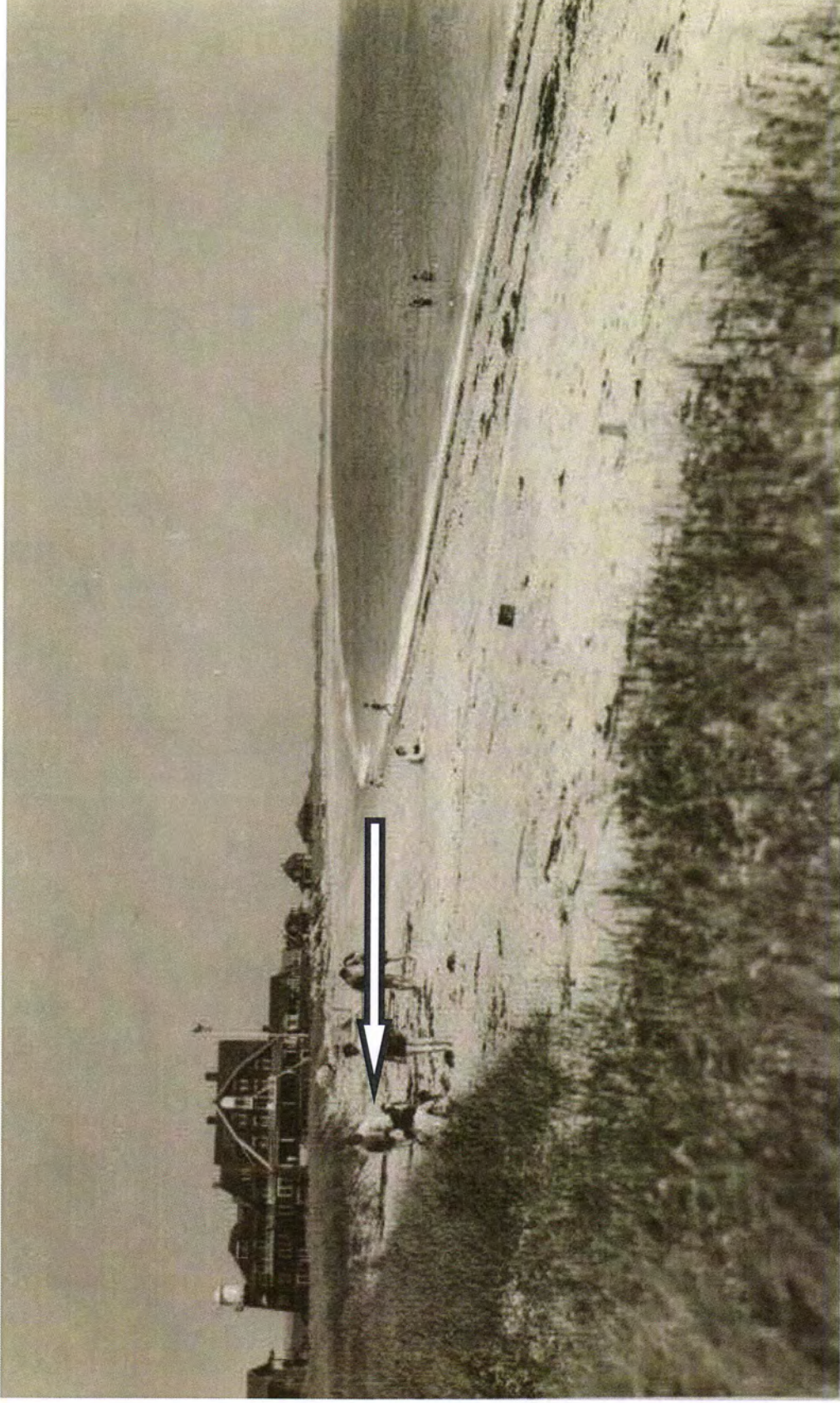
About 1920's, Weekapaug Point/Inn Beach map made for "The Brown Book Published By The Stedman Press". Added arrow may possibly identify Spring Avenue as the only possible public access from Ninigret Avenue to Inn Beach. The reader may wonder whether Weekapaug residents needed such maps to find their own homes and/or the Spring Avenue foot path. Is this map evidence that the general public visited places like Inn Beach, especially in the summer, and that people believed that they needed help doing so? Does this the existence of this map suggest that the Weekapaug Improvement Society's effort to promote Weekapaug as a summer resort was successful? Map available at the Westerly Public Library in Special Collections.



About 1920's-37, Inn Beach (note houses east of Weekapaug Inn, the concrete walk, and absence of the bathing shelter) - Photograph may show beachgoers concentrated on Inn Beach near the Inn Beach end of the Spring Avenue foot path. Added arrow may identify the Inn Beach end of the foot path. Related postcard may be available on the Internet as of 10/8/2020 at <https://www.facebook.com/WesterlyImages/photos/a.1146539802097773/1447726621979088/?type=3&theater>



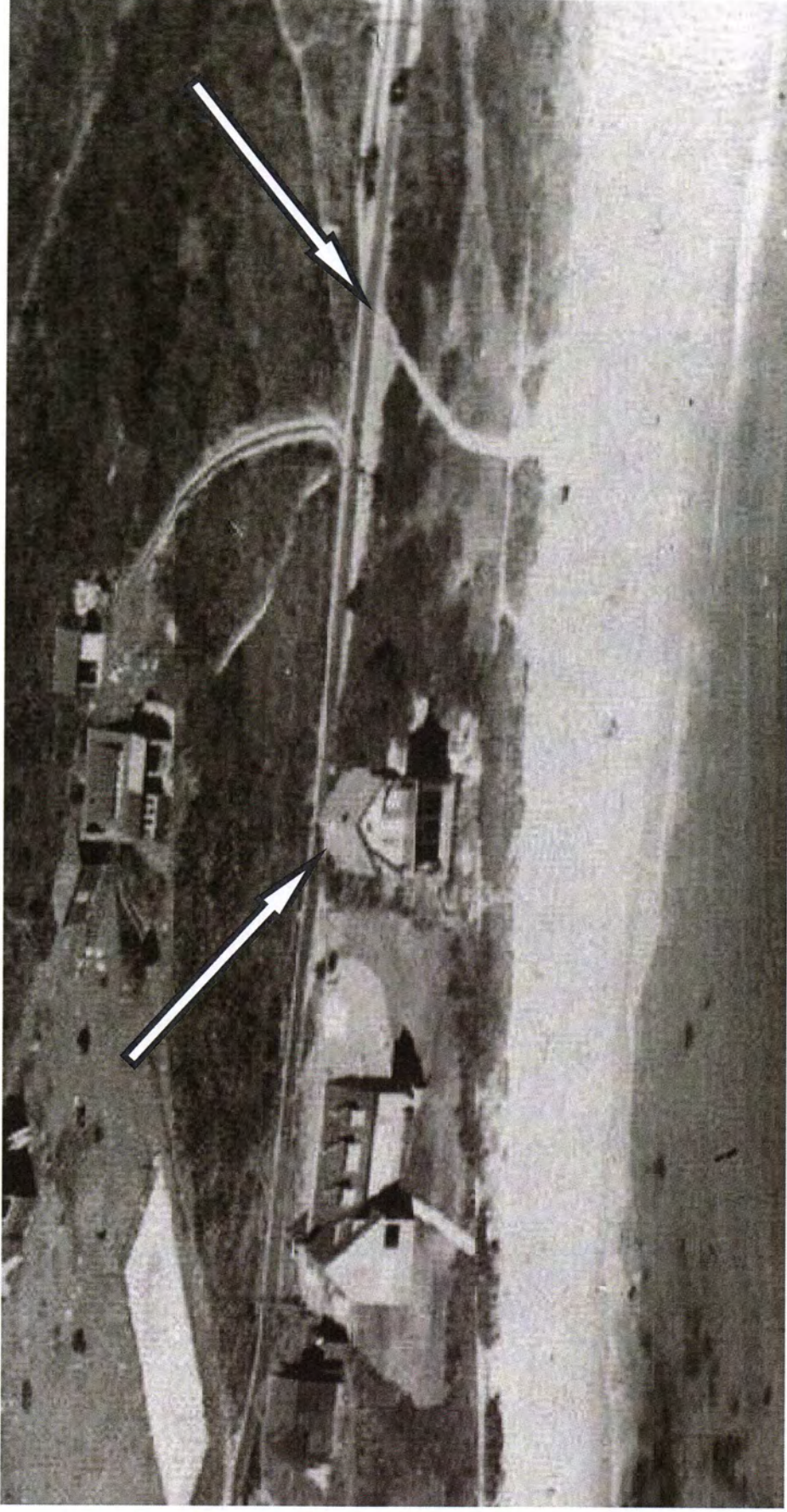
About 1920's-38, Inn Beach (note houses east of Weekapaug Inn) - Photograph may show beachgoers on Inn Beach near the Inn Beach end of the Spring Avenue foot path. Added arrow may identify the Inn Beach end of the foot path. Related photograph may be available online at the Rhode Island SOS digital archives (incorrectly dated as 1950) as of 10/8/2020 at [https://sosri.access.preservica.com/uncategorized/IO\\_f63dc8ad-8b00-48c6-8525-1eb908856495/](https://sosri.access.preservica.com/uncategorized/IO_f63dc8ad-8b00-48c6-8525-1eb908856495/)



1924-29, Weekapaug Point/Inn Beach - Photo may show the 1918-36 Weekapaug Bridge, and the Weekapaug Causeway before 1934 expansion. Added arrows may identify a Spring Avenue foot path as the only access from the road to Inn Beach. Related photographs may be in *Wonderful World of Weekapaug Rhode Island*, page 53, Weekapaug Foundation for Conservation, 2004 ("Aerial 1920's view ..."), and in *A Pictorial History of Weekapaug Rhode Island*, pages 20-21, *The Utter Company 1976*.



1924-29, Inn Beach - This zoomed version of the page 20 photograph may show that the only path between the road and Inn Beach is the Spring Avenue foot path and that the adjacent dirt parking area is large and worn from use. Added arrows may identify the foot path and the house (immediately left of the foot path) that may have been built 1924-33 on Lot 17 of the 1920 plan (page 15 above). See September 16, 2008 Charles Soloveitzik opinion for Westerly Town Council at page 2, para. 6. ("Weekapaug Beach & Land Improvement Company conveyed ... the lot ... immediately to the west (... Lot 17 on the 1920 Plan)... [in] 1924 ...").

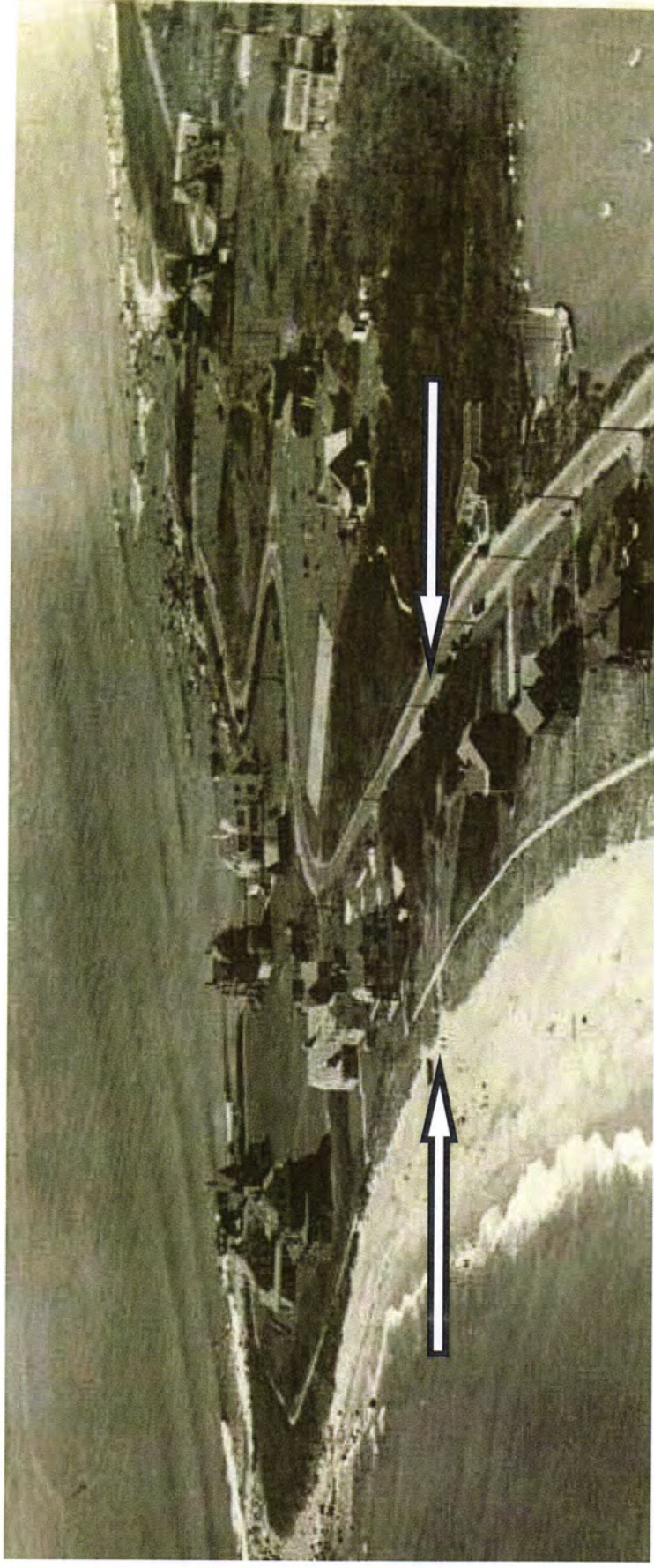


About 1924-34, Weekapaug Point/Inn Beach - Postcard photograph may have been taken from the old Weekapaug Inn toward Weekapaug Point and may show beachgoers on Inn Beach near the Inn Beach end of the Spring Avenue foot path. Added arrow may identify the location of the Spring Avenue foot path, next to the Lot 17 house but not visible from this angle. Related postcard may be available on Internet as of 10/8/2020 at <https://www.worthpoint.com/worthopedia/6299-real-photo-postcard-rppc-1932-496161439>



About 1924-34, Weekapaug Point/Inn Beach - Photograph may show beachgoers concentrated on Inn Beach near the Inn Beach end of the foot path and a parking area (with cars in and nearby) at an opposite end. Added arrows may identify the foot path as the only access from the road to Inn Beach. Related postcard image may be available on Internet as of 10/8/2020 at

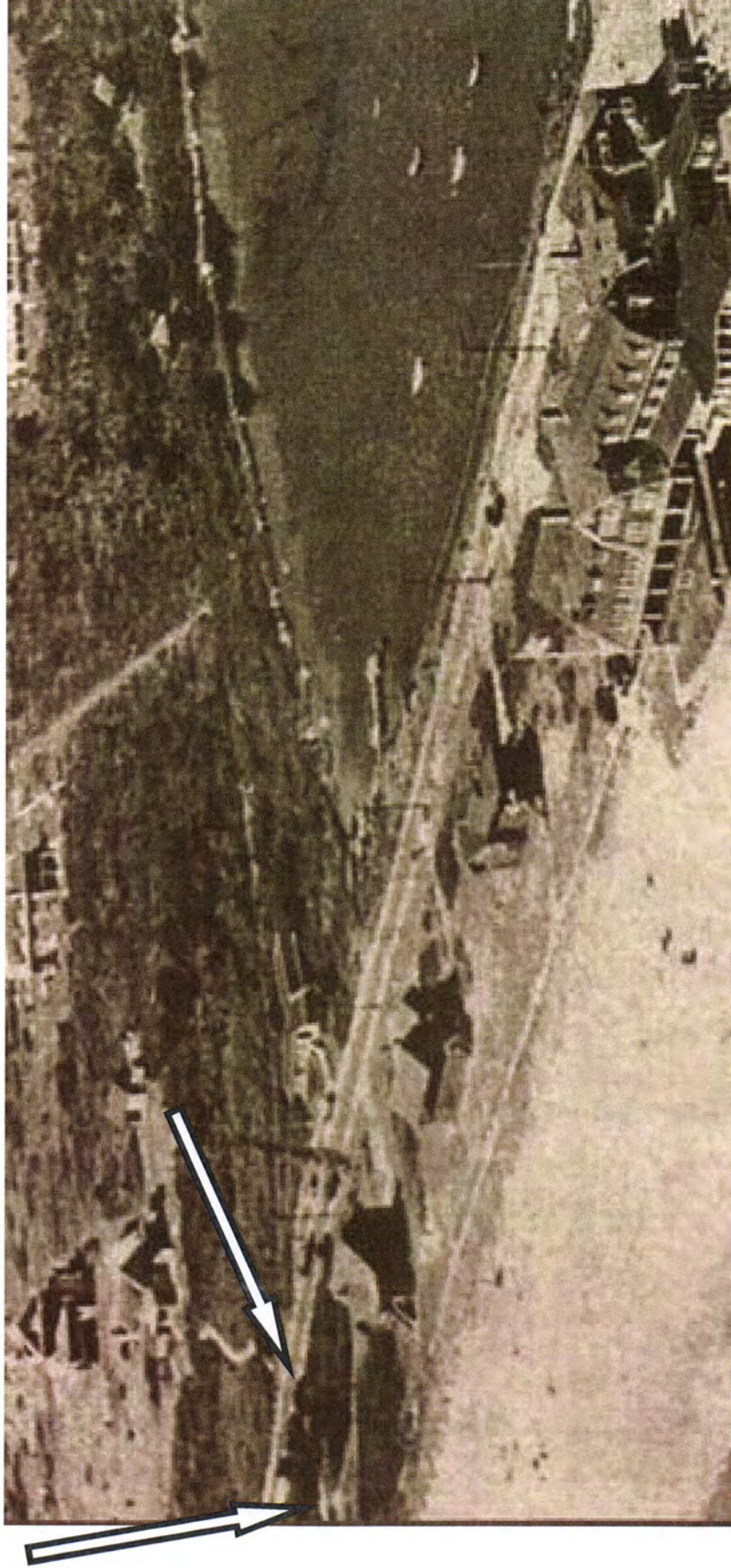
<https://www.facebook.com/WesterlyImages/photos/a.1146539802097773/1216762538408832/?type=3&theater>, and related photographs may be in *Wonderful World of Weekapaug Rhode Island*, page 53, Weekapaug Foundation for Conservation, 2004 ("Aerial view Old Inn Beach ...") and in personal collection.



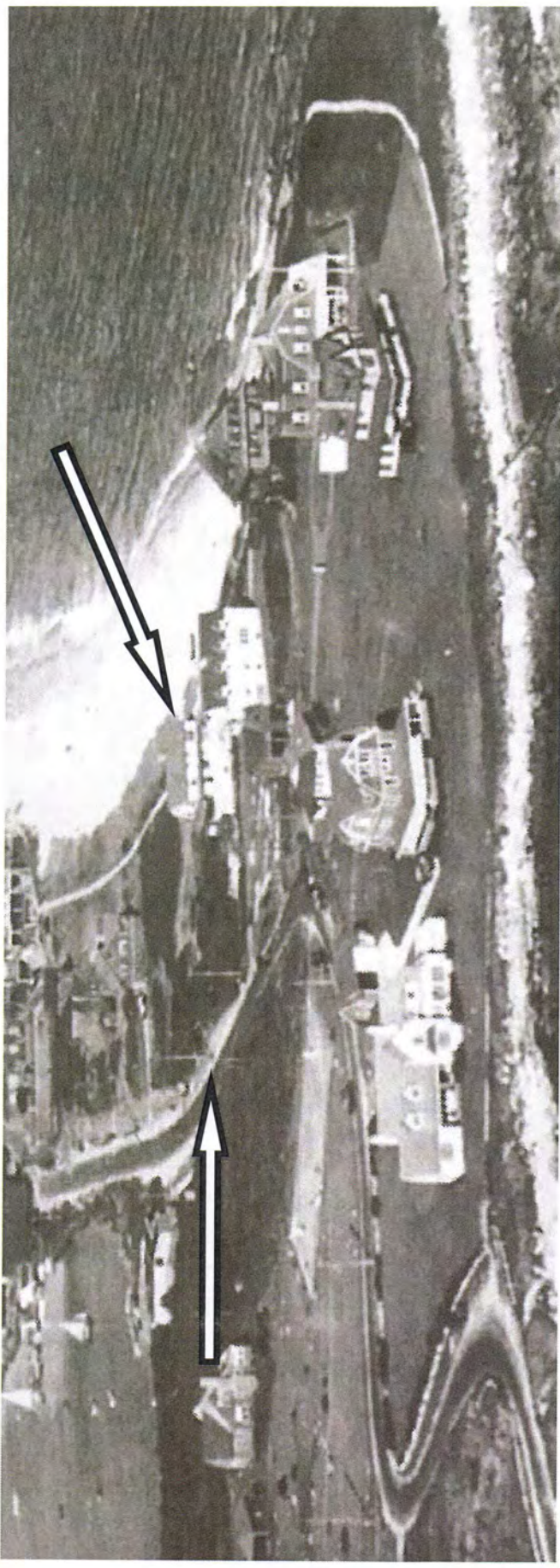
About 1924-34, Inn Beach - This zoomed version of the page 23 photograph may show the Spring Avenue foot path with multiple cars parked in the dirt parking area at one end, one pedestrian in the foot path near the Inn Beach end, two people walking toward the foot path, and beachgoers concentrated nearby on Inn Beach. Added arrows may identify the Lot 17 house and show the foot path as the only access from the road to Inn Beach.



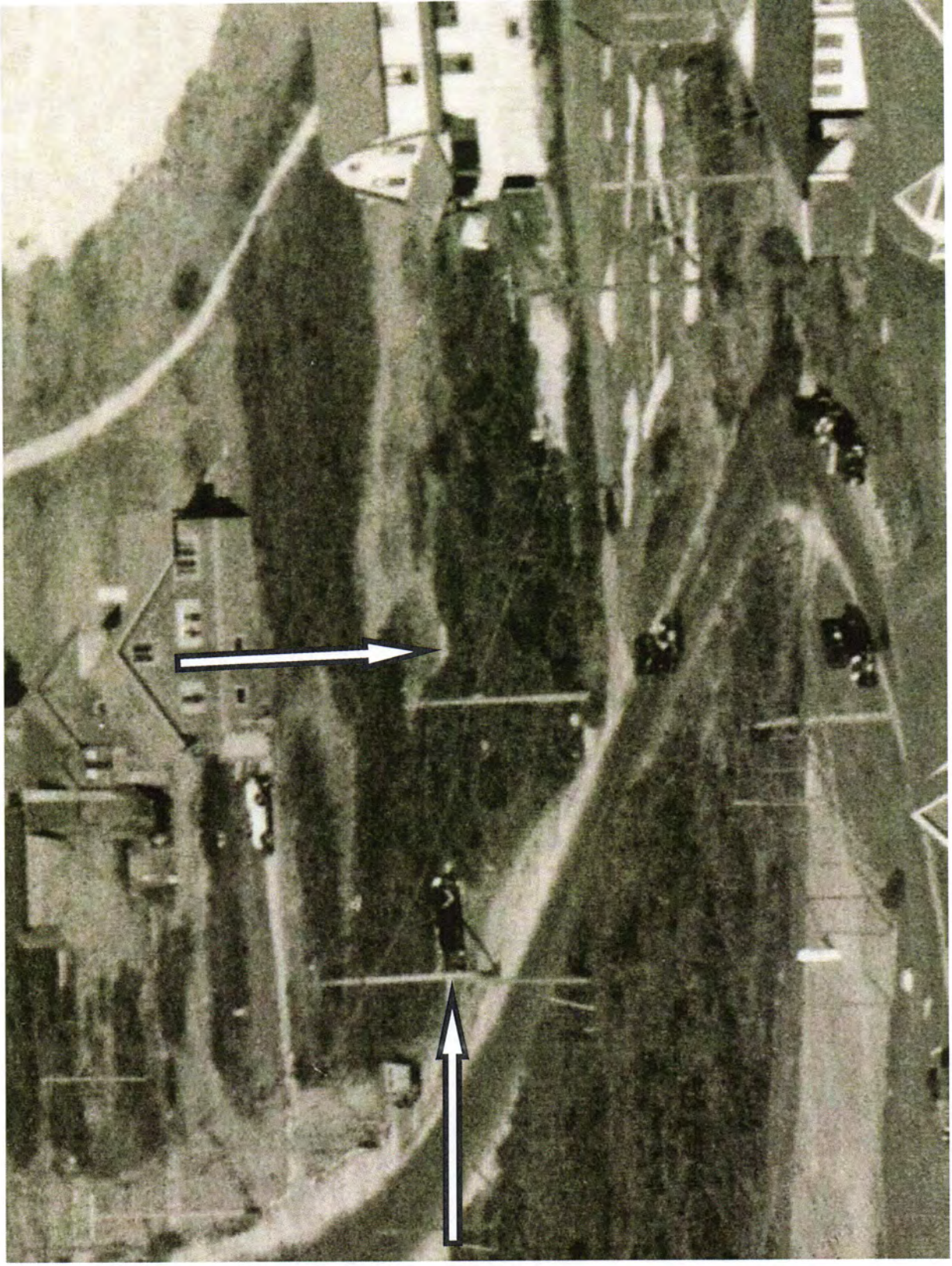
Early 1930's, Inn Beach - Added arrows may identify a dirt parking area (with cars in and nearby) at one end of the foot path and a truncated sandy patch of the foot path. Related postcard may be available on Internet as of 10/11/2020 at <https://www.worthpoint.com/worthopedia/1932-rppc-aerial-view-weekapaug-inn-2006158380> and related photograph may be in *The best of all possible worlds, 1899-1999*, Robert C Buffum 1999 ("A good aerial view from the early 1930s.").



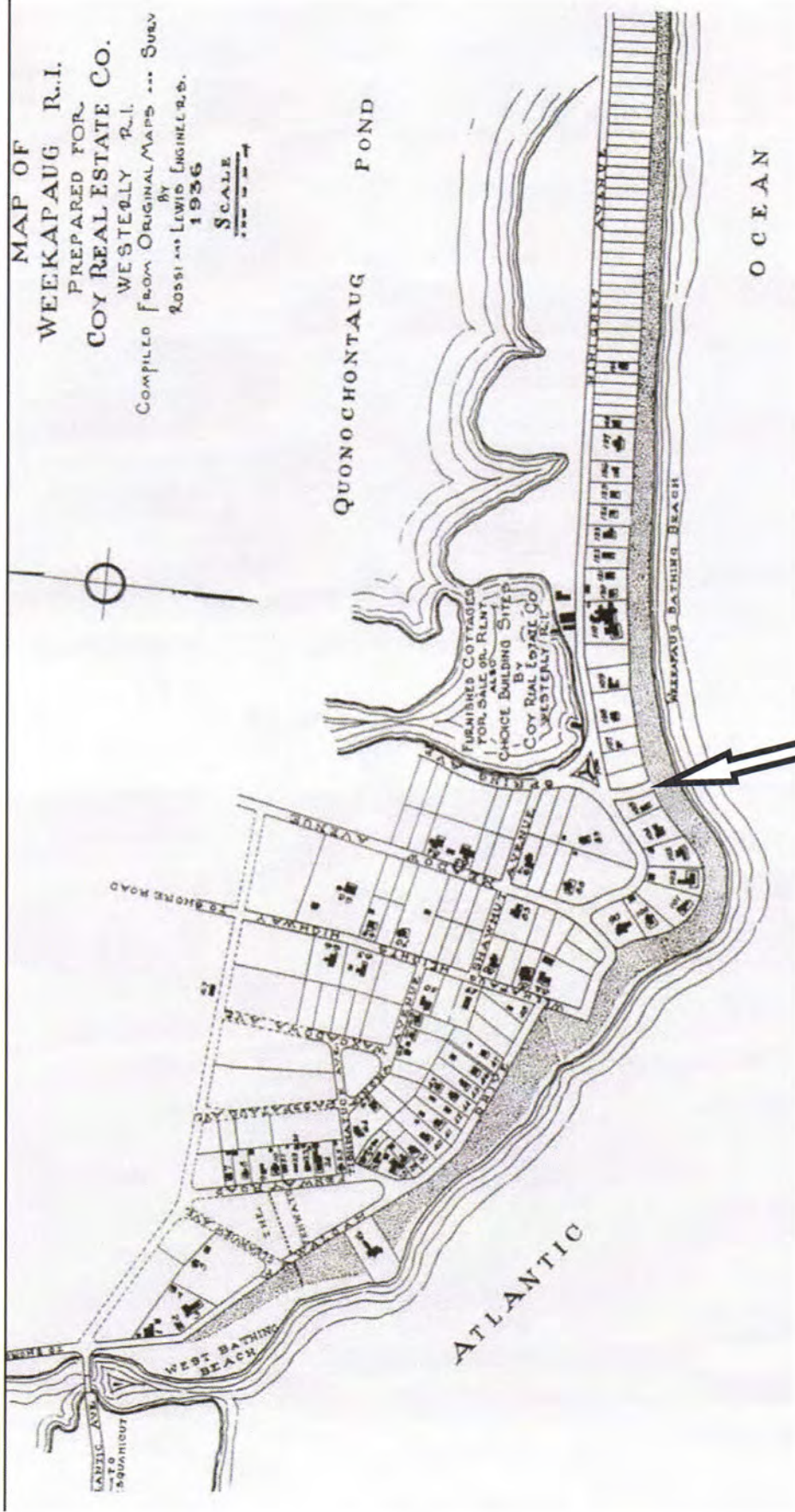
1924-37, Weekapaug Point/Inn Beach - Photograph may show a dirt parking area at one end of the Spring Avenue foot path. Added arrows may identify the dirt parking area and the Lot 17 house, here immediately in the foreground of the foot path. Related photographs in personal collection, in *A Pictorial History of Weekapaug Rhode Island*, page 17, *The Utter Company 1976* ("... the thirties.") and in *Wonderful World of Weekapaug Rhode Island*, page 34, *Weekapaug Foundation for Conservation*, 2004.



1924-37, Inn Beach - Photograph may show a dirt parking area with two cars in it at one end of the Spring Avenue foot path and the Lot 17 house on the right and in the foreground of the Spring Avenue foot path. Added arrows may identify the dirt parking area and one patch of sand of the foot path.



1936, Weekapaug Point/Inn Beach - Advertisement/map may be entitled "Map of Weekapaug R.I. Prepared for Coy Real Estate Co. Westerly R.I. Compiled From Original Maps and Surveys by Rossi and Lewis Engineers 1936" and show many more buildings than in the past. Does this suggest that the Weekapaug Improvement Society's effort to promote Weekapaug as a summer resort was successful? Added arrow may identify Spring Avenue (unlabeled) as extending to Inn Beach. It is immediately next to the Lot 17 house and it is still the only access to Inn Beach. Related map in *Wonderful World of Weekapaug Rhode Island*, page 37, Weekapaug Foundation for Conservation, 2004.

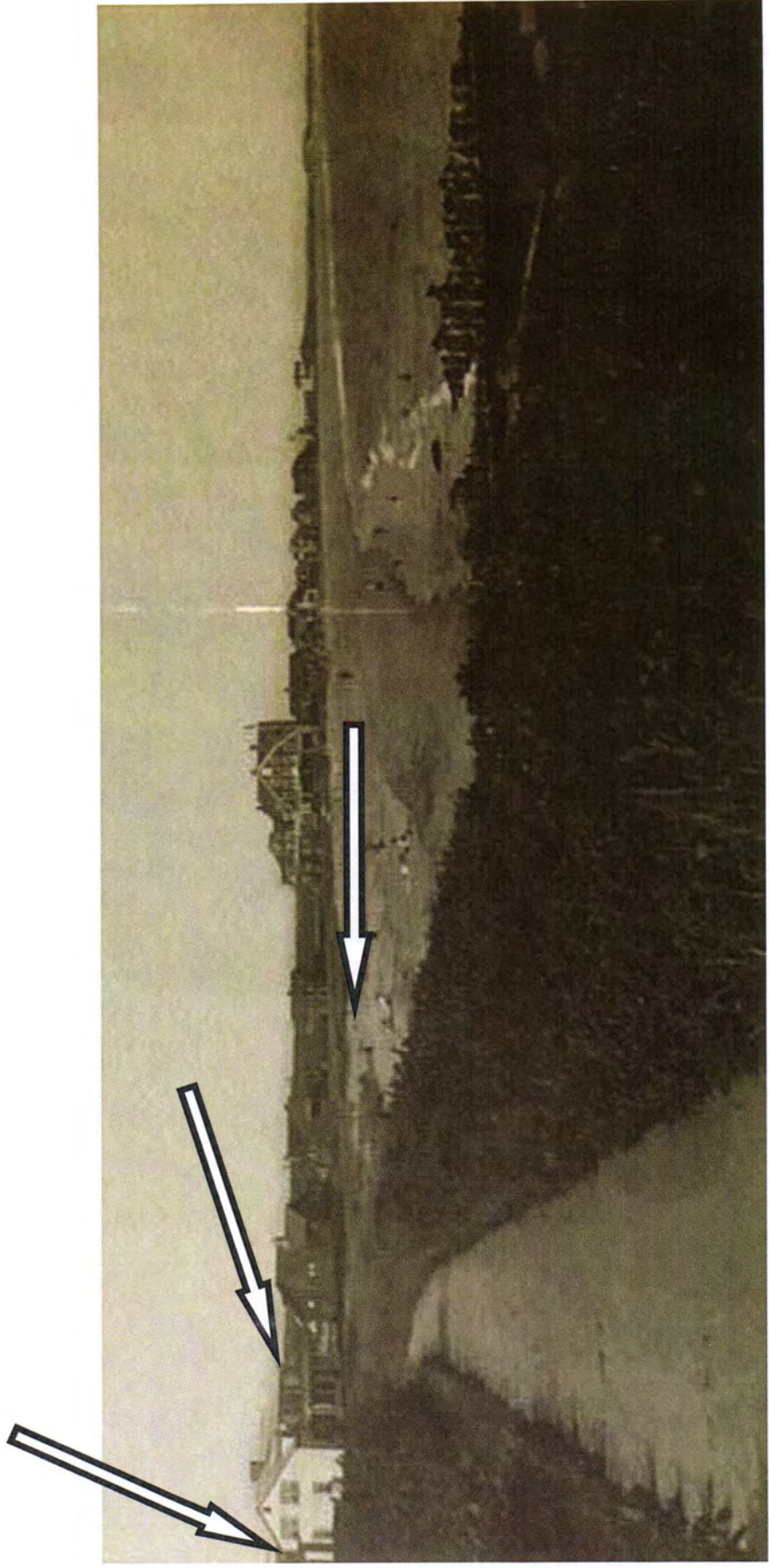


Possibly 1936, Inn Beach (Weekapaug Inn in background) - Three photos may show Misquamicut-resident and never Weekapaug-resident Mary Hadlock (in black bathing suit) with her friends and/or family enjoying the privileges of the shore on Inn Beach near the Inn Beach end of the Spring Avenue foot path. On information and belief, all beachgoers are members of the general public, NOT Weekapaug residents. Note that the Spring Avenue foot path is not visible from this angle, but as noted repeatedly above, was the only way to access Inn Beach from the road. Do these photos suggest that the Weekapaug Improvement Society's effort to promote Weekapaug as a summer resort was successful? The three photos below may be in a personal collection.

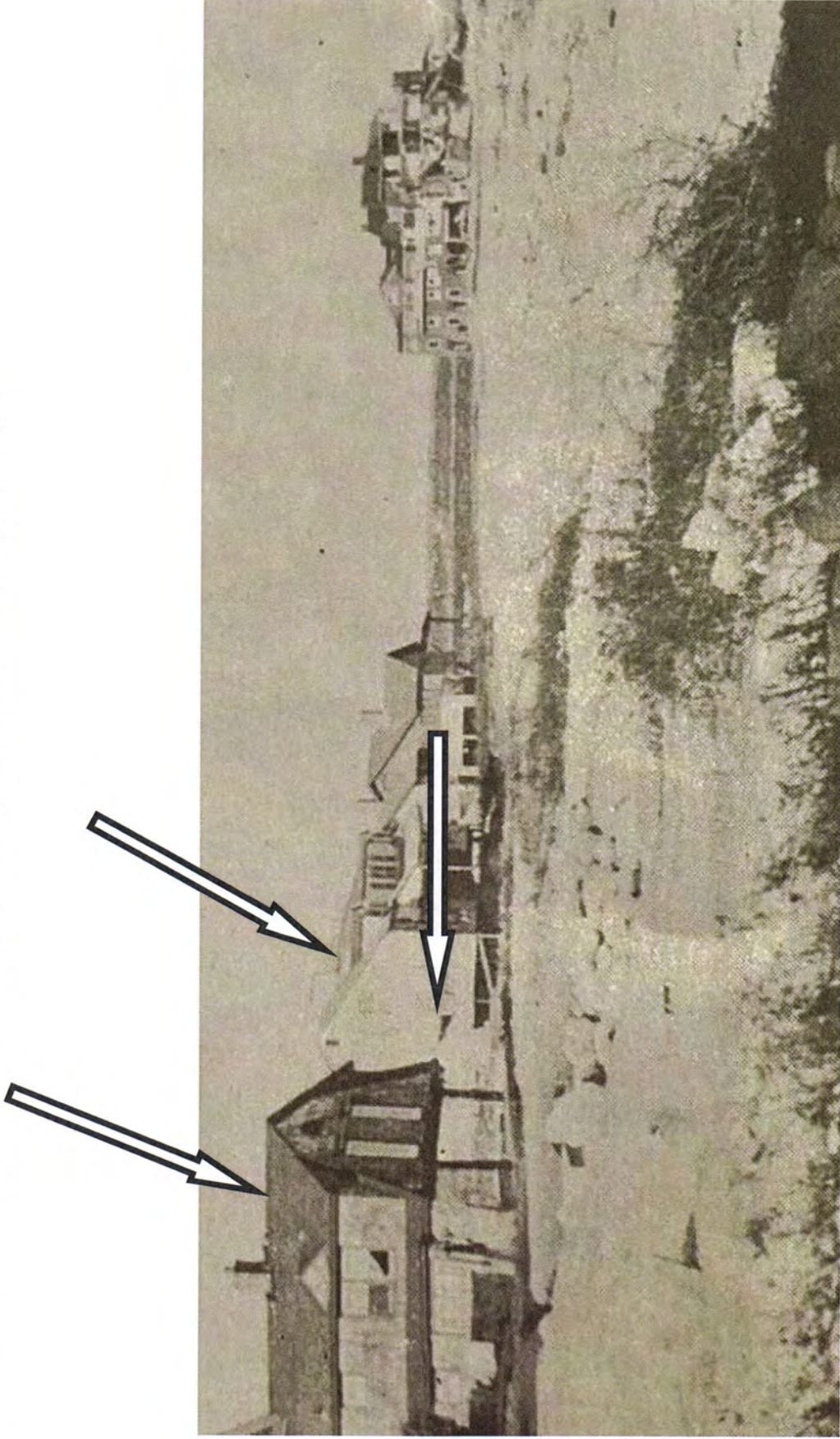


1937, "In 1937, Weekapaug Beach Company conveyed land located immediately east of the subject real estate [Spring Avenue] by deed referring to the subject real estate as a road, 50 feet in width (Book 57, page 275). That property (Lot 18 on the 1920 Plan) is now a portion of current AP 159, lot 10." September 16, 2008 Charles Soloveitzik opinion for Westerly Town Council at page 3, para. 1.

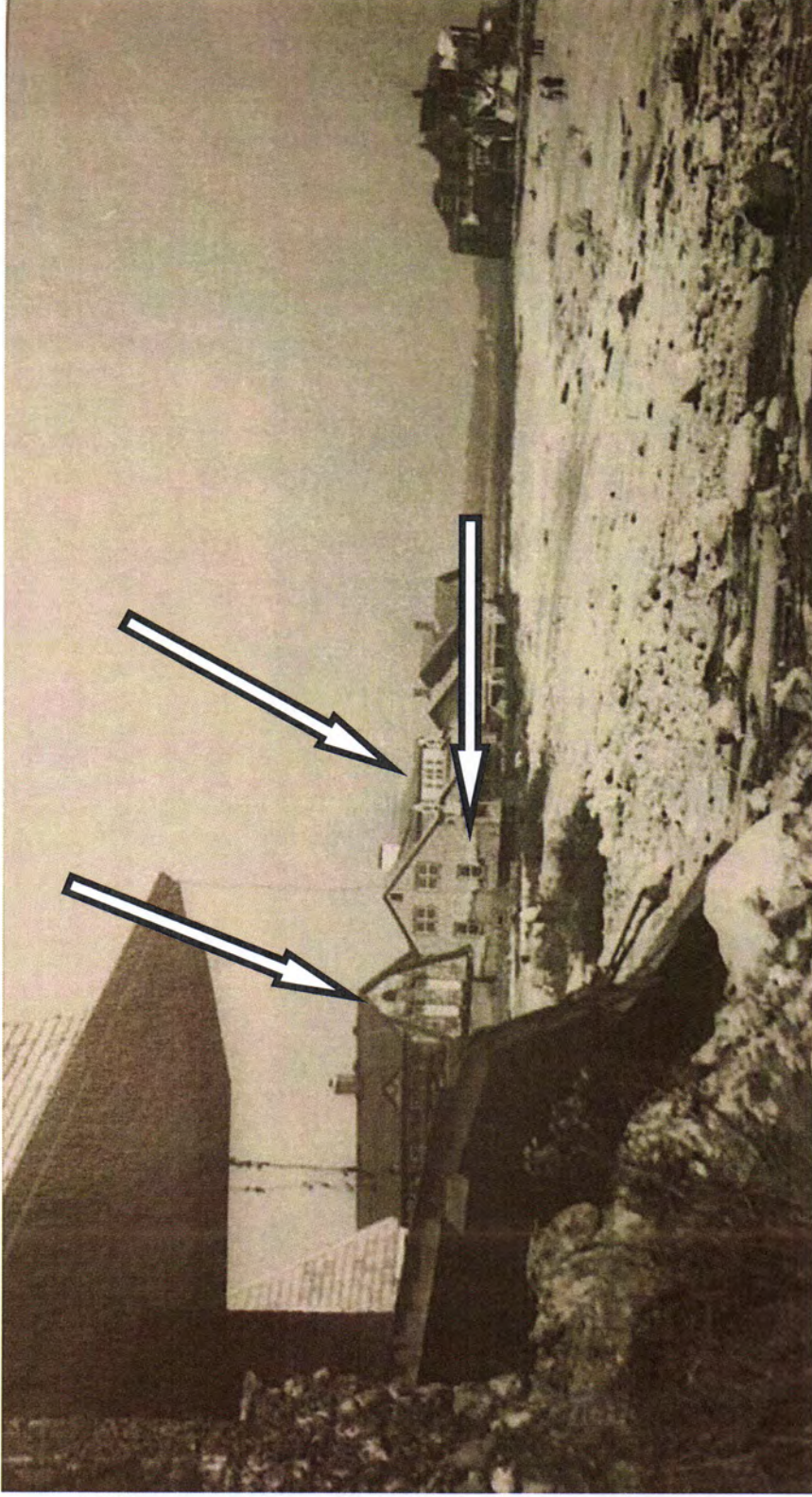
1937-38, Inn Beach - Photograph with one added arrow that may identify a white house located on Lot 18 (of the 1920 Plan) which is immediately east of Spring Avenue. A second arrow may identify the Lot 17 house (with only a small portion of the side porch visible on the far left of the photo) which is immediately west of Spring Avenue. A third arrow may identify the Inn Beach end of the foot path and its continued direction between the Lot 18 white house (right of the foot path) and the Lot 17 house(left of the foot path). Related photographs may be in a personal collection, in *The Weekapaug Inn: The best of all possible worlds, 1899-1999*, Robert C Buffum 1999, and in *Wonderful World of Weekapaug Rhode Island, Weekapaug Foundation for Conservation, 2004*.



1938-39 Added arrows may show the location of the Spring Avenue foot path between the Lot 18 white house (right side of foot path) and the Lot 17 house (left side of foot path). Related photographs may be in a personal collection, *The Weekapaug Inn: The best of all possible worlds, 1899-1999*, Robert C Buffum 1999, and in *Hurricane September 21, 1938 Westerly, RI and Vicinity, Historical and Pictorial*, The Utter Company.



1938-39 Added arrows may show the location of the Spring Avenue foot path between the Lot 18 white house (right side of foot path) and the Lot 17 house (left side of foot path). Related photograph may be in a personal collection, and in *The Weekapaug Inn: The best of all possible worlds, 1899-1999*, Robert C Buffum 1999.



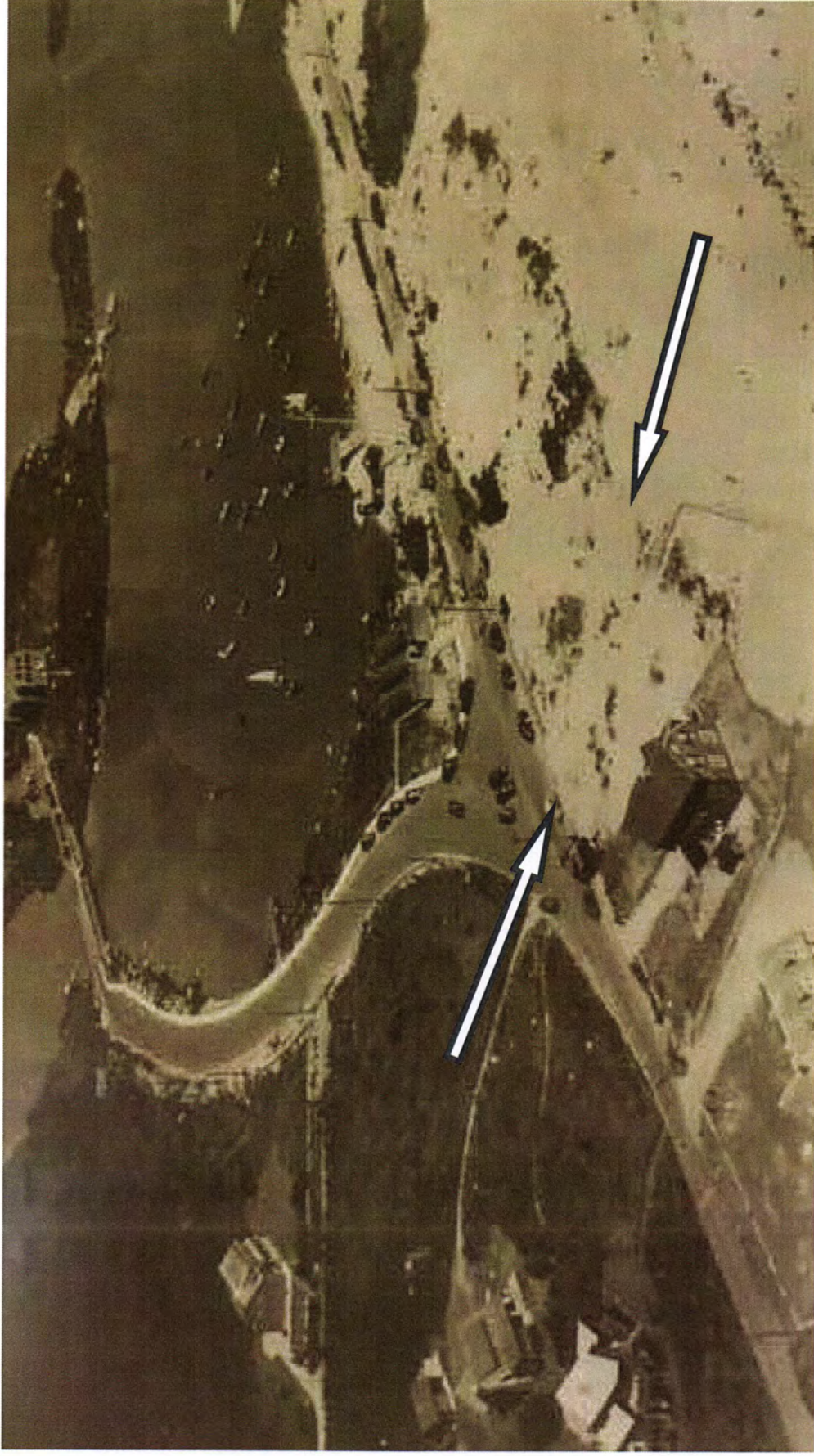
May 25, 1939, Weekapaug Point/Inn Beach Aerial photo may show Spring Avenue covered with sand deposited by the '38 Hurricane, and one or more vehicles parked at or near one end of the foot path. See related 1939 RIGIS aerial photograph 39\_1339. Added arrows may identify Spring Avenue still next to the Lot 17 house (the Lot 18 white house on the opposite side having been removed).



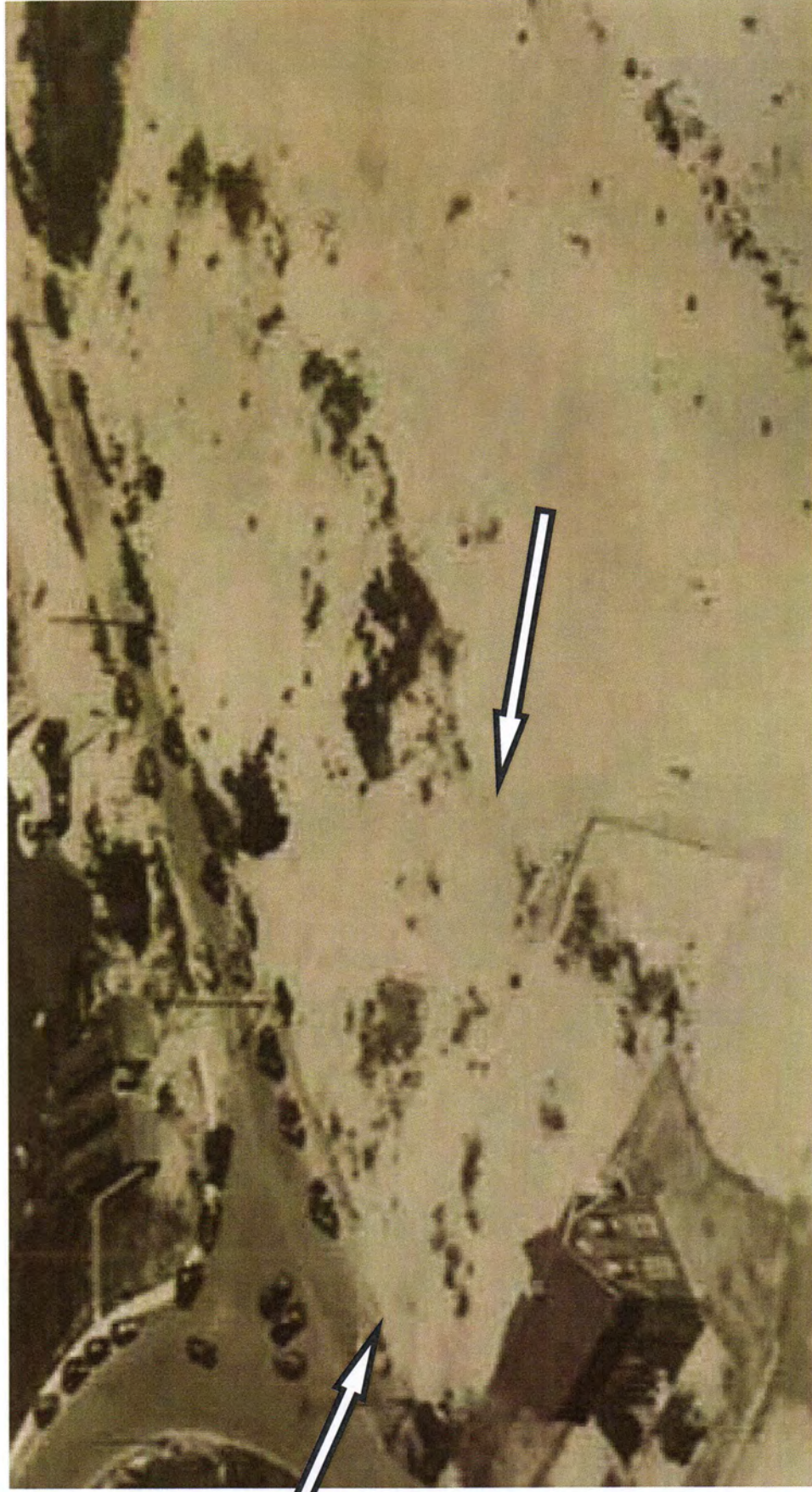


1940 — A gathering of Sunday morning bathers on the Inn Beach. After the chapel service several of the older members would sit on the beach in their "Sunday Best."

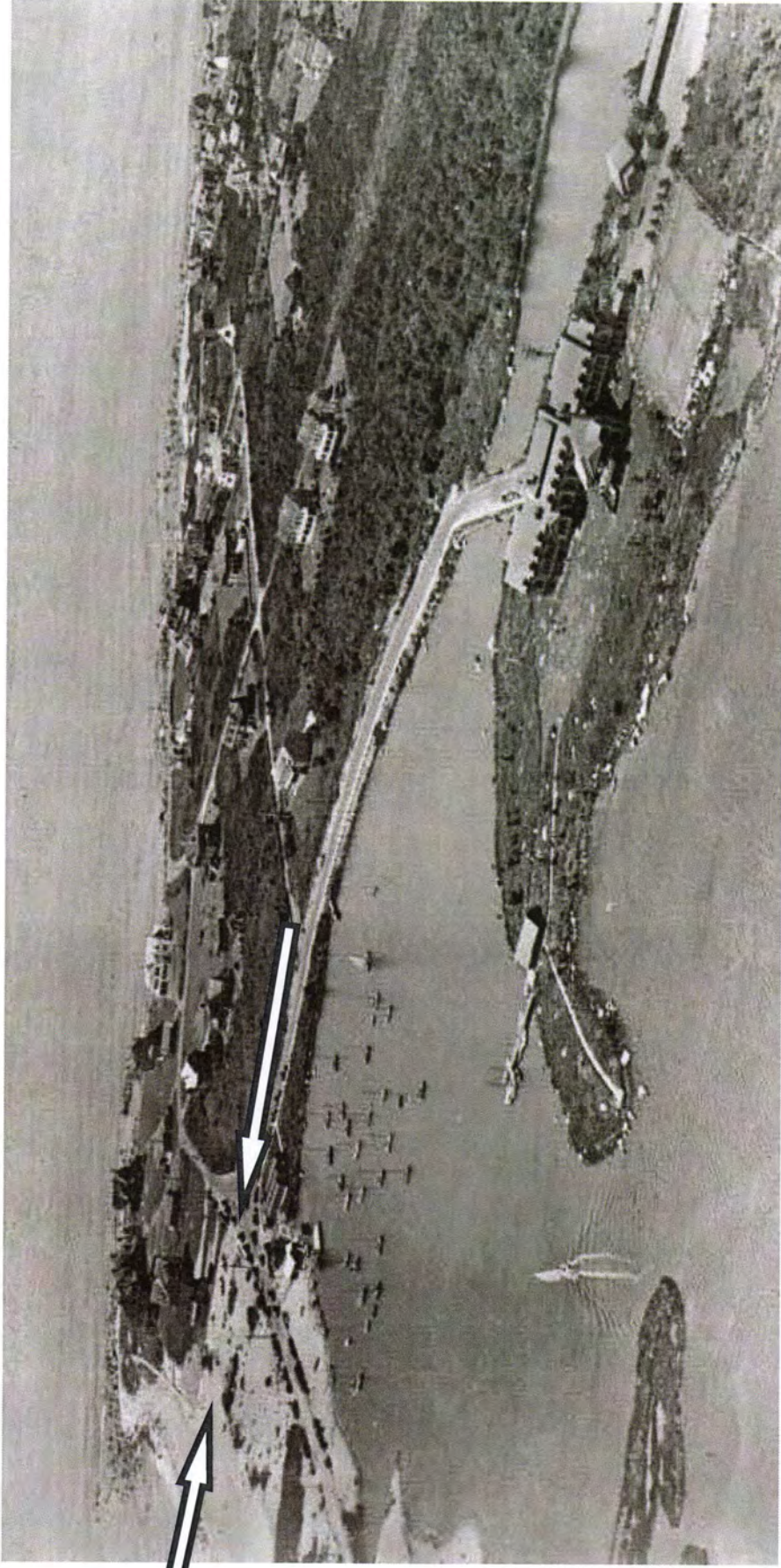
Possibly 1940's, Inn Beach - Photograph may show many beachgoers and umbrellas on Inn Beach where Spring Avenue meets Inn Beach. Added arrows may identify Spring Avenue next to the Lot 17 house (the Lot 18 white house on the opposite side having been removed). Note that what may be a hay-bail-barrier next to the parked cars does not block Spring Avenue at arrow. It was left open. Related photograph may be in a personal collection.



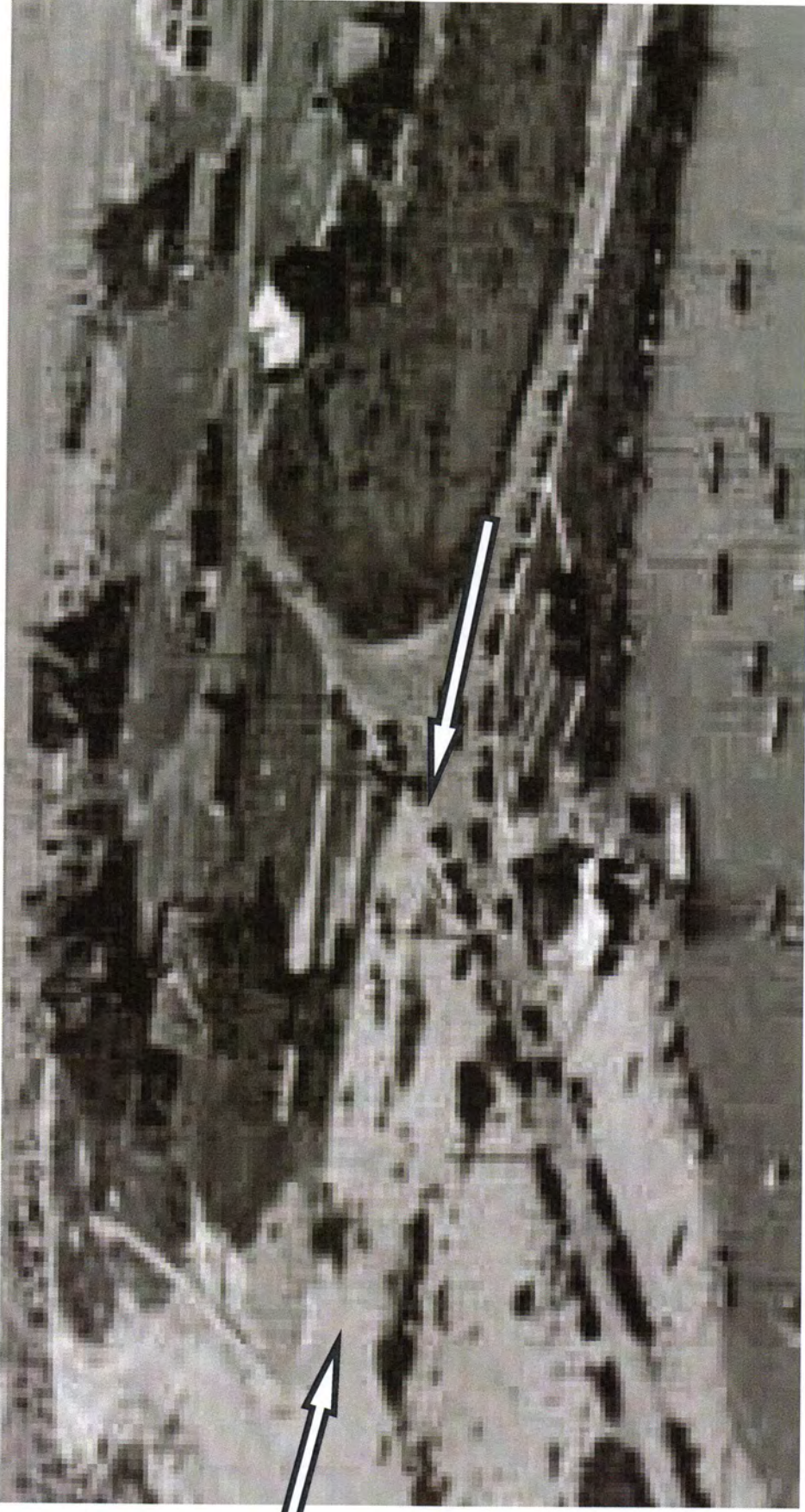
Possibly 1940's, Inn Beach - This zoomed version of the page 13 photograph may show many beachgoers and umbrellas on Inn Beach where Spring Avenue meets Inn Beach. Added arrows may identify Spring Avenue next to the Lot 17 house (the Lot 18 white house on the opposite side having been removed). Note that what may be a hay-bail-barrier next to the parked cars does not block Spring Avenue at arrow. It was left open.



1948, Weekapaug Point/Inn Beach possibly showing Spring Avenue still at least partially covered with sand deposited by the '38 Hurricane. Added arrows may identify Spring Avenue still next to the Lot 17 house. See related photo in *A Pictorial History of Weekapaug Rhode Island, page 70, The Utter Company 1976 ("1948 Aerial view ...")*.



1948, Weekapaug Point/Inn Beach - This zoomed version of the page 37 photograph may show a partially vegetated Spring Avenue with cars parked at or near one end and at least two beachgoers on Inn Beach near the other. Added arrows may identify Spring Avenue still next to the Lot 17 house.



Possibly 1950's, possibly Inn Beach - Right side of photograph may show a new private boardwalk (a wood walkway flanked by sand on both sides) that may provide Weekapaug-private access to Inn Beach (as a coexisting alternative to the primitive Spring Avenue foot path). Related photograph in *Wonderful World of Weekapaug Rhode Island, Weekapaug Foundation for Conservation, 2004*.

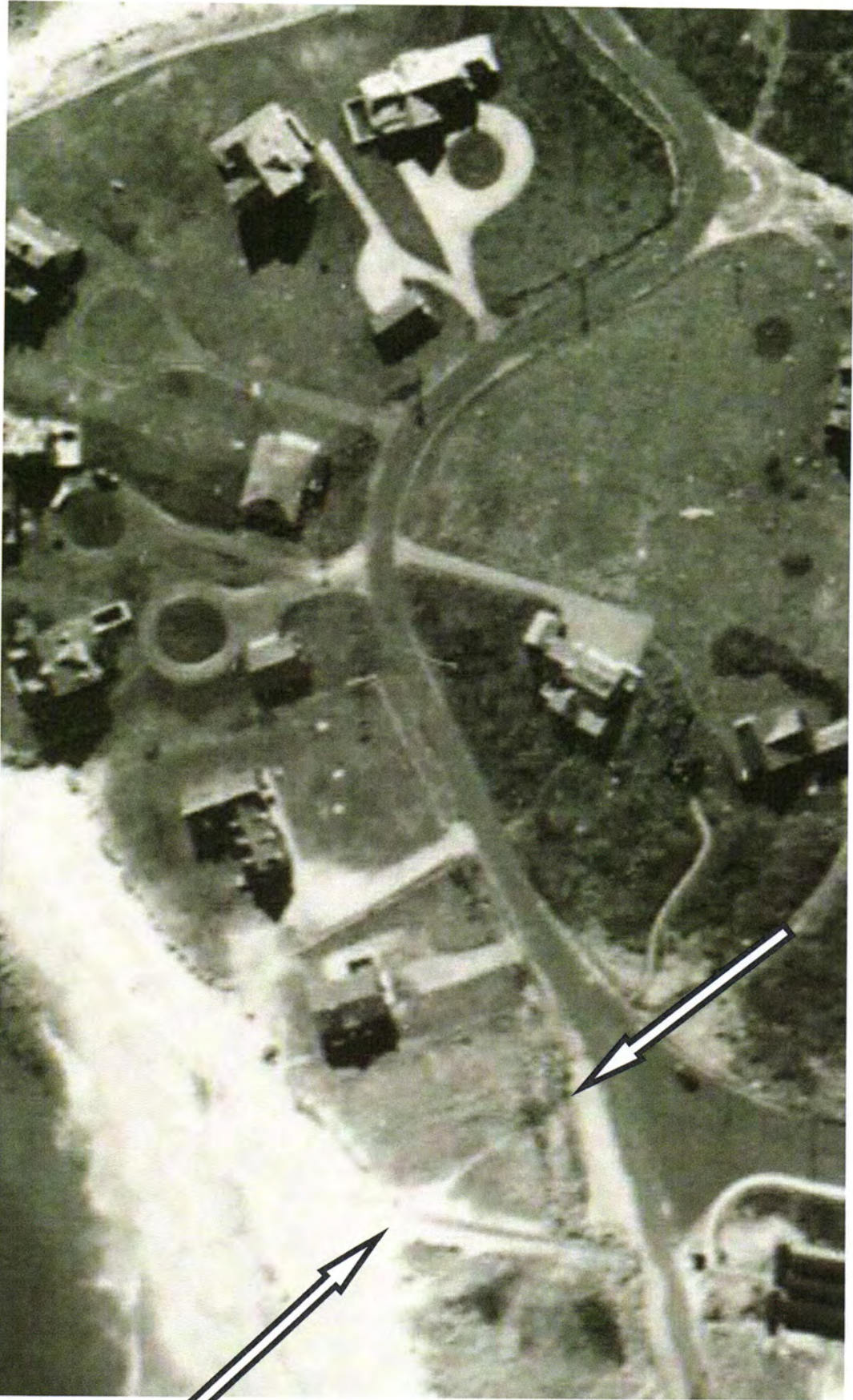


At the October 14, 2020 Westerly Town Council meeting Richard Constantine, who served on the Harbor Management Commission, stated, "I have been coming to this area since 1955, roughly. I have been going to the Weekapaug Beach .... I do not remember any other access to the beach, other than the boardwalk. There may have been a different boardwalk in the fifties and I was in my teens, so, perhaps, I don't remember that clearly." Comments of Richard Constantine, October 14, 2020 Westerly Town Council Meeting Video at 2:58:30 to 2:59:20.

Possibly 1950's, Weekapaug Point/Inn Beach - Aerial photo with a pair of added arrows that may show a Spring Avenue foot path next to the Lot 17 house and extending from the same old dirt parking area toward Inn Beach. Photograph may also show the new private boardwalk (a wood walkway flanked by sand on both sides) to provide Weekapaug-private access to Inn Beach (coexisting with the Spring Avenue foot path). A third arrow may show a new private parking area to the left of the old dirt parking area. Related photograph may be in personal collection.



Possibly 1950's, Weekapaug Point/Inn Beach - This zoomed version of the page 40 photograph may show the Spring Avenue foot path still extending from the old dirt parking area toward Inn Beach. Added arrows may identify the foot path still next to the Lot 17 house and still open. Photo may also show the new private boardwalk flanked by sand on both sides that may provide Weekapaug-private access to Inn Beach (coexisting with the Spring Avenue foot path). Note that sand from the Spring Avenue foot path covers the Weekapaug-private boardwalk where the two intersect. Was this caused by a relatively large number of public users of the Spring Avenue foot path (over time) repeatedly carrying sand across the private-boardwalk with their feet as they repeatedly enter and leave the foot path?



November 12, 1951, Weekapaug Point/Inn Beach - Aerial photo may show a Spring Avenue foot path still extending from the old dirt parking area with two cars toward Inn Beach (private parking may be seen further to the left). Added arrows may identify the foot path still next to the Lot 17 house. Photo may also show the new private boardwalk flanked by sand on both sides that may provide private access to Inn Beach (coexisting with the Spring Avenue foot path). See related 1951 RIGIS aerial photograph 5H-125.



1955 - The Westerly Sun, with readership outside Weekapaug dwarfing that within, may have reported that a map by F. Wallace Prelle showed the Ben Utter foot trails and streets in the Weekapaug Fire District, that the map is the first real drawing of the Weekapaug Fire District in ten years (does this indicate that it was the most authoritative source in 1955?), and that a key spot on the map is Noyes/Weekapaug Point, an excellent fishing spot. If so, the reader may wonder whether this report and map discussed may be evidence that the general public had been invited and continued to be invited into Weekapaug to visit and enjoy places like the Ben Utter trails, Noyes/Weekapaug Point, and Inn Beach. Does the creation of this new map and the news article reporting same suggest that the Weekapaug Improvement Society's effort to promote Weekapaug as a summer resort was successful? Is the very map itself part of the Weekapaug Improvement Society's effort to promote Weekapaug as a summer resort? Westerly Sun article published on September 7, 1955 and available at the Westerly Public Library in Special Collections.

*R.I. Westerly - Weekapaug*  
 Westerly Public Library  
 Local History Vertical File

THE SUN, WESTERLY, R. I., WEDNESDAY, SEPTEMBER 7, 1955

## Weekapaug Fire District Map Shows Both Trails and Streets

New maps of Weekapaug, showing all the streets and property in the Weekapaug Fire District, have been printed and are now being distributed.

The maps are the first real drawings of the Weekapaug Fire District in ten years, and contain the location and names of the many new streets that have developed in the colony since then.

The work was done by F. Wallace Prelle, Advertising of Hartford, Conn. Mr. Prelle, who is spending his second summer at Weekapaug, drew the maps. "Wally" Prelle's home is off North Williams Avenue in the northeast section of Weekapaug Fire District near tilting rock.

The center point in the map is the Weekapaug Inn on the shore of Quonochontaug Pond.

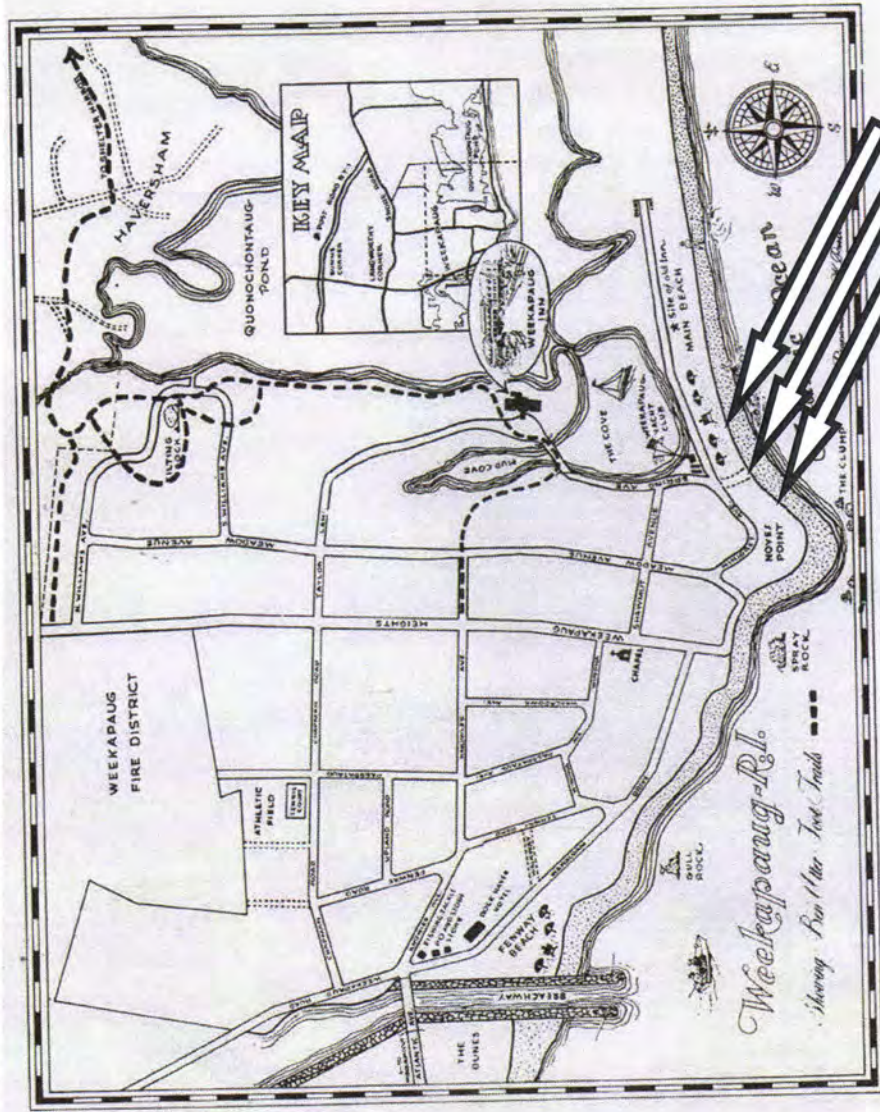
Printed red are "the Ben Utter Foot Trails" which run from the Weekapaug Heights, by the Inn along the eastern way of the fire district, tilting rock to Haversham Point and Shelter Harbor.

Because of the hot weather this summer, the trails were little used, but the approach of cooler climate and the urge to walk is expected to make the well cleared and fine trails popular this Fall.

The map of the Fire District also helps residents on the location of their homes. Key spots pointed out in the 8 1/2 by 11 inch maps are the Weekapaug Inn, the Yacht Club, the Chapel, the Rock Haven Hotel, the Athletic Field and tennis courts, and such excellent fishing spots as Gull Rock, Spray Rock and Noyes Point.

A key map on the main map shows the way leading into Weekapaug.

1955, Weekapaug Point/Inn Beach (MAIN BEACH) - Map of Weekapaug that may show the Spring Avenue foot path immediately adjacent to Inn Beach and Noyes/Weekapaug Point, which the Westerly Sun described as a "key spot" on the map and an "excellent fishing spot". The Westerly Sun also noted that a "key map on the main map shows the way leading into Weekapaug". The reader may wonder whether this suggests an effort to draw new public visitors to places like Inn Beach and Noyes/Weekapaug Point (presumably Weekapaug residents knew how to drive to their own homes). Is the very map itself part of the Weekapaug Improvement Society's effort to promote Weekapaug as a summer resort? Added arrows may identify the Spring Avenue foot path as the only access for these new visitors to Noyes/Weekapaug Point and Inn Beach ("MAIN BEACH"). Note that the new 1950's Weekapaug-private boardwalk shown in the photographs above is not depicted here. That boardwalk was for Weekapaug residents only, right? Captioned map in *A Pictorial History of Weekapaug Rhode Island, page 66, The Utter Company 1976.*



Map of Weekapaug trails cut and maintained by Mr. Benjamin Utter.

Possibly late 1950's, Weekapaug Point/Inn Beach - Postcard may show a Spring Avenue foot path still extending from the old dirt parking area with three cars toward Inn Beach with umbrellas and beachgoers nearby. A nascent private boardwalk is now connected to a longer boardwalk along Weekapaug Point. Added arrows may identify the Spring Avenue foot path still open and still next to the Lot 17 house. Related postcard may be available on Internet as of 10/12/2020 at <https://www.ebay.com/itm/Vintage-Weekapaug-Westerly-RI-Rhode-Island-Postcard-Panorama-View-RPPC-Shoreline/193706058081?hash=item2d19c7e161:g:YswAAOSwA3dfbz8~>



Possibly late 1950's, Weekapaug Point/Inn Beach - This zoomed version of the page 45 photograph may show the Spring Avenue foot path still extending from the old dirt parking area with three cars toward Inn Beach with umbrellas and beachgoers nearby. A nascent private boardwalk is now connected to a longer boardwalk along Weekapaug Point. Added arrows may identify the Spring Avenue foot path still open and still next to the Lot 17 house. Related postcard may be available on Internet as of 10/12/2020 at <https://www.ebay.com/itm/Vintage-Weekapaug-Westerly-RI-Rhode-Island-Postcard-Panorama-View-RPPC-Shoreline/193706058081?hash=item2d19c7e161:g:YSwAAOSwA3dfbz8~>

Note the cluster of beachgoers on Inn Beach near the dune grass and nowhere near the umbrellas (left of the lower arrow tip). The reader may ask whether these are members of the public keeping an appropriate social distance from a segregated cluster of Weekapaug residents with umbrellas.

Also note that sand from the Spring Avenue foot path covers the Weekapaug-private boardwalk where the two intersect (see tip of lower arrow). The reader may ask whether this was caused by a relatively large number of public users of the Spring Avenue foot path (over time) repeatedly carrying sand across the private-boardwalk with their feet as they leave the foot path and enter Inn Beach (and back again)? Could this be still more evidence that the Weekapaug Improvement Society's (by now 50 year old) effort to promote Weekapaug as a summer resort was successful?



1950's, Weekapaug Point/Inn Beach - Postcard (postmarked 1960) may show the Spring Avenue foot path still extending from the old dirt parking area with many cars toward Inn Beach with beachgoers nearby. A larger Weekapaug-private parking area may be seen to the left of the old dirt parking area. Added arrows may identify the foot path next to the Lot 17 house. Related postcard may be available on the Internet as of 10/9/2020 at <https://www.cardcow.com/797028/weekapaug-rhode-island-romantic-inn/>



Tom River Road, Mystic, Conn  
ROMANTIC WEEKAFAUG INN  
A summer resort on the Rhode Island coast  
at Weekapaug.

Monday June 20  
2 JUN 21  
2 4-PM '1950

Hannan Color Productions, 475 Fifth Ave., New York 17, N. Y.

Dearst Bob,  
We had lunch in  
the very lovely resort hotel  
marked by the arrow, a beaut-  
ful spot not far from Mystic.  
Katherine's house overlooks a  
bay - not far away are  
wonderful old sailing  
vessels. They are part of a  
sailing museum which is  
at the shore. Photo by MOM

30598



POST CARD

Address

Mr. Booker Moroy  
34 McElwain Hall  
The Penn State University  
University Park,  
Pa.  
133

1950's, Weekapaug Point/Inn Beach - Postcard (postmarked 1963) may show the Spring Avenue foot path still extending from the dirt parking area with cars toward Inn Beach with beachgoers nearby. A larger Weekapaug-private parking area may be seen beyond the old dirt parking area. Added arrows may identify the foot path next to Lot 17 house. Related postcard may be available on Internet as of 10/9/2020 at <https://www.hippocard.com/listing/postcard-ri-weekapaug-aerial-view-of-weekapaug-beach-and-homes-e15/16133544>



**AERIAL VIEW OF WEEKAPAUG**

Beach and Homes  
Weekapaug, R. I.

Arrived here 4:45 P.M.  
Mon. 3:25 miles  
All your money  
back Laura



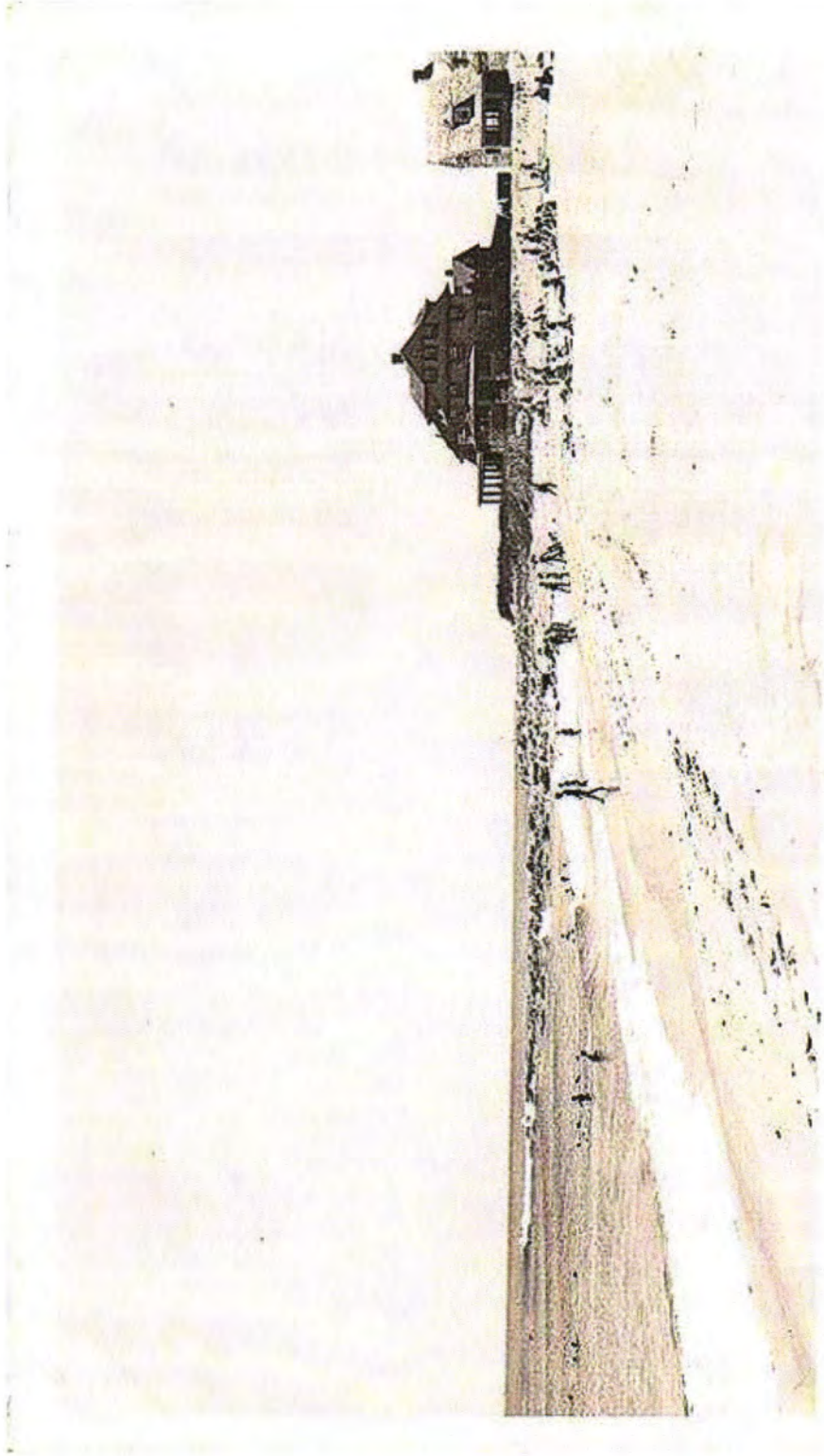
WESTERLY R.I.  
AUG 6 4 C POSTAGE  
12 PM  
1963

POSTCARD

Mrs. Jesse Thompson  
Paul Street  
Waverly  
Pa.

WESTERLY NEWS CO., WESTERLY, R. I.

Possibly 1950's-1960's, Inn Beach - Postcard may show beachgoers concentrated on Inn Beach where the Spring Avenue foot path (not visible from this angle) meets Inn Beach. Related postcard may be available on the Internet as of 10/9/2020 at <https://www.google.com/url?sa=i&url=https%3A%2F%2Fwww.hipostcard.com%2Flisting%2Fweekapaug-ri-weekapaug-inn-beach-view-rppc-postcard%2F367381&psig=AOvVaw3ZuCBc6-NqxxHHe6Kkchr&ust=1602425400452000&source=images&cd=vfe&ved=2ahUKEwjci7r3marsAhW9gHIEHQXNA1YQjRx6BAGAEAc>



Weekapaug Inn — Weekapaug, Rhode Island.

1960 - At the October 14, 2020 Westerly Town Council meeting Richard Constantine, who said he served on the Harbor Management Commission for eight years, may have inadvertently raised one possible way to know whether the public accessed Inn Beach via Spring Avenue in substantial numbers for a substantial time: If the public's use of Inn Beach became substantial, complaints of overcrowding may arise and the Weekapaug Fire District may hire guards and implement a button system to stop it. As he stated, "I have been coming to this area since 1955, roughly. I have been going to the Weekapaug Beach. I have had to wear buttons, I know, since 1960 because it is private property and there was a concern I think by the Inn as well as the residents of Weekapaug that the beach was being overcrowded. So I know for a fact that it has been controlled for, what, sixty years and there has been a guard to explain the rules and signage as well." Comments of Richard Constantine, October 14, 2020 Westerly Town Council Meeting Video at 2:58:30 to 2:59:07. One may note that it is possible that the Fire District's security guards successfully excluded the public from their own private boardwalk while leaving unchanged the public's use of the Spring Avenue foot path. One may wonder whether the signage to which Mr. Constantine refers includes the sign that ended with the misogynistic text: "No ugly girls."

October 14, 1960 - The Westerly Sun May have reported that the 1956 Rhode Island Rights of Way Commission was temporarily restrained from marking Weekapaug 'Rights of Way'. The report may indicate that the Commission was attempting to mark its first right of way after spending four years and all but pennies of its entire \$30,000 budget when they were sued for attempting to attempt to provide public access to the shore. Westerly Sun article published on October 14, 1960 and available at the Westerly Public Library in Special Collections.



April 4, 1962, Weekapaug Point/Inn Beach - Aerial photo may show the Spring Avenue foot path still extending from the old dirt parking area toward the Inn Beach. A pair of added arrows may identify the Spring Avenue foot path after Weekapaug forced all of its residents to use their private boardwalk and their button system. The Spring Avenue foot path is still next to the Lot 17 house and still open. A third arrow shows where the Weekapaug guards Mr. Constantine described may have "controlled" access to the Weekapaug-private-button boardwalk. To the left of that may be a larger and secured Weekapaug-private parking area. See related 1962 RIGIS aerial photograph 5-4127.



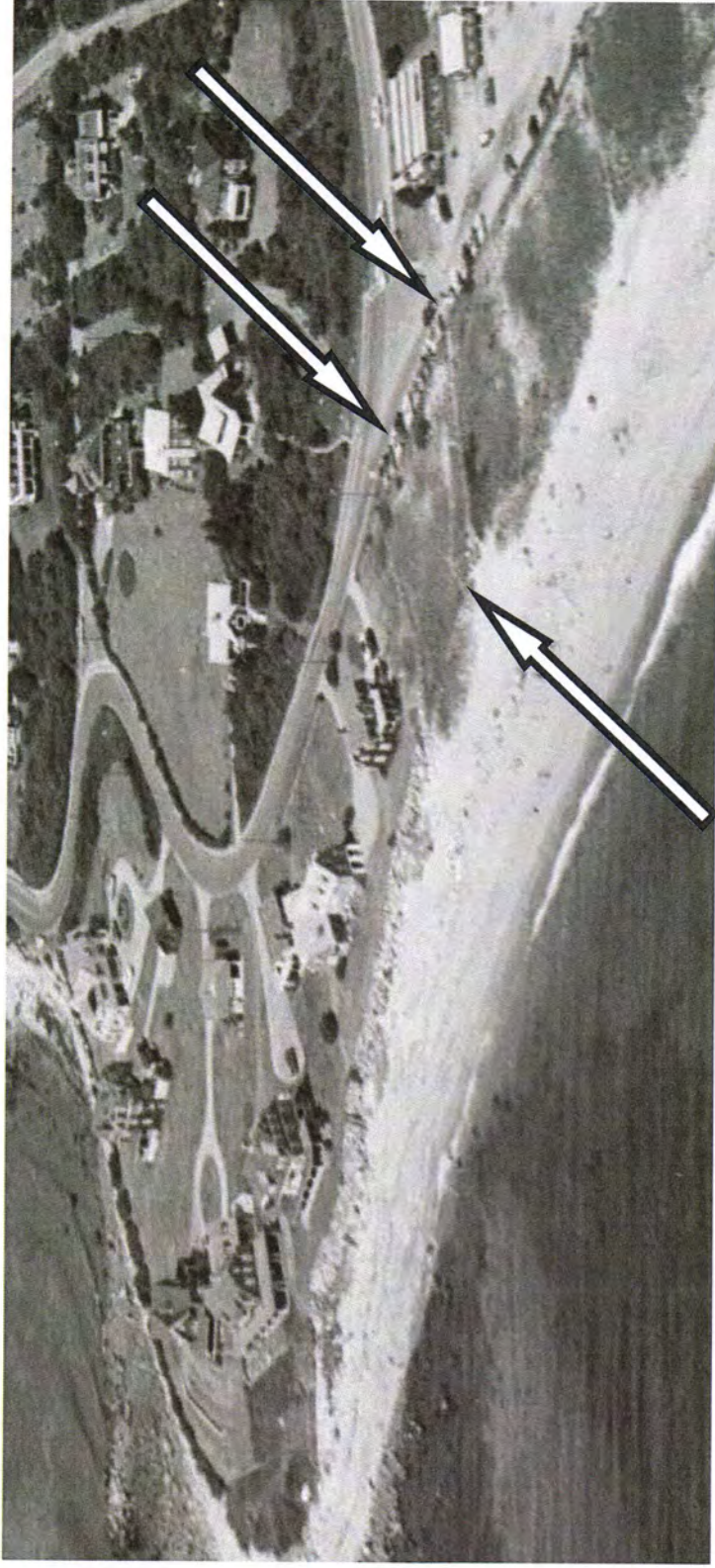
April 4, 1962, Weekapaug Point/Inn Beach - This zoomed version of the page 53 aerial photograph may show the Spring Avenue foot path still extending from the old dirt parking area toward the Inn Beach. A pair of added arrows may identify the Spring Avenue foot path after Weekapaug forced all of its residents to use their private boardwalk and their button system. The Spring Avenue foot path is still next to the Lot 17 house and still open. A third arrow shows where the Weekapaug guards Mr. Constantine described may have "controlled" access to the Weekapaug-private-button boardwalk. To the left of that may be a larger and secured Weekapaug-private parking area.



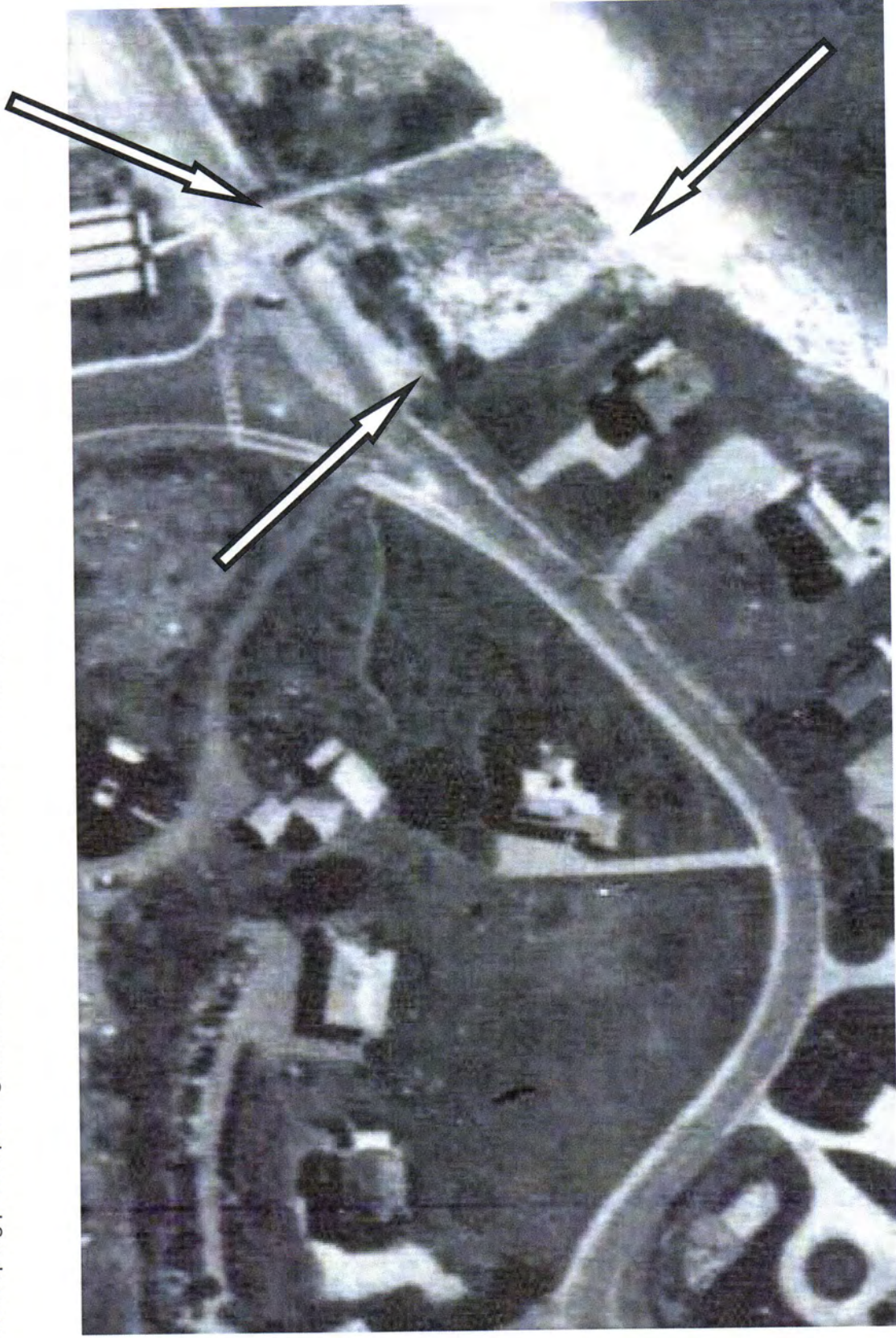
Possibly about 1963-70, Inn Beach - Photo may show the Spring Avenue foot path still extending from the same old dirt parking area with five cars toward Inn Beach with umbrellas and beachgoers nearby. Another new/replacement Weekapaug-private boardwalk also extends to Inn Beach. A pair of added arrows may identify the Spring Avenue foot path still next to the Lot 17 house and still open. A third arrow shows where the Weekapaug guards Mr. Constantine described may have "controlled" access to the Weekapaug-private-button boardwalk. To the right of that may be a larger and secured Weekapaug-private parking area.



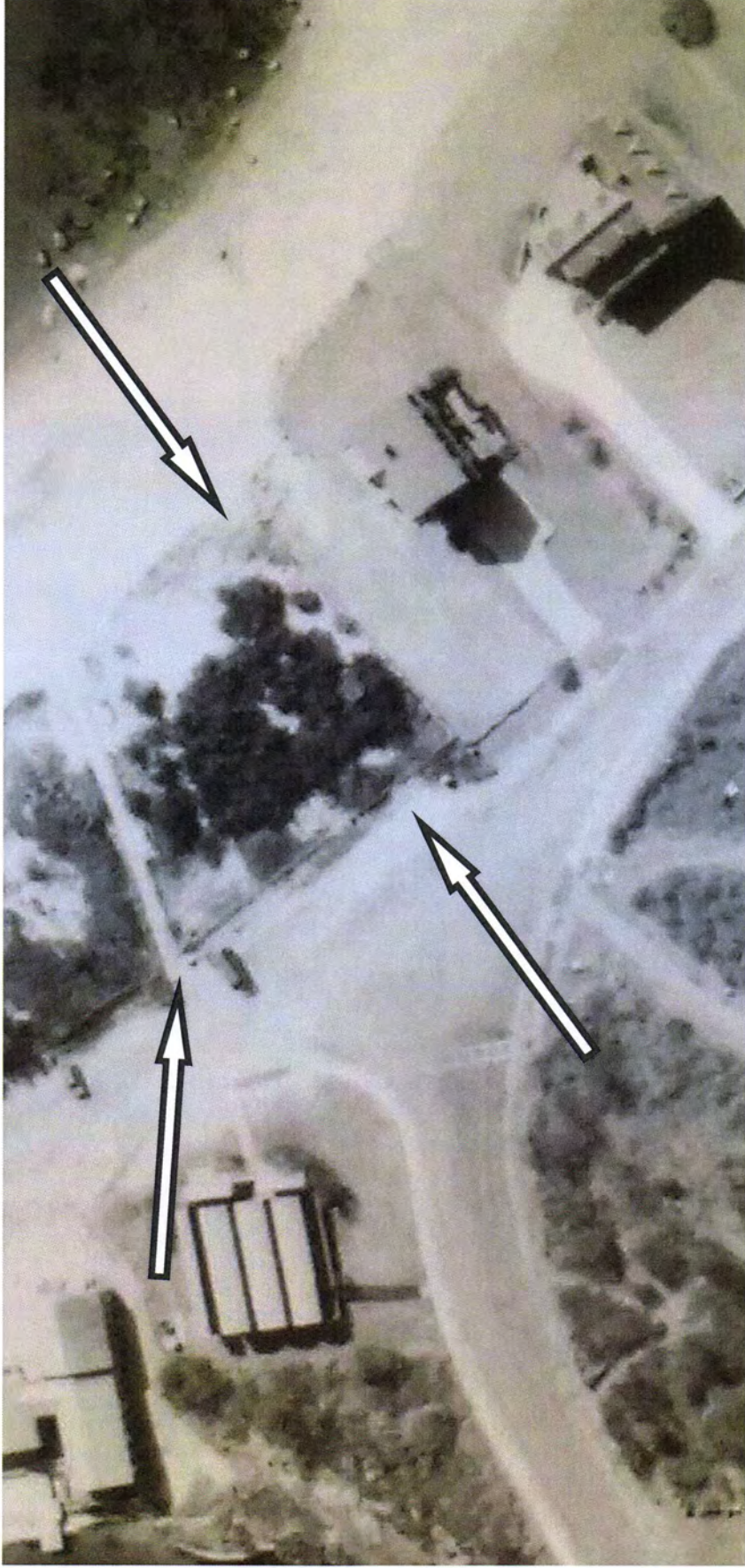
Possibly about 1963-70, Weekapaug Point/Inn Beach - Photograph may show umbrellas and beachgoers on Inn Beach near the Inn Beach end of the Spring Avenue foot path. Added arrows may show the still-open foot path still extending from the old dirt parking area with many cars toward Inn Beach. A third arrow shows where the Weekapaug guards Mr. Constantine described may have "controlled" access to the Weekapaug-private-button boardwalk. To the right of that may be a larger and secured Weekapaug-private parking area. Related photograph may be available online at the Rhode Island SOS digital archives (dated as c. 1955-1970) as of 10/12/2020 at [https://sosri.access.preservica.com/uncategorized/IO\\_720ba9ec-7381-46c2-a11f-b1036edcd521/](https://sosri.access.preservica.com/uncategorized/IO_720ba9ec-7381-46c2-a11f-b1036edcd521/)



April 22, 1981, Inn Beach - Aerial photo may show a new/different Spring Avenue foot path extending from the old dirt parking area to Inn Beach. A pair of added arrows may identify the Spring Avenue foot path still next to the Lot 17 house still open. A third arrow shows where the Weekapaug guards Mr. Constantine described may have "controlled" access to the Weekapaug-private-button boardwalk. To the right of that may be a larger and secured Weekapaug-private parking area. See related 1981 RIGIS aerial photograph 6\_2.



March 16, 1992, Inn Beach - This aerial photo may show a private boardwalk (to the left and above the arrows) and the full length of Spring Avenue and the old public-parking area blocked by planted trees and a chain link fence. A pair of added arrows may show the location of the old Spring Avenue foot path but it is now blocked, leaving the Weekapaug-private boardwalk as now the only way to access Inn Beach. A third arrow shows where the Weekapaug guards Mr. Constantine described may still be "controlling" access to the Weekapaug-private boardwalk to this day. Above that may be a larger and secured Weekapaug-private parking area. See related 1992 RIGIS aerial photograph 7\_1274 and related 1988 RIGIS aerial photograph 4\_02 (also possibly showing the aforementioned chain link fence and trees).



January 7, 2011, Weekapaug Beach Company records a Spring Avenue easement stating that it "is the owner of real property known as Spring Avenue ...". It mentions a stone wall, a fence, a revetment, "restricting pedestrian and other access", and the use of plantings on Spring Avenue "to discourage persons from walking on the property." Westerly Land Evidence Records, book 1885, p. 702. October 2020 personal photographs may be in personal collection (with added arrows below).



2019, In October 2019, the Westerly Town Council adopted the Harbor Management Plan from which Spring Avenue was excluded, both as a designated right of way and as a potential right of way.

At the October 14, 2020 Westerly Town Council meeting Richard Constantine of the Harbor Management Commission explained why. He stated, "A fellow by the name of Randy Saunders was tasked with developing the list of the rights of ways as well as descriptions related to where they were and what were any rules of usage if there were such. He spent about three years doing that .... With regard to (Spray) Spring Avenue, that was, in fact, never, raised by Randy because he was aware of the investigation in 2008 by Soloveitzik and the conclusions that the Town Council drew from that. Consequently, that was never included as either an existing right of way or as a potential right of way." Comments of Richard Constantine, October 14, 2020 Westerly Town Council Meeting Video at 2:55:28 to 2:56:55.

**At this point the reader may wonder whether anyone, anyone at all, seriously anyone, has bothered to consider whether the Soloveitzik opinion is consistent with Newport Realty Inc. v. Lynch, 878 A.2d. 1021, 1033 (RI 2005) ("A developer or subsequent owner may not unilaterally revoke the dedication."). Has anyone? Will anyone? Anyone? Ever?**

**The reader may further wonder why the Soloveitzik opinion isn't called the Soloveitzik non-opinion given that he expressly stated that he didn't have any and didn't consider any of the "necessary" extrinsic evidence of public use of Spring Avenue as a right of way (such as that presented here). Soloveitzik opinion Page 1, para. 2 ("we offer no conclusion concerning any evidence outside of the land records.").**

**The reader may further wonder why the Soloveitzik opinion isn't considered incomplete given that it contained no analysis of the 1898 Weekapaug Beach map and/or the many deeds referencing same.**

**The reader may further wonder why the Soloveitzik opinion isn't considered incomplete given that it contained no reference to and/or analysis of the June 13, 1914 Spring Avenue water utilities easement held by the Town of Westerly.**

2020, this summer there may have been an effort to privatize the old parking area at the roadside end of Spring Avenue (as shown throughout this document). In response, the Town of Westerly may have clarified that the old parking area is still public property by installing public parking signs there.

2020, At the October 14, 2020 Westerly Town Council meeting Councilor Sharon Ahern may have indicated that the Coastal Resources Management Council sent a letter to the Town Council saying that they are going to weigh in on the question of Spring Avenue as a possible right of way.

This document has been prepared and is being disseminated pursuant to the anonymous author(s)' petition and free speech rights under the U.S. and Rhode Island Constitutions in connection with a matter of public concern.

## Mary Leblanc

---

**From:** Tim Lamb <nilestomp@gmail.com>  
**Sent:** Monday, October 19, 2020 7:06 PM  
**To:** Mary Leblanc  
**Subject:** Spring Ave right of way



Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Tim Lamb  
3 Daisy Ave  
Westerly, RI 02891

## Mary Leblanc

---

**From:** Daryl Aresco <daryla17@hotmail.com>  
**Sent:** Monday, October 19, 2020 8:14 PM  
**To:** openspringavenue@gmail.com; Mary Leblanc  
**Subject:** Please add Spring Ave right of way

OCT 20 2020

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Daryl Aresco

Get [Outlook for Android](#)

## Mary Leblanc

---

**From:** Mark Phillips <mark.phillips11@verizon.net>  
**Sent:** Monday, October 19, 2020 10:36 PM  
**To:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** NEW Action RE; Spring Ave ROW

OCT 20 2020

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26th 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26th 2020 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Mark Phillips

Westerly full time resident and home owner

25 Fieldstone Way

Westerly RI 02891

**Mary Leblanc**

---

**From:** live2fish@hartfordsurf.org  
**Sent:** Tuesday, October 20, 2020 4:15 AM  
**To:** Mary Leblanc  
**Cc:** openspringavenue@gmail.com  
**Subject:** Spring Ave Right of Way

OCT 20 2020

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Stephen Higgins

868 Tolland Tpke

Manchester, CT 06042

fishiggins@gmail.com

## Mary Leblanc

---

**From:** Robert Goulet <robertg401@gmail.com>  
**Sent:** Tuesday, October 20, 2020 6:26 AM  
**To:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** Spring Ave Right of Way

OCT 20 2020

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely

--  
*Bob Goulet  
24 Kennedy Bkvd.  
Lincoln, RI  
and  
Timber Creek  
118 Dunns Corner Road  
Westerly, RI  
401-255-8931*

## Mary Leblanc

---

**From:** Phil Zembruski <pzembruski73@gmail.com>  
**Sent:** Tuesday, October 20, 2020 7:26 AM  
**To:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** Spring Ave Right of way

OCT 20 2020

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Philip W Zembruski

50 Alma Street

Naugatuck Ct 06770-3312

CONFIDENTIALITY WARNING: This email may contain privileged or confidential information and is for the sole use of the intended recipients. Unauthorized disclosure or use of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

## Mary Leblanc

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**From:** Kristie Zembruski <kzembruski75@gmail.com>  
**Sent:** Tuesday, October 20, 2020 9:09 AM  
**To:** openspringavenue@gmail.com; Mary Leblanc  
**Cc:** Kristie Zembruski  
**Subject:** Spring Ave right of way

Dear Honorable Members of the Westerly Town Council,  
We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Kristie Zembruski  
203-509-1879

OCT 20 2020

Kristie Zembruski  
203-509-1879

## Mary Leblanc

---

**From:** David Davino <ddavino928@yahoo.com>  
**Sent:** Tuesday, October 20, 2020 8:39 AM  
**To:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** spring ave

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Dave Davino  
31 Hewitt rd  
North Stonington, Ct

OCT 20 2020

## Mary Leblanc

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**From:** Subland Llc <sublandllc@yahoo.com>  
**Sent:** Tuesday, October 20, 2020 8:46 AM  
**To:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** Spring Avenue right of way

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

David Land

116 Wintechog hill rd

North Stonington ct

OCT 20 2020

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Delphine Cys  
645 Matson Hill Rd  
S. Glastonbury, CT  
06073



## Mary Leblanc

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**From:** Andrew <andrewzembruski@gmail.com>  
**Sent:** Tuesday, October 20, 2020 3:01 PM  
**To:** Andrew Zembruski  
**Cc:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** Spring Ave Right of way

Dear Honorable Members of the Westerly Town Council,  
We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Andrew Zembruski

50 Alma Street

Naugatuck Ct 06770-3312

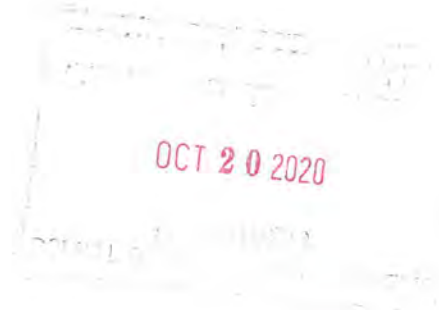
## Mary Leblanc

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**From:** Kitty <kittylove.h@aol.com>  
**Sent:** Tuesday, October 20, 2020 12:55 PM  
**To:** Mary Leblanc; openspringavenue@gmail.com  
**Cc:** kittylove.h@aol.com  
**Subject:** Keep Spring Av right of way open to the public please

Dear Honorable Members of the  
Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter



to CRMC.

Please add the referral of Spring  
Ave to CRMC to the October 26  
agenda.

Thank you for your time and  
efforts thus far!

Sincerely,

Holly Karnes

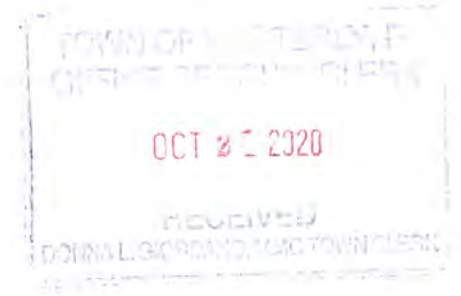
53 Valley Dr

Westerly, RI 02891

## Mary Leblanc

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**From:** Sam Zembruski <szembruski05@gmail.com>  
**Sent:** Tuesday, October 20, 2020 8:46 PM  
**To:** Sam Zembruski  
**Cc:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** Spring Ave Right of way



Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Samuel D Zembruski

50 Alma Street

Naugatuck Ct 06770-3312

## Mary Leblanc

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**From:** Patrick Cozzolino <patcozz@hotmail.com>  
**Sent:** Tuesday, October 20, 2020 4:56 PM  
**To:** Mary Leblanc  
**Subject:** RE Town Council Agenda 10/26/20. Spring Ave to CRMC

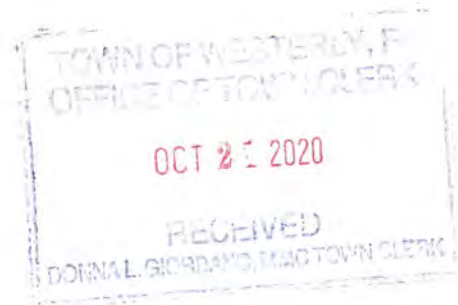
Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far.

Patrick Cozzolino  
13 Milrose Ave  
Westerly, RI 02891



## Mary Leblanc

---

**From:** RICH TAYLOR <rims149@charter.net>  
**Sent:** Wednesday, October 21, 2020 11:06 AM  
**To:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** request to add item for 10-26-2020 regular meeting

**Importance:** High

Dear Honorable Members of the Westerly Town Council,

We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

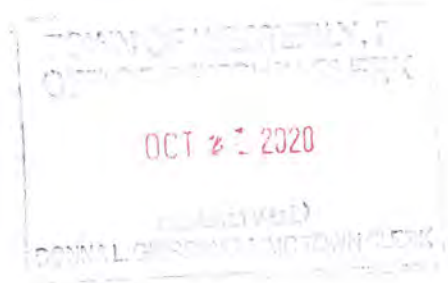
Thank you for your time and efforts thus far,

Sincerely,

Richard Taylor (RIMS 149)

20 Kathleen Dr

Willimantic, CT



TOWN OF WESTERLY, CT  
OFFICE OF TOWN CLERK  
OCT 21 2020  
RECEIVED  
DONNA L. GIORDANO, TOWN CLERK

**Mary Leblanc**

**From:** Gwen Whitham <gwen.whitham@att.net>  
**Sent:** Wednesday, October 21, 2020 11:18 AM  
**To:** sahem@westerlyri.gov; Caswell Cooke, Jr.; Christopher A. Duhamel; Suzanne K. Giorno; Karen Cioffi; William J. Aiello; Brian H. McCuin; Mary Leblanc; Joe Q. Pubic; Donna Giordano  
**Cc:** krcute56@gmail.com  
**Subject:** ACTION: Spring Street ROW referral to CRMC 10/26 Agenda Item

Members of the Westerly Town Council,

I am requesting you add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review.

Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with evidence that this has been used as a public access point for fishermen and beach goers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The next step to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC, where all documented and prescriptive evidence and facts will be considered.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your commitment to date (and future efforts) devoted to preserving the rights of the public.

Respectfully and Sincerely,

Gwen Whitham

3 Carriage Lane East Granby CT

On Wednesday, October 14, 2020, 3:45:50 PM EDT, Gwen Whitham <gwen.whitham@att.net> wrote:

Members of the Westerly Town Council,

Good afternoon! I am submitting this letter as public comment to the October 14, 2020 Public Hearing on the 2020-2040 Comprehensive Plan. I request that you please read this letter into the record.

I am first including what I shared in last week's meeting after you graciously consented to add the Spring Street and other noted ROW back into the Comprehensive plan moving forward.

I understand the vote tonight will formalize what was promised last week and thank you for addressing the concerns.

"Thank you for the opportunity to speak and for keeping the Spring Street ROW in the comprehensive plan, When investigating legally, I ask you to keep in mind all documented surveys as well as prescriptive use since 1886 and the

CRMC's deeper intent to preserve existing and increase public access opportunities. I fully support and (respectfully) need not repeat everything Jim, Steve and Ben have said.

I also ask all involved to remember what you stated in unison at the opening of this meeting. "May we use our liberties in accordance to Your (God's) will". Access to all. Public paths shared by past, present and future generations. Thank you. "

Next, I ask that you please keep it on the list officially tonight as indicated last week while more information is being gathered. We all want our liberties to be used for the good.

**I request that the Spring Avenue right of way be included in the new Comprehensive Plan. I further request that you immediately refer the Spring Avenue Right of Way to the Coastal Resources Management Council (CRMC) to investigate and make a determination on its status. It is imperative that the Council formally vote to send the Spring Avenue ROW to the CRMC prior to the election in November.**

At last week's Public Hearing several of the Council members acknowledged that they believed Spring Ave was a town owned ROW. The Town provides public parking spaces in this location and owns a water line easement. Attorney Conely also confirmed that the 2008 Charles Soloveitzik opinion determined that further research is necessary to consider several other factors such as public use, additional title and land records research, and utility easements. **Please take a formal vote to include Spring Ave in the Comprehensive Plan for further study.**

At last week's hearing and since, individuals have provided the Council with testimony and evidence of the use of Spring Ave by the public as a ROW for decades. Families and fishermen have used Spring Ave as access from the parking spots to fish and enjoy all the pleasures of the shore as guaranteed to us in Sections 16 and 17 of the Rhode Island Constitution.

**Please immediately refer the Spring Avenue Right of Way to the Coastal Resources Management Council (CRMC) to investigate and make a determination on its status.**

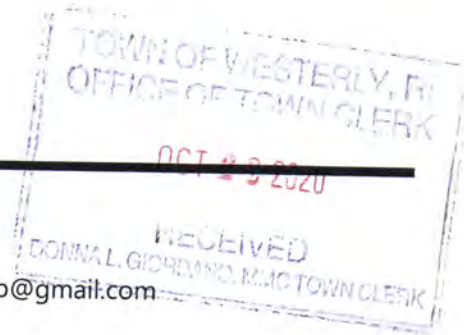
Thank you for your consideration and integrity!

Sincerely,

Gwen Whitham

**Mary Leblanc**

**From:** Mary Landry <mswondermaker@icloud.com>  
**Sent:** Thursday, October 22, 2020 10:33 AM  
**To:** Mary Leblanc; openspringavenue@gmail.com; jarraidb@gmail.com  
**Subject:** CRMC Oct 26 Public Hearing / Spring Avenue ROW



**\*\* Please read this email into the record as part of the Public Hearing on referral of Spring Avenue ROW to the CRMC on October 26, 2020 \*\***

Dear Councilmembers,

My name is Mary Landry and I am a native of Westerly currently residing at 15 Poquanticut Ave in North Easton, Massachusetts. I spent many summers living in Misquamicut and using a public right-of-way (ROW) to rightfully access the shoreline.

I remember my father, Anthony Palazzolo, Sr., talking about the origins of ROWs and that the Coastal Resources Management Council (CRMC) manages their preservation. My father was passionate about the preservation of existing rights and he taught his children to speak up when those rights are under threat. It is in this spirit that I thank the Town Council for including the Spring Avenue ROW in the Comprehensive Plan. However, ***the Spring Avenue ROW must be handled by CRMC, as you have already promised with all future ROW's in the Harbor Management Plan. I urge you to refer this matter to the CRMC immediately.***

It is my understanding that a chain link fence currently and unlawfully blocks the original Spring Avenue ROW and that current landowner enforces seasonal limitations to access the shore. In the "Can a Public Right-of-Way Be Blocked or Abandoned?" section of it's website, [crmc.ri.gov](http://crmc.ri.gov), it states that "a public right-of-way that has not been designated by CRMC, but is nevertheless a public way, cannot be abandoned without formal abandonment proceedings. Moreover, highways that have been designated public by the actions of a landowner or acquired by prescription cannot be lost due to non-use and the public cannot lose its rights due to adverse possession." Therefore, ***I also request that the chain link fence unlawfully blocking the original Spring Avenue ROW be removed.***

Respectfully,  
Mary Landry

## Mary Leblanc

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**From:** Carl Heise <crheise@hotmail.com>  
**Sent:** Friday, October 23, 2020 12:16 AM  
**To:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** Spring Ave Right of Way & CRMC

Dear Honorable Members of the Westerly Town Council,  
We the People are calling on you to add an item to the agenda of your October 26, 2020 regular meeting to allow for a vote to send the Spring Avenue right of way to CRMC for review. Attorney Conley now confirms the Solovietzik opinion never concluded Spring Ave was not a town road. Over the last few weeks, the public has provided you with plenty of evidence that this has been used as a public access point for fishermen and beachgoers for generations. Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the debate and firmly establish the public's right to access the shore via Spring Ave is to forward the matter to CRMC.

Please add the referral of Spring Ave to CRMC to the October 26 agenda.

Thank you for your time and efforts thus far,

Sincerely,

Carl Heise

77 Washington St.

Warwick, RI 02888

*Rec'd at City 10/26/20*

Benjamin Weber

10/26/2020

3 Blossom Ct.

Westerly, RI. 02891

(401) 932-2597

**Public Access/ROW's Not listed on the 2020-2040 Comprehensive Plan or need further examination to be sent to CRMC**

1. Spray Rock Rd/ Spring Ave Extension (15/17)
2. Sand Trail—Ninigret Avenue (16)
3. Breachway—Both sides/ East and West (14A/14B)
4. Atlantic Ave—Across from Town Beach??(posted boat access) (13)
5. Atlantic Ave—Across from Windjammer (12)
6. Atlantic Ave—Across from State Beach (posted authorized vehicles) (10/11)
7. Atlantic Ave—Just past Dunes Beach (posted private property/no public access)??
8. Atlantic Ave—Across from Paddy's??
9. Shore Rd—Lathrop Wildlife Preserve??
10. Salt Pond Way—Boat ramp??(posted not a public ramp)??
11. Breachway (Weekapaug Fire District)—Boat ramp??
12. Wawaloam Dr—Just before Spicer's House??
13. Watch Hill Lighthouse??
14. Watch Hill- Napatree Point (Fort Road) (3)

Benjamin A. Weber

10/26/2020

3 Blossom Court

Westerly, RI. 0289

(401) 932-2597

**Questions related to Public Access/Rights of Way in regard to 2020-2040 Comprehensive Plan**

1. Please provide to the Council and make of record any/all MAPS, surveys, correspondence and documentation regarding the "pie shaped" portion of land(beach) on East side of Breachway referred to as "an easement for maintenance and construction" by Town Manager Rooney.
2. Please provide to the Council and make of record the names of the four "experts" regarding the determination of Spring Ave and any/all correspondence via surveys, paper, email, phone, etc. referred to by Town Manager Rooney.
3. Please provide to the Council and make of record ALL SURVEYS in regard to the Weekapaug Breachway and Spring Avenue with any/all correspondence with CRMC, DEM and The Weekapaug Fire District Moderators pertaining to said surveys referred to by Town Manager Rooney including ALL the "Reference Documentation" listed on said surveys.

Benjamin A. Weber

10/26/2020

3 Blossom Court

Westerly, RI. 0289

(401) 932-2597

**Questions related to Public Access/Rights of Way in regard to 2020-2040 Comprehensive Plan**

SUPPORTING CORRESPONDENCE

1. I have requested on numerous occasions and in a formal APRA request submitted to the Town to obtain a copy of the **MAP/surveys/deeds** that show the "pie shaped" portion of State-owned land (beach) at the end of the Breachway on the East side along Wawaloam Drive referred to by Town Manager Rooney as an "easement for maintenance and construction". I haven't received anything to date and formally request that information again and would also like to ask that the Council members also be provided this information and that it be entered into the record.
2. I asked Town Manager Rooney for the names of the four "experts" that were consulted in the determination that Spring Ave. was "not a Town road" and where specifically in Atty Soloveitzik's conclusion that it states that. I formally request the names of the experts and any/all correspondence via surveys, paper, email, phone, etc. between them and Mr. Rooney; also that of Solicitor Conley if not already incorporated as said expert, regarding Spring Ave and that this information be provided to the Council members and that it be entered into the record.
3. I asked for clarification with respect to the **SURVEYS in regard to conflicting measurements**. When Mr. Alfred DiOrion's survey was compared to a 1989 survey. The measurements from the centerline of the Breachway to the State boundary line, using the same radius degree for the turn, have a **difference of 11 feet**. Yet, the measurements for the easements from the back of the staircases are all the same (18.5 ft, 20 ft and 15 ft). How can one account for this discrepancy? Respectfully, again I ask for clarification, and that the Council be provided this information and that it be entered into the record.

Those utilities, have been estimated from associated surface features and/or recollections of knowledgeable parties, unless expressly stated hereon. The use of and reliance upon these utility locations shall be at the user's sole risk and shall be subject to verification of the actual location by the appropriate regulatory agency and verification to be at the direction and expense of the end user of this data.

Reference Documentation

- A. "For Sale by The J.A. Cloran Realty Company, Norwich, Conn., 1909..."
- B. "Plat of Land A: Weekapaug Beach On Noyes Neck in the Town of Westerly, R.I., Showing All of the Land Now Owned by the Annie L. Chapman Estate Also showing adjacent Properties. Plat: Compiled From Surveys By T.G. Hazard, Jr. During 1905 and Revisions of Same to June 1940 and From Actual Surveys by Leon L. Holland to June 1947, Compiled and Platted June 28th 1947, Leon L. Holland, Civil Engineer".
- C. "Plat Showing Land in Westerly Taken in Fee Simple on Behalf of The State of Rhode Island & Providence Plantations by the Director of Public Works, Plat 806, dated October 20, 1953, Sheets 1 and 2".
- D. "Plat Showing Land Situated in Westerly, R.I. Adjacent to Atlantic Avenue in Accordance with Agreement for City and Channel Improvements at Weekapaug Breachway. Easement Plat 898, dated October 20, 1953, Sheet 1 of 1".
- E. "State of Rhode Island Department of Natural Resources, Division of Planning and Development, Parking Lot & Entrance Road, Weekapaug Breachway, Westerly, R.I., Plans & Details, May 22, 1975, Sheet 1 of 1".
- F. "Plan Prepared For Weekapaug Fire District Showing Westerly Property Line of Lot 4 of Westerly Assessor's Plat 157, Wawaloam Avenue, Westerly, Rhode Island, Scale: 1" = 50', July 1989, Cherezia & Associates, Ltd., Westerly, Rhode Island".
- G. "Plan of Land Owned By State of Rhode Island, Department of Environmental Management, Westerly, Rhode Island April 8, 1996, Scale: 1 Inch Equals 40 Feet, Marc N. Nyberg Associates, Inc."
- H. "Plan of Land Owned By State of Rhode Island, Department of Environmental Management, Westerly, Rhode Island July 8, 1998, Revised: July 30, 1998, Scale: 1 Inch Equals 40 Feet, Marc N. Nyberg Associates, Inc."
- I. Plan with no title and identified only as "WS 2937" as provided to the Surveyor of Record.
- J. "Westerly, Weekapaug Road, From Atlantic Avenue to Shore Shore, Plat No. 2095, Scale: 40 Feet per Inch, Sheet 4 of 7".
- K. "Exhibit, Weekapaug Breachway, 3-17 Wawaloam Drive, Westerly, Rhode Island, Plat 157 Lot 4, Prepared For Weekapaug Fire District, Cherezia & Associates, Ltd., Scale: 1" = 50', July 26, 2020" published as a draft and provided to the Surveyor of Record.
- L. Plat 896, Acquisition by Condemnation, dated December 2, 1953;
- M. Easement from The Weekapaug Fire District to the State of Rhode Island, dated September 25, 1953, recorded at L.E. Vol. 72 Page 321 providing certain rights to pass and repass for specific purposes over "Parcel 2" as depicted on Plat 898.

Regulated Coastal and/or Freshwater Wetland Features. Unless expressly stated to the contrary, there may be regulated coastal and/or freshwater wetland features on, or in proximity to, the subject site. The end user of this mapping product shall be responsible for the identification, location, and protection of these features, together with procuring any and all necessary permits and approvals that may be required.

O. Professional Services Agreement Reference is hereby made to the Professional Service Agreement for the services identified hereon, together with all specifications, limitations, and conditions contained therein, and dated 06-07-2019 and 07-09-2020.

10/26/20 From Co. Aherm  
Councilor's Response

A Citizen's Guide to Assisting in the

**RIGHT-OF-WAY  
DESIGNATION PROCESS**



**Rhode Island  
Coastal Resources Management Council**

## INTRODUCTION

A public right-of-way (ROW) to the shore is a parcel of land over which the public has the right to pass on foot or, if appropriate, by vehicle, in order to access the tidal waters of Rhode Island. Accordingly public ROWs can be used for a variety of activities. In some cases, public ROWs provide access for fishing and scenic overlooks while in other cases, public ROWs can be used to launch a boat.

In Rhode Island, the Coastal Resources Management Council (CRMC) is vested with the authority and responsibility to designate all public ROWs to the shore. The CRMC's enabling legislation (R.I.G.L. 46-23) requires that the CRMC carry on a continuing process of discovery and designation of ROWs to the tidal water of the state and contains specific penalties associated with the illegal blocking or posting of a designated public ROW.

In a period of seemingly endless development, it has become increasingly important to identify and protect existing public ROWs to the shore. A powerful mechanism to accomplish this is the CRMC's ROW designation process. A CRMC public ROW designation clarifies the status of a public ROW and provides shore goers with clear and legally defined pathways to the shore; it does not determine or establish ownership of the site. Once a site has been designated by the CRMC as a public ROW, the public's right to pass over that site to access tidal waters of the State is protected in perpetuity. The CRMC prohibits any activities that would obstruct the public's use of the site and pursues legal actions against individuals that block or impede public access at designated ROWs.

Designation of a public ROW requires thorough and careful research. While the CRMC carries out the continuous process of discovery and designation of ROWs using a standing ROW subcommittee, the steps leading up to a subcommittee hearing can be very time-consuming and therefore limit the CRMC's ability to aggressively investigate every possible ROW in the state. Prior to reaching the public hearing phase of the designation process, a detailed review of town records and historical documents must be conducted and current conditions at a proposed site assessed. In some cases, ROWs have not been designated *not* because they do not exist, but rather, because adequate evidence has not been gathered or the CRMC has not yet investigated the site. In these times of limited resources, local participation in the discovery and designation of public ROWs in Rhode Island is critical to the preservation of access to one of Rhode Island's greatest natural resources, its coast.

Cities and towns can assist in the ROW designation process by identifying potential public ROWs, conducting background research, and gathering evidence which CRMC legal staff can then verify and use during the hearing process. In many respects, town or city employees and residents may be better-suited to conducting preliminary research due to their knowledge of the community, its history and its administration. Nonetheless, it must be understood that the ROW designation process is a legal process which requires the expertise of attorneys, title searchers, and/or professional surveyors. Communities can, however, assist in this process in a meaningful way that can facilitate and streamline the CRMC's ROW designation process.

This handbook has been prepared to provide guidance to city and town officials as well as interested residents who wish to participate in the CRMC's ROW designation process. Such efforts are critical to protecting and preserving access to the shore in Rhode Island and are always appreciated by the Council. In addition, information gathered through the ROW research process may be very useful to communities when developing and revising Comprehensive Land Use Plans and Harbor Management Plans. Whether or not a proposed ROW is found to be public and designated as such by the CRMC through and well-documented research will remain valuable to the community.

The first section of this handbook describes what a public ROW is and how one is established. The second part of this handbook explains steps municipal officials and interested citizens can take to assist in the CRMC's ROW designation process. Much of this handbook has been adapted from *Coastal Right-of-Way Rediscovery Programs: A Handbook for Local Researchers* (December, 1989) published by the Maine Department of Economic and Community Development.

### **Identifying and Establishing a Public Right-of-Way in Rhode Island**

Over the history of a community, public rights of access to the shore are likely to have been established in a number of ways. In Rhode Island, there are six legal methods of establishing a public ROW to the shore:

1. ***City or town accepted streets:*** A public ROW maybe established through the creation of a public road. In this case, the municipality lays out boundaries, records a description in the land evidence records, opens and maintains the road. Many of the public ROWs in Rhode Island's coastal communities fall into this category.
2. ***Highways by grant or use:*** In accordance with Rhode Island General Laws (Chapter 24-2), all lands that have been quietly, peaceably, and actually used, improved, and considered as public highways for 20 years by a city or town council shall be taken and considered to be public highways. In order for this statute to apply, a city or town must give notice of its intention to declare the land as public highway and must prepare and record a plat of the highway in the land evidence records of the city and town in which the land lies.
3. ***Roads approved by the recordation of a subdivision:*** As land is subdivided for development, roads, some of which may lead to the tidal waters of the state, are necessarily created. In the approval and acceptance of a subdivision plat, roads created as a result of the subdivision and recorded in the land evidence records of the municipality become available for public use.
4. ***Roads offered to the public through dedication or implied dedication:*** This is a common law method of establishing public ROWs. In order for there to be a common law dedication there must be a clear intent by the owner to donate the land and clear acceptance by the public or municipality. Such intent can be evidenced by the recordation of a plat map showing the R"OW as public or by language contained in a deed(s).

5. ***Highways that have been used by the public for time immemorial:*** Also a common law method of establishing a public ROW, evidence must show that historical use has been general, uninterrupted, continuous and adverse.
6. ***Ways that have been obtained by the public's adverse use:*** Privately owned paths to the shore, that have been used for a period of ten consecutive years by the public, may become public ROWs if the requirements of Chapter 34-7 of the Rhode Island General Laws are met. This method is commonly referred to as an *easement by prescription*. In order to create a public ROW by this method, the public has the burden of establishing actual, open, notorious, hostile and continuous use of a way under a claim of right for 10 years. In addition, the law specifically does not allow a public ROW to be established by footpaths; the pathways must have been used by carriages or vehicles.

### **The CRMC's Right-of-Way designation process**

In accordance with the enabling legislation, the CRMC has the authority and responsibility to designate public ROWs to the tidal waters of the state (R.I.G.L. 46-23-6). This designation process begins with a fact-finding investigation and title search conducted by the CRMC's legal counsel. In general, this process is conducted using a town-by-town approach.

#### ***Fact-Finding***

During the fact-finding stage, evidence supporting the existence of a ROW is gathered from any number of available sources. In addition, a visual inspection of the sight is made to gather evidence pertaining to the exercise of dominion (i.e., maintenance, repair and upkeep) over a potential ROW.

Substantial evidence must support the existence of a ROW as established by one of the six methods outlined above. In accordance with R.I.G.L. 46-23(e), the Council must consider the following sources of evidence in making its designation:

1. Land evidence records;
2. The exercise of domain over a parcel such as maintenance, construction, or upkeep;
3. The payment of taxes
4. The creation of a dedication;
5. Public use; and
6. Any other public record or historical evidence such as maps and street indexes.

The Council may also consider any other evidence found to be relevant.

#### ***Subcommittee Review***

Following the fact-finding stage of the designation process, the CRMC's ROW subcommittee reviews all evidence. A public hearing in the municipality involved is then held in order to gather

any additional evidence and receive public testimony. If, based on the evidence gathered and the public testimony received, the subcommittee determines with reasonable probability that a public ROW exists, a recommendation to designate a site is made to the full Council.

### ***Full Council Hearing***

The recommendation of the ROW subcommittee is presented to the full Council at one of its bi-monthly meetings. If, upon review of the evidence presented, the Council approves the subcommittee's recommendation for designation of a public ROW, a final written decision, containing factual findings and conclusions of law, is rendered. Provided there is no appeal, or after an appeal has been resolved in favor of the CRMC, the decision is recorded in the community's land evidence records and filed with the Secretary of State's office. At this point the way becomes officially designated by the CRMC and is legally protected in perpetuity.

It should be noted that the CRMC designation process does not determine ownership of a public ROW, nor does it create "new" public ROWs. Rather, a CRMC designation clearly identifies pre-existing ways over which the public has the right to pass and ensures the preservation and protection of these sites for current and future generations.

### **Assisting in the CRMC's ROW designation process**

Prior to initiating any efforts aimed at assisting in the CRMC ROW designation process, it is important to consult with Council staff to ensure that these efforts and those of the Council are complementary and not duplicative. In addition, it must be remembered that the ROW designation process is a legal process which, at times, may move slowly. Nonetheless, the Council remains committed to its mandate to protect and preserve access to the Rhode Island coast through its ROW discovery and designation process and is appreciative of all efforts made to support this important responsibility.

As noted, the CRMC's ROW designation process can be extremely time-consuming and require significant research. To assist in and expedite the process, municipal officials and interested citizens can undertake some of the preliminary research required by the ROW designation process. The following describes a step-by-step approach to the research and evidence gathering process that can be taken by those who wish to take an active role in the protection and preservation of access to the shore for all Rhode Islanders. These steps focus primarily on conducting preliminary research gathering evidence, since it is in these areas that the public can best contribute to and assist in the designation process.

#### ***Step 1: Eliminate sites where the status has been resolved***

An investigation of potential ROWs should begin with a review of existing information. As a starting point, the CRMC produces an annual ROW inventory. Additionally, community Comprehensive Land Use Plans and Harbor Management Plans often contain pertinent information and access inventories. Another potentially useful source is *Public Access to the Rhode Island Coast* published by the University of Rhode Island Coastal Resources Center. These documents can be

used to eliminate previously investigated sites where a public ROW already has been designated or found to not exist. These documents may also be useful for identifying sites where there may be a public ROW, but more research is needed.

***Step 2: Develop a list of potential sites***

The next step is to develop a preliminary list of potential access sites. These may be sites whose legal status is unclear in spite of public use, or sites where there is reason to suspect a public ROW existed at one time but is no longer used by the public due to blockage or an illegal extension of property lines. In addition to roads and ways, other possible public access sites, such as tax acquired properties, unbuildable lots deeded to the city of town, and easements should be considered.

During this preliminary phase of the investigation, a number of general sources can be consulted in order to generate a list of potential ROWs. The tax assessor will have records and maps which may indicate a site(s) worth researching further. Your city or town's harbormaster may also be a valuable source of information. Other municipal officials, such as planning board, harbor commission and conservation commission members may have suggestions for further investigation. Knowledgeable citizens including fishermen and local historians can also be a resource when identifying potential sites. And, a drive or walk by a suspected ROW to make a cursory inspection just may prove to be worth the trip.

Once a list of potential public ROWs has been developed, these sites should be prioritized in accordance with the importance of the site to the municipality and the likelihood of finding adequate evidence to document the existence of a public ROW. Traditional and threatened access points should also be given a high priority.

***Step 3: Determine what information is available***

Prior to researching a specific site, an inventory of information sources should be made. The primary sources of information will generally be tax records, the registry of deeds (land evidence records), and records of town or city council actions taken with regard to the acceptance of streets. Additional sources of information, such as street indexes, published and unpublished historical information, annual reports, maps, town year books, town atlases, and promotional and tourist information may also prove valuable during the research process. Occasionally, land evidence records or Town Council records refer to litigation involving a potential ROW. In these cases, a search of court records is helpful. This information, however, may be difficult to uncover unless the name of the plaintiff or defendant and/or case number is available. It also may be useful to talk with the town or city clerk, historical society members and others in the community who may be knowledgeable about the existence and location of old maps and documents.

***Step 4: Gather Evidence***

Once a list of potential sites has been developed, priorities for investigation established and information sources determined, evidence as to the existence of a public ROW must be carefully gathered and thoroughly documented. As previously stated, the primary sources of information used when researching a specific site will be tax records, the registry of deeds, and records of municipal actions.

\* **The Tax Assessor's Office**

As a starting point, tax records on the site in question need to be researched. At the Tax Assessor's office, chain of title cards for a potential ROW may be obtained. A chain of title card is the recorded history of documents which affect the title to a parcel of land and provides the ownership history for lots abutting a potential ROW. Depending on the particular site, numerous chain of title cards may have to be obtained for lots abutting the site under investigation.

The Tax Assessor's office will also have records on the tax status of the particular site; that is whether the site is taxed to an individual or not. While at the Tax Assessor's office, plat and lot numbers for properties abutting the potential ROW and the name of the person(s) most recently taxed for the abutting property(ies) should be obtained. In some cases, the Tax Assessor's records will contain information on the year the current or most recent owner was first taxed on the property and references to the book and page number where deed was recorded at the registry of deeds.

\* **The Registry of Deeds**

From the Tax Assessor's office, the next step in the research process is the Registry of Deeds. Here, the chain of title for each lot abutting the potential ROW must be reconstructed back in time to the original platting of the potential ROW. When a town has good chain of title cards, this is easily accomplished.

If a particular city or town does not have chain of title cards, the chain of title must be reconstructed using grantor (person transferring title or interest) and grantee (person receiving property or interest) indexes. A grantor/grantee index is a set of record books which lists all recorded instruments (i.e. mortgages, liens, etc.) affecting title to a parcel and provides book and page numbers where they have been recorded in the registry of deeds. In some cases, the grantor/grantee index will be combined while in other cases the indexes for grantors and grantees will be separate. Generally, the grantor and grantee indexes cover a specified time period and list the deeds alphabetically by grantor and/or grantee.

At the registry of deeds, refer to the book and page number determined either at the Tax Assessor's office or through the grantor/grantee index to find the deed on the parcel of land being researched. Review the deed carefully to ensure that the deed is to the parcel being researched and not to a different parcel owned by the same individual. It is extremely important to thoroughly document findings while conducting this research so as to facilitate legal review. The researcher should provide, at a minimum, the name of the grantor, the name of the grantee, the book and page number where the instrument is recorded at the registry of deeds, dates the instrument was signed and recorded, and a description of the property. The description of the property need not go into great detail, but particular attention should be paid to references to roads easements or other passageways on or adjacent to the property. This process should be repeated for each prior owner as far back as is possible or necessary to demonstrate the existence of a public ROW. If possible, copies should be made of deeds to abutting properties which reflect the chain of title.

Providing a *thorough and well-documented* reconstruction of the chain of title, including copies of deeds, for lots abutting a potential ROW is one of the most important contributions citizens and municipal officials can make to the CRMC ROW designation process. When reconstructing the chain of title it is important to carefully review the description of the parcel provided in the deed(s). These descriptions often contain important evidence such as the precise bounds of the parcel affected by the deed, whether the parcel abuts a public road, and whether the parcel is subject to an easement for public passage. In addition, any changes over time to the original deed which may be relevant can be identified when researching the chain of title.

\* **Additional Municipal Departments**

Additional official sources of information should also be investigated at other town or city departments. For example, some cities and towns have street indexes in the land evidence records or at their Public Works, Planning or Engineering Departments. Street indexes are usually field cards with the name of the street, its dimensions and its characteristics (i.e. paved/unpaved, gravel, utilities, etc.) Some street index cards may also provide information on the municipal history of potential ROWs, such as references to town council resolutions and record books. If the city or town does not have formal street indexes, surveys of municipal streets and ways may be available through one of the aforementioned offices. Town officials should also be queried about other similar sources of information which may be useful in the designation process.

\* **Records of Town or City Council Meetings and Resolutions**

After the chain of title for a lot(s) abutting a potential ROW has been reconstructed, town records should be researched to confirm that municipal officials took appropriate action to accept the site. Acceptance of the road or way is the final step in the process by which a city or town establishes public rights and responsibilities in roads. Whether the potential ROW was actually laid out by the municipality or was dedicated by a landowner to the municipality, the town must take steps to accept the road or way in order to formally establish the public's rights. It should be noted that only roads that have been laid out by the municipality or dedicated to the municipality are likely to have been appropriately accepted by the municipality. Such acceptance may be in the form of a town council resolution or some other act(s) indicative of acceptance, such as maintenance and upkeep or public use for a period of at least twenty years. Highways used by the public since time immemorial and ways obtained by the public's adverse use are less likely to have been accepted by the municipality through a town or city council resolution. However, informal acceptance demonstrated by municipal maintenance and upkeep may be adequate as evidence of municipal acceptance.

In some cases, as previously noted, the municipal history of a particular road or way may be provided in town or city street indexes. In the remaining cases, records of town or city council meetings, resolutions or ordinances dating around the time of the laying out or onset of municipal responsibility for the road or way should be investigated to determine whether or not the municipality ever took any official steps to accept as public the road or way. The clearest indication of acceptance is a formal vote by the town or city council. Lacking that, acceptance

may be found if significant levels of public use and/or public maintenance can be demonstrated.

**Step 5: Evaluate the physical condition of the site**

It is particularly helpful to provide an accurate physical description of the potential ROW. After compiling evidence from the Tax Assessor's office, the Land Evidence Records, Town or City Council records, official street indexes, and any other available sources, a visit to the site should be made. An assessment of field conditions at the site is crucial because it provides information on the status of a potential ROW as far as maintenance, construction, or upkeep is concerned. It is important to ascertain whether the potential ROW has been maintained and, if so, by whom. At times, the physical layout of a ROW does not correspond with the documentary evidence. When possible, a metes and bounds description prepared by a surveyor should be provided.

**Step 6: Organize and submit the evidence gathered**

At this point in the research process, all relevant documentary evidence as well as an accurate physical description of the site should be reviewed and organized. At a minimum this package should include the following:

- \* a written description of the potential ROW;
- \* a copy of the Tax Assessor's plat map;
- \* a copy of the chain of title card (or a copy of the reconstructed chain of title);
- \* a copy of relevant deeds; and,
- \* supplementary evidence of public and historical use

Any additional evidence, such as street indexes, historical records, and town or city council resolutions should be included. Sources, page numbers, dates, etc..., should be noted on any documents provided. If available, photographs, surveys and access site development plans should also be included. In general, the more evidence put into the administrative records, the better the Council's position is with regard to any legal challenges to a public ROW designation.

Once the evidence has been compiled and organized, a request for legal review should be submitted by either the Harbor Commission or the Town or City Council to the CRMC's Executive Director. Again, it is neither necessary, nor advisable, to wait until the research process is complete before contacting the CRMC. On the contrary, consultation with the CRMC prior to and during the research process is recommended.

After all available evidence has been reviewed by the CRMC legal counsel, a written report is submitted to the CRMC's ROW subcommittee. This report will contain the documentary evidence described above, and evaluation of the physical condition of the site, and a conclusion as to the legal status of the potential ROW based on the evidence gathered during the research process and the legal theories available. If the CRMC's TOW subcommittee determines that there is adequate evidence to support the existence of a public ROW at the site, a public hearing before the subcommittee is scheduled.

**Step 7: Provide testimony at the public hearing**

At the subcommittee hearing, it is particularly helpful to have a town-appointed spokesperson

(preferably, but not necessarily, the Town or City Solicitor) present to provide information on a particular site. Such information could include a municipality's exercise of dominion and control over the site; municipal maintenance, construction and upkeep of the site; historical uses of the site; tax status of the site; and, the community's position with respect to the site's designation as a public ROW.

Clearly the ROW designation process is one that requires significant time and effort. However, once the process is complete, and a ROW has been formally designated as public by the Council, it becomes subject to a level of protection which ensures the preservation of access to Rhode Island's shore for this an future generations. In a time where traditional access ways seem to be disappearing, it is important that the public help protect the right of access to the shore guaranteed by the Constitution and exercised for centuries. The assistance of municipal officials and interested citizens in this designation process allows the Council to more efficiently fulfill its mandate to carry on a continuing process of discovery and designation of ROWs to the shore for the benefit of all Rhode Islanders.

# Memo

**To:** The Honorable Town Council  
**From:** Mary L. LeBlanc, MMC, Deputy Town Clerk  
**CC:** J. Mark Rooney, Town Manager  
William J. Conley, Jr., Esq., Town Solicitor  
**Date:** October 28, 2020  
**Re:** Proposed 2020-2040 Comprehensive Plan

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Attached please find **additional** correspondence submitted to date by the public regarding the proposed Comprehensive Plan and requests that Spring Avenue right-of-way be referred to CRMC for a determination of its status.

**Rights-of-Way**

Michele Crowley  
Steve Skenyon

## Mary Leblanc

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**From:** Michele Crowley <maccrowley@aol.com>  
**Sent:** Monday, October 26, 2020 4:58 PM  
**To:** Mary Leblanc; openspringavenue@gmail.com  
**Subject:** Spring Avenue ROW

OCT 27 2020

Dear Honorable Members of the Westerly Town Council,

Thank you for adding the Spring Avenue Right of Way matter to your October 26, 2020 agenda as item 9 (c) (6) (Spring Avenue ... Right-of-Way - Town Manager's Response of Public Request). We are grateful that you are responding to the 36 public emails you attached, especially since so many expressly state that, "It is imperative that the Council formally vote to send the Spring Avenue ROW to the CRMC ..."

Jeffrey Gardner's email dated October 19, 2020 included in that agenda item contains an impressive 60-page document detailing the use of Spring Avenue to access Weekapaug Beach from about 1903 until it was blocked in about 1990. Spring Avenue and Sand Trail starting at page 25.

It is critical that Spring Avenue be referred to the CRMC by a formal Council vote so that we can all rest assured CRMC can see it through to the end. Referral based on the Manager's discretionary authority is insufficient because it can be withdrawn from the CRMC as easily as it was given to CRMC.

Thank you for holding a formal vote on this matter this Monday October 26, 2020.

Sincerely,

Michele Crowley  
11 Palmer Street  
Stonington, CT 06378

## Mary Leblanc

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**From:** Skenyon, Stephen <Stephen.Skenyon@riskreg.com>  
**Sent:** Tuesday, October 27, 2020 10:46 AM  
**To:** Karen Cioffi  
**Cc:** Mary Leblanc  
**Subject:** Spring Avenue right of way support request

Karen,

The Westerly Town Council is facing pressure that would restrict public access to the Weekapaug shoreline. The Spring Avenue right of way has been used by my family and I for many years to access the Weekapaug shoreline. This access is the main reason, we book summer rentals in Westerly, spend money at local businesses and purchase clamming licenses that all provide revenue for the Westerly area.

Past and present Town Council members have publicly acknowledged Spring Ave is a public right of way. The only step remaining to end the current debate and firmly establish the public's right to access the shore via Spring Ave.

Please support maintaining Spring Avenue as public access.

Thank you in advance for your help,

*Steve Skenyon*  
860 712-8891

OCT 27 2020

**Stephen Skenyon, CPA, CISA**  
Senior Manager, Information Technology

**Risk & Regulatory Consulting, LLC**  
20 Batterson Park Road  
Suite 380  
Farmington, CT 06032  
M: 860.712.8891 F: 410.246.8415




**Results...Relationships...Commitment<sup>SM</sup>**

### DISCLAIMER:

This e-mail is only intended for the person(s) to whom it is addressed and may contain confidential information. Unless stated to the contrary, any opinions or comments are personal to the writer and do not represent the official view of the company. If you have received this e-mail in error, please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

# Memo

**To:** The Honorable Town Council  
**From:** Mary L. LeBlanc, MMC, Deputy Town Clerk   
**CC:** J. Mark Rooney, Town Manager  
William J. Conley, Jr., Esq., Town Solicitor  
**Date:** November 9, 2020  
**Re:** Spring Avenue Ex. And Waters Edge Road Rights-of-Way

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Attached please find correspondence submitted to date by the public requesting that Spring Avenue Ex. and Waters Edge Road rights-of-way be referred to CRMC for investigation and review by a formal vote of the Council at the November 9, 2020 Regular Meeting. The attached letters to be **entered into the record** of said meeting.

James Tarbox  
Joe Fiore  
Art Noyes  
Gerard E. Poulin  
Paul A. Stasiuk  
Matthew Vertentes  
John M. Baulski  
Branden Bergeron  
Mark Simmons  
Ryan C. Bergeron  
Charlene D. Baulski  
Robert J. Kardys  
Joseph Carvalho  
Patrick Cozzolino  
Gene Parise  
Gwen Whitham  
Erik Rogde

## Mary Leblanc

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**From:** James Tarbox <jimtarbox@verizon.net>  
**Sent:** Thursday, November 5, 2020 2:44 PM  
**To:** Mary Leblanc  
**Subject:** Town Council ROW Vote

Dear Westerly Town Council Members,

Thank you in advance for adding to the 11/09/20 Agenda a formal vote to refer the Spring Ave Right of Way to CRMC for review. Thank you also for patiently considering the input of the citizens who have contacted you via email and those who have spoken at the recent Comprehensive Plan Public Hearings and Regular Town Meetings.

While the hard work and good faith effort put forth by Town officials in regard to Public Rights of Way is acknowledged and greatly appreciated, sending the Spring Ave ROW to CRMC will provide assurance to the public that the interests of ALL residents are truly represented.

Sincerely,

## Mary Leblanc

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**From:** joe fiore <jfboss@hotmail.com>  
**Sent:** Thursday, November 5, 2020 7:30 PM  
**To:** Mary Leblanc  
**Subject:** email to Council / Spring Ave

Dear Westerly Town Council Members,

Thank you in advance for adding to the 11/09/20 Agenda a formal vote to refer the Spring Ave Right of Way to CRMC for review. Thank you also for patiently considering the input of the citizens who have contacted you via email and those who have spoken at the recent Comprehensive Plan Public Hearings and Regular Town Meetings.

While the hard work and good faith effort put forth by Town officials in regard to Public Rights of Way is acknowledged and greatly appreciated, sending the Spring Ave ROW to CRMC will provide assurance to the public that the interests of ALL residents are truly represented.

Sincerely,

Joe Fiore  
119 East Ave

## Mary Leblanc

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**From:** Art Noyes <anoyes40@yahoo.com>  
**Sent:** Friday, November 6, 2020 10:33 AM  
**To:** Mary Leblanc; krcute56@gmail.com  
**Subject:** Fw: Westerly Town Council Right Of Way Issue

To the Westerly town Council,  
I would like to have this letter entered into the WTC meeting minutes for the Nov, 9th. meeting. Thank you.

I would like to thank all the WTC members for the hard work on a reviewing number of ROWS in Westerly,  
However, I have concerns that the following ROWS be referred to the CRMC by formal vote for Investigation and review.

- 1, Formalize certification of Spring Ave, Ex.
- 2, Formalize certification of Waters Edge Rd.

Thank you, \_\_Art Noyes, member, Rhode Island Mobilesportfishermen.

Westerly Town Council, [mleblanc@westerlyri.gov](mailto:mleblanc@westerlyri.gov)

CRMC Keven Cute, [krcute56@gmail.com](mailto:krcute56@gmail.com)

## Mary Leblanc

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**From:** Gerard Poulin <poulige@cox.net>  
**Sent:** Friday, November 6, 2020 10:39 AM  
**To:** Mary Leblanc  
**Cc:** krcute56@gmail.com  
**Subject:** WESTERLY TOWN COUNCIL RIGHT OF WAY ISSUES

To the Westerly town Council,

I would like to have this letter entered into the WTC meeting minutes for the Nov, 9th. meeting.

I would like to thank all the WTC members for the hard work on reviewing a number of ROWS in Westerly,

However, I have concerns that the following ROWS be referred to the CRMC by formal vote for Investigation and review.

- 1, Formalize certification of Spring Ave, Ex.
- 2, Formalize certification of Waters Edge Rd.

Thank you,

Gerard E. Poulin  
18 Montauk Ave  
Westerly, RI 02891

November 6, 2020

Paul Stasiuk  
255 Promenade Street  
Apt 514  
Providence, RI 02908

To the Westerly Town Council,

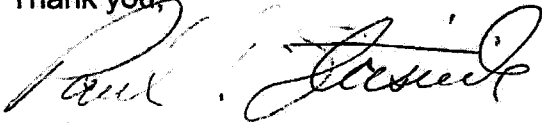
As an avid salt water fisherman, I would like to have this letter entered into the WTC meeting minutes for the Nov, 9th. meeting. Thank you.

I would also like to thank all the WTC members for the hard work on a reviewing number of ROWS in Westerly.

However, I have concerns that the following ROWS be referred to the CRMC by formal vote for Investigation and review. Please:

1. Formalize certification of Spring Ave, Ex.
2. Formalize certification of Waters Edge Rd.

Thank you,



Paul A. Stasiuk

Cc: Westerly Town Council, [mleblanc@westerlyri.gov](mailto:mleblanc@westerlyri.gov)

CRMC Keven Cute, [krcute56@gmail.com](mailto:krcute56@gmail.com)

## Mary Leblanc

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**From:** Matthew Vertentes <thoughtup1277@hotmail.com>  
**Sent:** Friday, November 6, 2020 10:27 AM  
**To:** Mary Leblanc  
**Cc:** krcute56@gmail.com  
**Subject:** WTC Meeting 11/09/2020

To the Westerly town Council,  
I would like to have this letter entered into the WTC meeting minutes for the Nov, 9th. meeting. Thank you.

I would like to thank all the WTC members for the hard work on a reviewing number of ROWS in Westerly,  
However, I have concerns that the following ROWS be referred to the CRMC by formal vote for Investigation and review.

- 1, Formalize certification of Spring Ave, Ex.
- 2, Formalize certification of Waters Edge Rd.

Thank you, Matthew Vertentes RIMS #050

Westerly Town Council, [mleblanc@westerlyri.gov](mailto:mleblanc@westerlyri.gov)

CRMC Keven Cute, [krcute56@gmail.com](mailto:krcute56@gmail.com)

Sent from my iPhone

**JOHN M. BAULSKI  
103 EAST SHORE DRIVE  
HIGGANUM, CT 06441-4561**

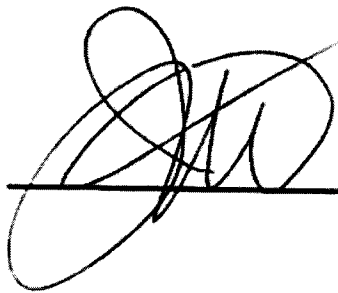
To the Westerly town Council,  
I would like to have this letter entered into the WTC meeting minutes for the Nov, 9th. meeting. Thank you.

I would like to thank all the WTC members for the hard work on a reviewing number of ROWS in Westerly, However, I have concerns that the following ROWS be referred to the CRMC by formal vote for Investigation and review.

1, Formalize certification of Spring Ave, Ex.

2, Formalize certification of Waters Edge Rd.

Thank you,



A handwritten signature in black ink, appearing to be 'JMB', is written over a solid horizontal line.

**John M. Baulski RIMS 673L**

## Mary Leblanc

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**From:** Branden Bergeron <branden.bergeron@gmail.com>  
**Sent:** Friday, November 6, 2020 9:18 AM  
**To:** Mary Leblanc; krcute56@gmail.com  
**Subject:** ROW and Public Access Concerns

To the Westerly Town Council (WTC),

Please enter this letter into the WTC meeting minutes for the November 9th, 2020 meeting.

I would like to thank all of the WTC members for their hard work on a reviewing number of ROWS in Westerly. I have ongoing concerns that the following ROWs and request that they be referred to the CRMC for investigation and review.

1-Formalize certification of Spring Ave Ext.

2-Formalize certification of Waters Edge Rd.

Thank you for your continued hard work in ensuring public access and please vote to send these ROWs to CRMC.

Respectfully Submitted,

Branden Bergeron

## Mary Leblanc

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**From:** Mark Simmons <mark1simm@gmail.com>  
**Sent:** Friday, November 6, 2020 4:25 PM  
**To:** Mary Leblanc; krcute56@gmail.com  
**Subject:** rows

To the Westerly town Council,  
I would like to have this letter entered into the WTC meeting minutes for the Nov, 9th. meeting. Thank you.

I would like to thank all the WTC members for the hard work on a reviewing number of ROWS in Westerly,  
However, I have concerns that the following ROWS be referred to the CRMC by formal vote for Investigation and review.

- 1, Formalize certification of Spring Ave, Ex.
- 2, Formalize certification of Waters Edge Rd.

--  
MARK SIMMONS  
203-415-4914

## Mary Leblanc

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**From:** Ryan Bergeron <rbergeron93@gmail.com>  
**Sent:** Saturday, November 7, 2020 10:19 AM  
**To:** Mary Leblanc  
**Subject:** Right of Way Concerns

Dear Councilmembers,

I would like to have this letter entered into the WTC meeting minutes for the Nov, 9th. meeting. Thank you.

I would like to thank all the WTC members for the hard work on a reviewing number of ROWs in Westerly; however, I have concerns that the following ROWs be referred to the CRMC by formal vote for Investigation and review.

1. Formalize certification of Spring Ave, Ex.
2. Formalize certification of Waters Edge Rd.

Thank you,  
Ryan C. Bergeron, EIT, CAPM, A.M. ASCE

CHARLENE D. BAULSKI  
103 EAST SHORE DRIVE  
HIGGANUM, CT 06441-4561

**To: The Westerly Town Council.**

Thank you to all the WTC members for their hard work reviewing the many ROWS in Westerly.

Please add this letter to the WTC meeting minutes for November, 9<sup>th</sup>.

I request that the following ROWS be referred to the CRMC by formal vote for Investigation and review.

1. Formalize certification of Spring Ave, Ex.
2. Formalize certification of Waters Edge Rd.

Thank you, *Charlene D Baulski*

Charlene D. Baulski RIMS 672

## Mary Leblanc

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**From:** William J. Aiello  
**Sent:** Monday, November 9, 2020 12:04 AM  
**To:** Donna Giordano; Mary Leblanc  
**Subject:** FW: Westerly Rights of Way

An email to be entered into the record.

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**From:** Robert Kardys <rkardys@snet.net>  
**Sent:** Sunday, November 8, 2020 7:49 PM  
**To:** Sharon E. Ahern <sahern@westerlyri.gov>; Caswell Cooke, Jr. <CCooke@westerlyri.gov>; Christopher A. Duhamel <CDuhamel@westerlyri.gov>; Suzanne K. Giorno <sgiorno@westerlyri.gov>; Karen Cioffi <kcioffi@westerlyri.gov>; William J. Aiello <waiello@westerlyri.gov>; Brian H. McCuin <BMcCuin@westerlyri.gov>  
**Cc:** krcute56@gmail.com  
**Subject:** Westerly Rights of Way

To the Westerly town Council Members,

I would like to have this letter entered into the Westerly Town Council meeting minutes, for the Nov, 9th. meeting. Thank you.

I would like to thank all the Westerly Town Council members for the hard work on reviewing a number of Rights Of Ways in Westerly. However, I have concerns that the following Rights Of Ways be referred to the CRMC, by formal vote, for Investigation and review.

- 1, Formalize certification of Spring Ave, Ex.
- 2, Formalize certification of Waters Edge Rd.

Thank you,

Robert J. Kardys (RIMS)

## Mary Leblanc

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**From:** Joseph Carvalho <carvjc@gmail.com>  
**Sent:** Monday, November 9, 2020 5:50 AM  
**To:** Mary Leblanc; krcute56@gmail.com  
**Subject:** ROWS

To the Westerly town Council,  
I would like to have this letter entered into the WTC meeting minutes for the Nov, 9th. meeting. Thank you.

I would like to thank all the WTC members for the hard work on a reviewing number of ROWS in Westerly,  
However, I have concerns that the following ROWS be referred to the CRMC by formal vote for Investigation and review.

- 1, Formalize certification of Spring Ave, Ex.
- 2, Formalize certification of Waters Edge Rd.

Thank you,

Joseph Carvalho  
17 Bayberry Rd.  
Bolton, CT

## Mary Leblanc

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**From:** Patrick Cozzolino <patcozz@hotmail.com>  
**Sent:** Monday, November 9, 2020 8:43 AM  
**To:** Mary Leblanc  
**Subject:** SPRING AVE ROW TO CRMC VOTE

Please have this communication read into the record at the 11/9/20 meeting regarding the aforementioned vote. Thank you.

Dear Westerly Town Council Members,

Thank you in advance for adding to the 11/09/20 Agenda a formal vote to refer the Spring Ave Right of Way to the CRMC for review. Thank you also for patiently considering the input of the citizens who have contacted you via email and those who have spoken at the recent Comprehensive Plan Public Hearings and Regular Town Meetings.

While the hard work and good faith effort put forth by Town officials in regard to Public Rights of Way is acknowledged and greatly appreciated, sending the Spring Ave ROW to the CRMC will provide assurance to the public that the interests of **ALL** residents are truly represented.

Sincerely,

Patrick Cozzolino  
13 Milrose Avenue  
Westerly, RI 02891

## Mary Leblanc

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**From:** Geno <kozmiKriffs@gmail.com>  
**Sent:** Monday, November 9, 2020 11:46 AM  
**To:** Mary Leblanc  
**Subject:** SPRING AVENUE ROW

Dear Westerly Town Council Members,

Thank you in advance for adding to the 11/09/20 Agenda a formal vote to refer the Spring Ave Right of Way to CRMC for review. Thank you also for patiently considering the input of the citizens who have contacted you via email and those who have spoken at the recent Comprehensive Plan Public Hearings and Regular Town Meetings.

While the hard work and good faith effort put forth by Town officials in regard to Public Rights of Way is acknowledged and greatly appreciated, sending the Spring Ave ROW to CRMC will provide assurance to the public that the interests of ALL residents are truly represented.

Sincerely,

GENE PARISE  
PO BOX 111  
WESTERLY RI

## Mary Leblanc

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**From:** Gwen Whitham <gwen.whitham@att.net>  
**Sent:** Monday, November 9, 2020 9:58 AM  
**To:** sahem@westerlyri.gov; Caswell Cooke, Jr.; Christopher A. Duhamel; Suzanne K. Giorno; Karen Cioffi; William J. Aiello; Brian H. McCuin; Mary Leblanc; Joe Q. Pubic; Donna Giordano; krcute56@gmail.com; Caswell Cooke, Jr.  
**Cc:** krcute56@gmail.com  
**Subject:** URGENT ACTION: 11/9 Town Council Meeting ROW Inclusion Request

To the Westerly town Council,

Please enter this letter into the WTC meeting minutes for the Nov, 9th. meeting. Thank you.

First, I would like to thank all the WTC members for the hard work reviewing a number of ROWS in Westerly.

However, I request the following ROWS be referred explicitly to the CRMC by formal vote for Investigation and review.

- 1, Formalize certification of Spring Ave, Ex. (and historically used path at the entrance to the preserve)
- 2, Formalize certification of Waters Edge Rd.

*Thank you* for your diligence to preserve access to our shoreline for present and future generations.

Sincerely,

Gwen Whitham, MSIS

Westerly Town Council, [mleblanc@westerlyri.gov](mailto:mleblanc@westerlyri.gov)

CRMC Keven Cute, [krcute56@gmail.com](mailto:krcute56@gmail.com)

## Mary Leblanc

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**From:** Erik Rogde <rims537@gmail.com>  
**Sent:** Monday, November 9, 2020 1:26 PM  
**To:** Christopher A. Duhamel; Suzanne K. Giorno; William J. Aiello; Brian H. McCuin; Mary Leblanc; openspringavenue@gmail.com; Donna Giordano; Caswell Cooke, Jr.

To the Westerly town Council,

Please enter this letter into the WTC meeting minutes for the Nov, 9th. meeting. Thank you.

First, I would like to thank all the WTC members for the hard work reviewing a number of ROWS in Westerly.

However, I request the following ROWS be referred explicitly to the CRMC by formal vote for Investigation and review.

- 1, Formalize certification of Spring Ave, Ex. (and historically used path at the entrance to the preserve)
- 2, Formalize certification of Waters Edge Rd.

*Thank you* for your diligence to preserve access to our shoreline for present and future generations.

Sincerely,

Erik Rogde  
RIMS President