

Shoreline Access Working Group

Town of New Shoreham

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INTRODUCTION

The Shoreline Access Working Group (SAWG) is pleased to submit this report on public shoreline access points to the Town Council. It is our hope that the report will be helpful to the Town Council and our community in not only identifying our shoreline access points but to assist in planning for the maintenance and improvements for access to the Island's shoreline.

The SAWG toured over twenty of the 43 public access points during the winter of 2015 and reviewed each site for its current state of public access and discussed what steps the Town should take to identify the sites, maintain safe access to shoreline, and provide access for emergency equipment and responders.

The SAWG balanced the right of public access to the shoreline with the need to protect environmentally sensitive sites in our report. We considered the construction of manmade structures, walkways, stairways, and dune "walk-overs" while realizing the shoreline is dynamic, always changing and the effect storm events and sea level rise will have on the construction and maintenance of structures on the shoreline.

The SAWG welcomed and listened to the concerns of private property owners abutting the access points and considered their right to the quiet enjoyment of their properties with the public's right to have access to the shoreline.

We considered the installation of appropriate signage to identify the access points, how to improve accessibility to persons with disabilities and the need for additional parking spaces at some locations. We have incorporated those considerations into our report.

We also incorporate by reference "The Shoreline Access on Block Island" a report prepared for the Block Island Conservancy and the New Shoreham Planning Board by Michele Crowley in June of 1990.

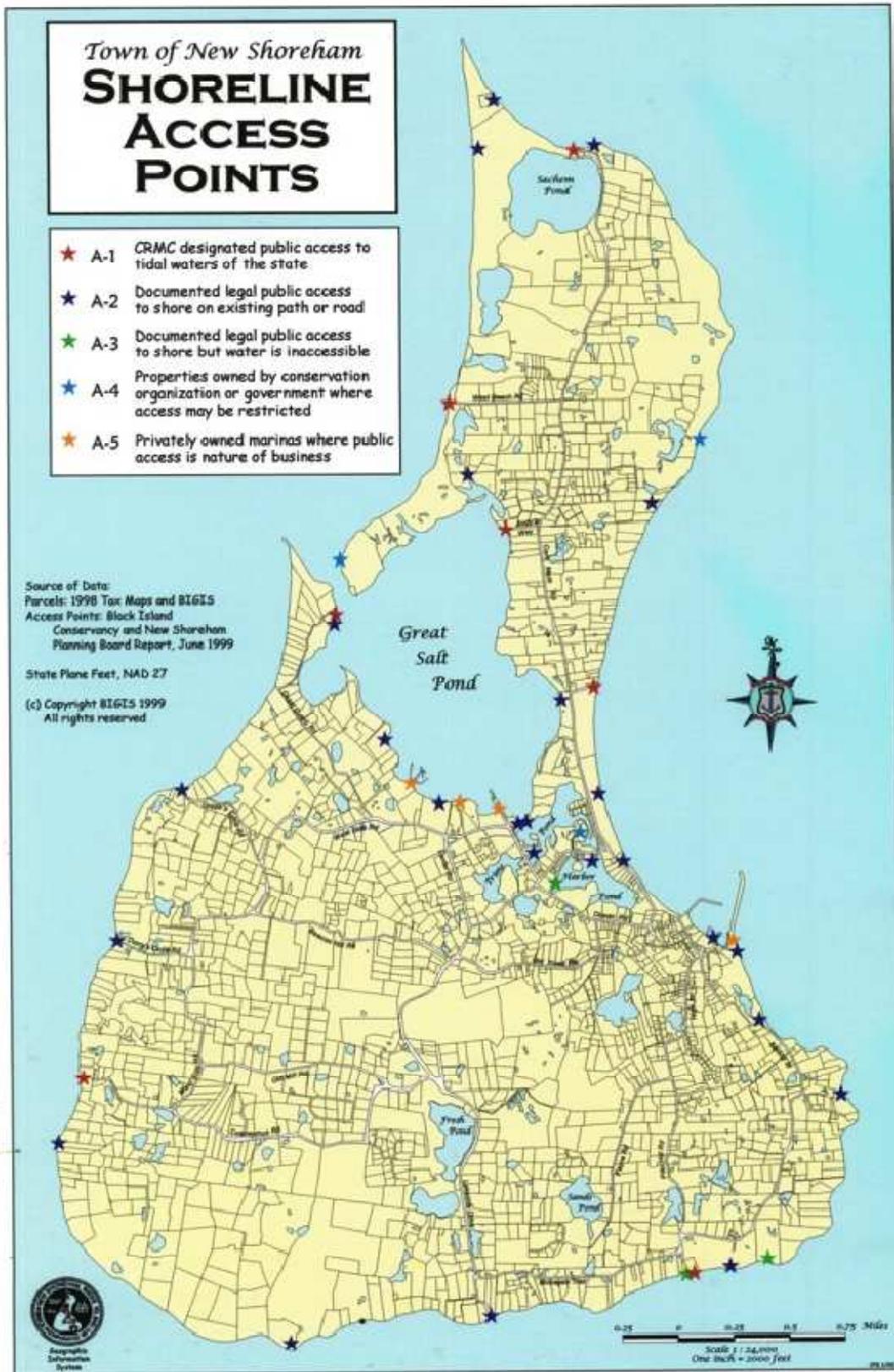
We want to acknowledge and thank Deputy Town Clerk Millie McGinnes for her professionalism, hard work, and guidance in assisting the SAWG in preparing this report. A special thank you the Town's GIS Specialist Alison Ring for her assistance in mapping the location of the shoreline access points and to Karen LeRoy for her editing assistance.

High Priority Access Points

The Shoreline Access Working Group has prioritized 6 points of the 43 that need attention and support from the town, in part to ensure safe and easy access to the shoreline, or to confirm and re-establish the access as needed. These locations are:

- Breed Property
- Andy's Way
- Southwest Point
- Charleston Beach
- Grace's Cove
- Champlin Road (end)/Coast Guard Beach

There are 43 Unique Shoreline Access Points



Shoreline Access Point: North Light

Description/location: The northern tip of the island has full shoreline access on the east and west shoreline.



Recommended Actions:

- Maintain an easy transition from the parking lot to the sand road headed to the north light

See Appendix A, pages 20-21
(1999 Shoreline Access on Block Island)

Shoreline Access Point: Block Island National Wildlife Refuge

Description/location: This land is to the north north west of Sachem pond is a large seagull nesting area.



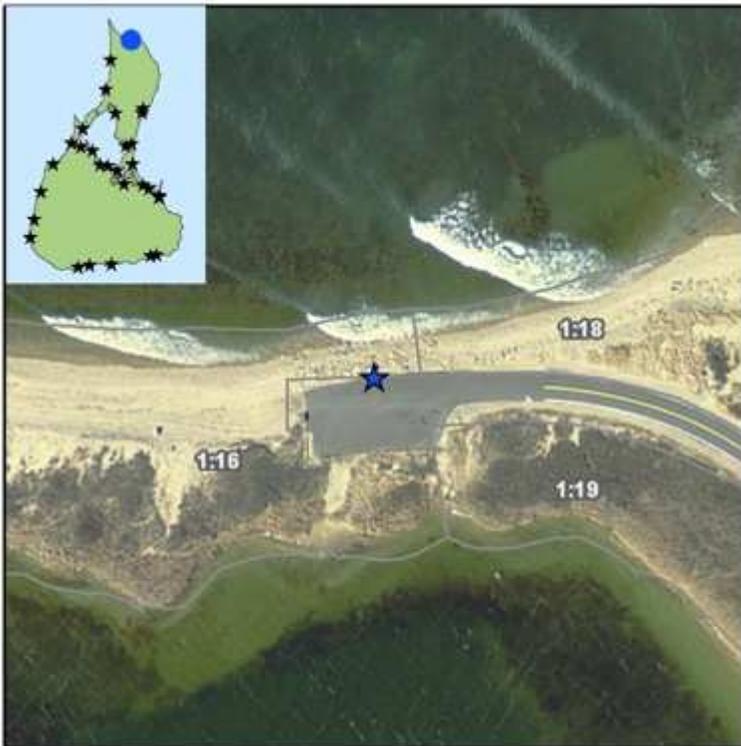
Recommended Actions:

- Maintain an easy transition from the parking lot to the sand road headed to the north light.
- Monitor dune erosion and be prepared to repair access to the area after storm events.

See Appendix A, pages 23-24

Shoreline Access Point: Settler's Rock

Description/location: Identified as CRMC # E-1 (CRMC identified, not owned).



Recommended Actions:

- Monitor dune erosion and be prepared to repair the area around Settler's Rock after storm events.

See Appendix A, page 19

Shoreline Access Point: Grove Point

Description/location: End of Corn Neck Road. Pathway east of Settler's Rock through Plat 1, Lot 2 and Plat 1, Lot 18.



Recommended Actions:

- Monitor dune erosion and be prepared to repair access to the area after storm events.

See Appendix A, page 22

Shoreline Access Point: Breed Property

Description/location: Western access to the beach from Corn Neck Road just south of Sachem Pond from Corn Neck Road.

Background/issues: Property deeded to the Town as a nature sanctuary. There is no parking area for the access although cars can park on Corn Neck Road and visitors can walk in.



Recommended Actions:

- No improvements on the property except maintaining clear path access to the beach.
- Determine appropriate signage – currently it is misleading as to whether a car can or cannot access the beach or south shore of Sachem pond.
- Ensure that Town legal counsel defend public and deeded access to the beach when it has been clearly encroached. This location/situation could be very important to reinforce that the town will protect public access.

See Appendix A, page 28

Shoreline Access Point: West Beach Road

Description/location: Beach access at the end of West Beach Road. Parking exists on the sides of the road. The path to the beach is heavily eroded.

Background/Issues: Runoff is causing heavy erosion along the path to the beach. Historic landfill is leaching out/eroding onto the beach north of the access area. The Town is working with DEM to establish a mitigation plan.



Recommended Actions:

- No immediate action recommended for this area.
- Wait for the final mitigation plan.
- Ensure easy access to the beach is provided, north and south. Consider a marked pathway to the south.

See Appendix A, pages 25 & 91

Shoreline Access Point: Clayhead/Bluestone

Description/location: To the east of The Maze and Lapham land. This access point goes down some bluffs. Rarely traveled, it is an access point between settlers rock and Mansion Beach.



Recommended Actions:

- Support Nature Conservancy maintenance.
- Monitor dune erosion and be prepared to repair access to the area after storm events.

See Appendix A, pages 26-27

Shoreline Access Point: Skipper's Island

Description/location: Off Corn Neck Road to the west, north of Andy's Way. The access point is through Plat 3, Lot 66-1 continuing through a path to the marsh.



Recommended Actions:

- Support the Block Island Conservancy's maintenance efforts of this access point.

See Appendix A, pages 31-32

Shoreline Access Point: Beane Point

Description/location: Beane Point is owned by the U.S. Fish and Wildlife and is a beautiful spot for boaters to visit from the Great Salt pond, or walkers to visit from West Beach and Andy's Way.

Background/Comments:

The access way to Beane Point goes over town land and the Sand Trail is a very sensitive area of the pond. Many organizations, including the Town of New Shoreham, are watching this area for wash-overs, erosion and breaching.

If significant breaches occur, it is believed that significant change to the shell fishing and the marshes will occur and the town should plan accordingly.



Recommended Actions:

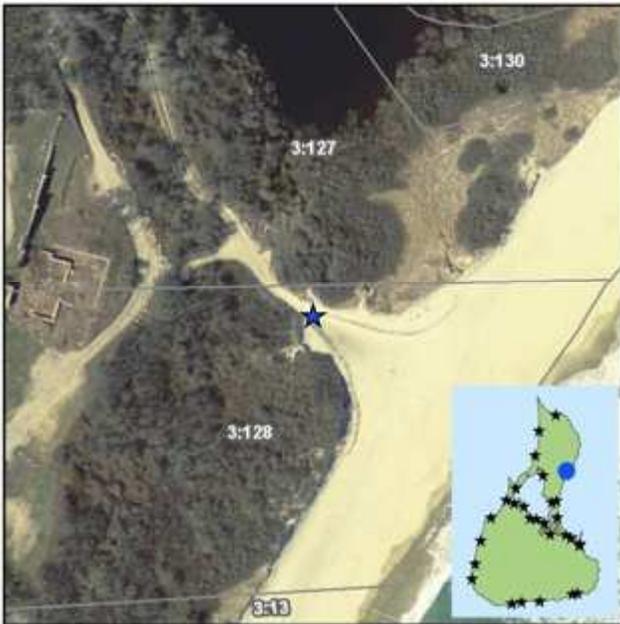
- Continue to minimize all vehicular traffic over the town land and continue to support pedestrian access and dune protection.

See Appendix A, pages 89-90

Shoreline Access Point: Mansion Beach

Description/location: Popular beach parking and access area at the end of Mansion Road.

Background/Issues: The Parking was reconfigured and increased three years ago improving the area. Bathroom facilities may be a consideration of the Town in future.



Recommended Actions:

- No immediate action recommended for this area.
- Continue to keep the paths and foundation clear and free to pass.
- Monitor traffic and parking to determine if there is a need for additional parking.

See Appendix A, pages 33-34

Shoreline Access Point: Minister's Lot

Description/location: Small unloading, bike parking area at the end of Minister's Lot Road, offering an access path to Crescent Beach.

Background/issues: New bike racks installed this year. The path to the beach is a well maintained walking path.



Recommended Actions:

- No immediate action recommended for this area.
- Ensure the bike racks are maintained and remain in place.
- Continue to ensure mowing and brush work keeps the access way open.

Shoreline Access Point: Andy's Way

Description/location: Popular Great Salt Pond beach access at the end of Andy's Way.

Background/Issues: Heavily trafficked area with eroding gullied path . Needs improvement for public safety and rescue access .



High Priority Access Location

Recommended Actions:

- Investigate installing a 6 ft. wide, wooden, curved walking ramp (wide enough for small boats and emergency ATV access) ending at a small platform.
- Level out the parking area, and consider delineating the parking spaces.

See Appendix A, pages 29-30

Shoreline Access Point: Scotch Beach

Description/location: Beach parking and access at the end of Scotch Beach Road. This property continues to the Town Beach property.

Background/Comments: The parking area has shrunk with sand intrusion.



Recommended Actions:

- Clean up and define the parking lot – consider space and angled parking to increase capacity
- Consider new parking spaces and handicapped access parking particularly along the northern boundary
- Consider ways to minimize storm surge impact of Corn Neck Road by looking at parking, vehicular and pedestrian traffic routes.

See Appendix A, pages 36-36

Shoreline Access Point: Mosquito Beach

Description/location: Small parking area on the West side of Corn Neck Road providing access to Great Salt Pond.

Background/Issues: The beach along the Great Salt Pond is reached by a boardwalk over the marsh. The site is in fantastic condition.



Recommended Actions:

- The Town should apply to the CRMC for an assent to remove and/or mitigation of the phragmites and non-native vegetation to re-open the viewshed.

See Appendix A, pages 37-38

Shoreline Access Point: Indian Head Neck

Description/location: Access off Corn Neck Road to the west, south of Mosquito Beach. The site extends from the end of the point across the Great Salt Pond to the boat ramp on Ocean Avenue. A location of a historic road.



Recommended Actions:

- No immediate action is recommended for this area.

See Appendix A, pages 46-48

Shoreline Access Point: Fred Benson Town Beach

Description/location: Beach pavilion and public beach on the east side of Corn Neck Road.

Background/Issue: The beach pavilion will be renovated and the parking area reconfigured in an upcoming rehab project scheduled for Spring 2016.



Recommended Actions:

- Parking should be expanded, currently planned within the Beach Pavilion renovation project.

See Appendix A, pages 42-43

Shoreline Access Point: Beach Avenue Bridge

Description/location: Access to Harbor Pond can be obtained around the bridge.

Background/Comments: Technically one can access Harbor Pond around the bridge, but it is dangerous and not supported.



Recommended Actions:

- Maintain legal access point.

See Appendix A, page 40

Shoreline Access Point: Crescent Beach

Description/location: Crescent Beach lies to the South of Town Beach and just south of Beach Avenue.

Background/Comments:

- Significant damage to the dunes and Corn Neck Road occurred during Storm Sandy.
- People are walking over the revetment and are damaging the island's protective buffers and dunes.



Recommended Actions:

- Build stairs/access bridges over the revetment.
- Ensure 3-5 access points are maintained, in order to keep people from walking over the dunes.
- Rope off and post signs about erosion and dune protection between the stairs.

See Appendix A, page 44

Shoreline Access Point: Across from Beachead

Description/location: Area at the base of Corn Neck Road, east side, across from the Beachead Restaurant.

Background/ Issue : Dune area opened and closed by the highways department to provide a wide open access way to the beach.



Recommended Actions:

- Evaluate 5 stairways over the dunes.
- Maintain vehicle access to the beach via the roadway and beach house.

Shoreline Access Point: Mary D. Park

Description/location: In Old Harbor, area on the east side of Water Street bordering the jetty and harbor.

Background/Issue: A path is maintained through the park to access the beach, although a more direct and dangerous route is continually used near the corner at the Surf Hotel. The Old Harbor Task Force is working on a plan for the area.



Recommended Actions:

- Support Old Harbor Task Force stair construction project.

See Appendix A, pages 51-53

Shoreline Access Point: Old Harbor Dock

Description/location: Old Harbor Dock is maintained by the Harbors Department and the Town.

Background/Comments: A new Harbor Master's building and facilities have been constructed and currently supports the needs.



Recommended Actions:

- No immediate action is recommended for this area.

See Appendix A, pages 54-56

Shoreline Access Point: Ballard's Inn

Description/location: Area to the south of Ballard's Inn building, alleyway between building and Block Island Land Trust property to the south.

Background/Issue: Litigation has ensued regarding whether this is a legal public access. The litigation has been dropped at this time. Currently Ballard's Inn concedes to allowing emergency access.



Recommended Actions:

- Include the Rescue Squad in the annual pre-season meetings that take place between Ballard's Inn and the Police Department.
- Ensure the rescue squad has permission to access the beach for emergency purposes just south of the building.

See Appendix A, page 57

Shoreline Access Point: Block Island Land Trust access at Ocean View Pavilion

Description/location: Path leading to the beach on the property just south of Ballard's Inn leading from the Ocean View pavilion.

Background/Issue:

- Property is owned by the Block Island Land Trust. Public access is allowed, but may be restricted by the BILT. Newly cleared path has been constructed and must be maintained.



Recommended Actions:

- No immediate action recommended for this area.

Shoreline Access Point: Spring House Pond

Description/location: On the east side of Spring Street, the Spring House ponds add to the beautiful scenic vista across from the Spring House Hotel.

Background/Comments: Continued bluff erosion in the area has triggered significant concerns about the pond barriers breaching. This could be dangerous around the pond, as well as on the beach below.



Recommended Actions:

- No immediate action is recommended for this area.

See Appendix A, page 64

Shoreline Access Point: Green Hill Cove

Description/location: Located off the east side of Spring Street, near the intersection of Spring Street and Southeast Road.

Background/Comments: The property is owned by the Block Island Land Trust.



Recommended Actions:

- No immediate action is recommended for this area.

See Appendix A, pages 62-63

Shoreline Access Point: Mohegan Bluffs - Payne Overlook

Description/location: State of RI owned area off Mohegan Trail just past the SE Light to the east. Very popular area with parking and stairs descending part-way down the bluffs.

Background/Issue: Parking very congested. Many rescue calls for those who descend beyond the end of the stairway down the bluff to the beach.



Recommended Actions: Support the state's proposals for improvements to the site.

See Appendix A, pages 65-66

Shoreline Access Point: Mohegan Bluffs – Scup Rock (aka Second Bluffs) and Town ROW (Pilot Hill Road)

Description/location: Area on the south side of Mohegan Trail near the intersection of Pilot Hill Road. Parking area and short trail to bluff viewing area. Plat 8, Lots 186 and 187 (Extension of Pilot Hill Rd).

Background/Issue: Town owned and maintained. New fencing along bluff edge.



Recommended Actions:

- Consider moving the fence away from the edge of the bluff back to the raised area.
- Evaluate the site for public access, safety and erosion, given steepness of the bluffs.

See Appendix A, page 67

Shoreline Access Point: Snake Hole

Description/location: Small parking area with path to the beach at the end of Snake Hole Road where Black Rock Road and Snake Hole meet.

Background/Issue: Parking area is small and awkward due to surrounding wetlands.



Recommended Actions:

- Investigate ways to open parking given wetlands and topography.
- Ensure the parking and paths are not lost.
- Ensure the trail is cut back to ease access.

See Appendix A, pages 69-70

Shoreline Access Point: Black Rock

Description/location: Area at the end of Black Rock Road – private road, currently passage is allowed to public for beach and surfing access.

Background/Issue: The Nature Conservancy has a working arrangement with the owners of the area to aid in the planning and maintenance of the area. The washed out road and parking area will be fixed this fall (2015).



Recommended Actions:

- No immediate action recommended for this area.
- Work with TNC to make sure road improvements are made.

See Appendix A, pages 71-72

Shoreline Access Point: Rodman's Hollow

Description/location: State owned area on the south side of Cooneymus Road, parking area to the east of the hollow with trails running to the bluff edge.

Background/Issue: The Rhode Island DEM just completed extensive maintenance on the parking area.



Recommended Actions:

- No immediate action recommended for this area.

See Appendix A, pages 71-72

Shoreline Access Point: Southwest Point

Description/location: Beach access on the western side of Southwest Point Road. The area was created as a part of a subdivision plan which includes four parking spaces and an 8 ft. deeded path to the beach.

Background/Issue: Two of the parking spaces have been lost and it appears the path is only 6 ft. wide.



Recommended Actions:

- Require compliance with the subdivision plan, reestablishing the four parking spaces and the 8 ft. wide right-of-way to the beach.
- Ensure Town legal counsel defend public and deeded access to the beach when it has been clearly encroached. This location/situation could be very important to reinforce that the town will protect public access.

See Appendix A, pages 73-74

Shoreline Access Point: Cooneymus Beach

Description/location: Access at the end of Cooneymus Road, awkward parking on the south side of the road with a path to the beach.

Background/Comments: Deeded Town-owned property.



Recommended Actions:

- Level off the parking area on the south side of the road along the stonewall to improve parking.
- Mow the opening to the beach path to ensure bike rack location and ease of access.

See Appendix A, pages 75-76

Shoreline Access Point: Dorry's Cove

Description/location: Small parking area with a path to the beach at the end of Dorry's Cove Road.

Background/Issue: With path erosion being very problematic, the Highways Dept. created two paths: a walking path and a drainage path. Two paths are currently effective.



Recommended Actions:

- Maintain current double path system separating walking and rain water run off.

See Appendix A, page 77

Shoreline Access Point: Grace's Cove

Description/location: Small parking area with a path to the beach at the end of Grace's Cove Road.

Background/Issue: Severe erosion on the path to the beach.



Recommended Actions:

- Create two separate paths, a drainage path, as well as a walking path.
- Conduct survey of land to determine a location for a walking structure or a path, given rain-water run-off.
- Path may require excavation and a more formal structure.

See Appendix A, page 78

Shoreline Access Point: Sturgis Property

Description/location: Off Champlin Road, property on southeast side of Cormorant Cove abutting the Great Salt Pond.

Background/Issue: Town owned property currently in natural state, shrubbery with no trails or paths to the shoreline.



Recommended Actions:

- No immediate action recommended for this area.
- Significant deed restrictions are in place to protect development

See Appendix A, page 93

Shoreline Access Point: Charleston Beach

Description/location: Beach access on Champlin Road, where road meets the west beach and then turns to the northeast.

Background/Issue: Visitors to the beach park along the narrow road and on private property. Traffic flow is extremely congested and abutters are aggravated. Sonny and Carol Kern have offered a portion of their property to create an angled parking area at the site.



Recommended Actions:

- Accept the generous offer of the Kern family to create a parking area on their property along Champlin Road.
- Authorize TNS Highway Department to work with Mr. Kern on final details in the spring of 2016.

See Appendix A, pages 86 & 93

Shoreline Access Point: Coast Guard Beach

Description/location: Popular area with parking and path to the Great Salt Pond cut at the end of Champlin Road. The access is a 20 ft. wide roadway all the way to the waters edge at the channel.

Background/Issue: The parking area is extremely congested and the path is overgrown.



Recommended Actions:

- Open the area at the beginning of the path behind the motor pool building about 20 ft.
 - Create an area for drop-off and to site bike racks and picnic tables.
- Expand the width of the path to the beach to 6 ft. wide.
- Continue to push for increased parking at the Coast Guard station and fully evaluate access to the tennis court shot term

See Appendix A, pages 87-88

Shoreline Access Point: George P.P. Bonnell Beach

Description/location: Parking area and path accessing the Great Salt Pond on a private road: first right off Champlin Road, then ½ mile down on east side of the private road.

Background/Issue: This area is owned by the Block Island Conservancy – privately owned , access is allowed, but may be restricted.



Recommended Actions:

- No immediate action recommended for this area.

See Appendix A, pages 82-83

Shoreline Access Point: Ball O'Brien Park

Description/location: Park on the north side of West Side Road to the west just after to mouth of Center Road. Currently hosts a playground, tennis courts, skateboard park, picnic pavilion. There is a path to the Great Salt Pond.

Background/Issue: There has been discussions of a future Harbor's Department facility at this location.



Recommended Actions:

- No immediate action recommended for this area.
- Ensure the pathway from the playground is maintained.
- Keep an eye on discussions regarding expanding Harbor Department and recreational uses which may significantly alter access.

See Appendix A, pages 79-80

Shoreline Access Point: Town Boat Launch

Description/location: Boat launch on the shore of the Great Salt Pond, east side of Ocean Avenue across from the mouth of West Side Road.

Background/Issue: The ramp was reconstructed the Spring of 2015.



Recommended Actions:

- No immediate action recommended for this area.

See Appendix A, page 47

Shoreline Access Point: Ocean Avenue Bridge

Description/location: The bridge located on Ocean Avenue down the hill from the police/rescue station heading toward New Harbor.

Background/Comments: Access around the bridge is possible. Current kayaking access is used in this area.



Recommended Actions:

- No immediate action recommended for this area.

See Appendix A, page 39

Shoreline Access Point: Negus Park

Description/location: Park located on the north side of Ocean Avenue, across from the Block Island Power Company. Property abuts Harbor Pond.

Background/Issue: Property is cleared and has picnic tables. The park is used for the Farmer's Market weekly in the summer.



Recommended Actions:

- No immediate action recommended for this area.
- Maintain 15 ft. vegetative buffer around the land abutting the Great Salt Pond.

See Appendix A, page 45

Shoreline Access Point: Beach Avenue Properties

Description/location: On the north side of Beach Avenue near the Corn Neck Road intersection. There is a walking path to a meadow along the shore of the Great Salt Pond.

Background/Comments: The property is owned by the Block Island Land Trust and open to the public.



Recommended Actions:

- No immediate action recommended for this area.

See Appendix A, page 50

APPENDIX A

Shoreline Access on Block Island

Prepared for the Block Island Conservancy and the New
Shoreham Planning Board

June 1999

SHORELINE ACCESS ON BLOCK ISLAND

Prepared for Block Island Conservancy and New Shoreham Planning Board

June 1999

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Cover: Path to Mansion Beach
Photo by Dorothy S. McCluskey, July 1971

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PREFACE

The need for this study was realized some years ago. Both the Town Council and the Planning Board of New Shoreham called in 1992 for documentation of the public rights of way to the shores of Block Island. Both historian Robert M. Downie and former Land Trust intern Laura Thompson Rosenzweig had done some fragmentary work.

The issue emerged as a major concern in hearings held by the town's Natural Resources Steering Committee in 1995, chaired by Read Kingsbury, then secretary and now president of the Block Island Conservancy. A number of people said they feared the old public paths to the sea were being lost through forgetfulness and inadequate records.

The committee subsequently urged the town to undertake a research project. Dorothy McCluskey, who is vice president of the Block Island Conservancy and secretary of the Planning Board, promptly proposed a joint project of the two organizations. They agreed, arranged to share the costs, and put the project under the guidance of McCluskey and Kingsbury.

They were fortunate in obtaining the services of Michele Crowley, a former Land Use Administrator for the Town of New Shoreham and subsequently a student of land use planning at the University of Rhode Island. As the document shows, Ms. Crowley was diligent in exploring the records of the Town of New Shoreham and the memories of a number of its residents. And Ms. McCluskey has been instrumental in guiding the project to completion. Final formatting and production was managed by Charlotte Herring, herself a member of the Planning Board.

The project had three objectives:

- To document knowledge of public rights of way.
- To develop computerized access to this information.
- To link this information to the Block Island Geographic Information System.

To some extent, the report confirms what many people knew, or thought they knew, about ways to get to the shores of Block Island. Ms. Crowley not only confirmed the legal rights-of-way but also discovered that several paths thought to be public are not, in fact. However, the managers and author of this report do not assume to be presenting the last word on the subject. Any errors or omissions are entirely our own and further information is welcome.

Finally, the support of the members of the Planning Board of the Town of New Shoreham, and the members of the Block Island Conservancy board of directors, is hereby acknowledged. With this report they have made a significant contribution to the life of the island community.

ACKNOWLEDGMENTS

This project could not have been completed without the assistance and patience of the following groups and individuals:

Block Island Conservancy Board of Directors
Town of New Shoreham Planning Board
Town of New Shoreham Town Clerk's Office
Town of New Shoreham Land Use Office
Carol Baker, BIGIS Consultant

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SHORELINE ACCESS ON BLOCK ISLAND

Introduction:

The Town of New Shoreham, Block Island, Rhode Island, is a small island resort community located twelve (12) miles south off the coast of Rhode Island. Its annual population is approximately 850 people but as many as 10,000 people per day visit the island during the busy summer season. Tourism is a major economic factor for Block Island, which is heavily dependent on visitors who seek the peace, quiet and tranquillity of the island.

The Nature Conservancy has recognized Block Island's unique environment by designating it one of the "Last Great Places," one of twelve initial working models in the entire western hemisphere for studying large-scale ecosystem conservation. The Block Island landscape provides habitats for some of the rarest plants and animals in the region and has long been renowned as a way station for migratory birds.

The Island is served by two harbors. Old Harbor is generally considered the commercial harbor and New Harbor, in Great Salt Pond, is recognized as the recreational harbor. The Pond is a priceless natural resource which is used by thousands of people for a variety of recreational purposes such as fishing, diving, sailing, swimming, kayaking, and just plain relaxing. In addition to the harbors, Block Island has miles of sandy and rocky beaches. Given the great amount of shoreline, it is easy to see why public access is so important to the people of Block Island.

In 1996, the town's Natural Resources Steering Committee recommended to the Town Council that research be conducted to identify and document traditional public rights of way to the sea. In 1997, the Town of New Shoreham and the Block Island Conservancy jointly funded the research project, which was administered by the Block Island Conservancy. The basic goal of the research was to document public rights of way to the shoreline and the Great Salt Pond. This research will assist property owners and others who wish to find more detailed information on existing rights of way. It is not intended to encourage additional use, but to clarify property ownership and ensure awareness of traditional rights of way to the shoreline and the Great Salt Pond.

Research Process:

A catalog, which includes individual files for all public rights of way on Block Island, was developed. Each file contains a form outlining various information relevant to the right of way: type of access, ownership, facilities, natural environment, primary/historical uses and references to documents that established the right of way (deeds, Town Council resolution, etc). Most of these documents can be found in the Town Hall's land evidence records and Land Use Office. Each file also contains a legal narrative, which provides a summary of the history of the particular right of way, as well as the method of establishing it. In addition, GIS (Geographic Information System) codes and definitions were created and a format was developed to link each right of way to the Block Island Geographic Information System (BIGIS).

Methodology included applied and evaluative research. Applied research consisted of researching files in the Town's land evidence records, as well as conducting interviews with local people familiar with traditional rights of way on Block Island. Evaluative research was conducted by assessing the status of each documented right of way to determine eligibility for inclusion in the

final list of rights of way. The results of the Block Island project are presented in the next section of this report.

Initial research for this report relied on the publication, "Public Access to the Rhode Island Coast," published by the University of Rhode Island's Coastal Resource Center in 1993. This effort was spearheaded by Virginia Lee and Pamela Pogue, who identified existing public rights of way in each city and town in Rhode Island. The publication identified twenty-five (25) public rights of way on Block Island.

To date, this catalog has identified forty-five (45) public access points on Block Island, and more may be identified in the future. It is important to note that this catalog is a working document. Rights of way may be added in the future, as outstanding issues become resolved and new properties or rights of way are conveyed to the public interest.

Findings:

Of the forty-five (45) public access points identified in the catalog, some are rights of way in the traditional sense, i.e. roads, paths, or public ways to the shore (Andy's Way, Cooneymus Road). Other access points include privately-owned marinas (Block Island Boat Basin) as well as parcels of waterfront land that are owned or managed by public or private bodies, which allow some type of public access (Bonnell Beach). In some cases, the public has a clear right to access and enjoy the property (Green Hill Cove). In other cases, access to the property is granted by owner's permission only (Beane Point). In addition, twenty-five (25) rights of way were researched but were not included in this catalogue. In some cases, no documentation was found to suggest a legal right of way. Other cases included waterfront parcels that did not allow public access to the shore, and waterfront parcels that allow public access, but access is via a private road.

Finally, seven (7) rights of way have been designated by the Coastal Resources Management Council (CRMC). These are: Settler's Rock, West Beach Road, Andy's Way, Scotch Beach Road, Scup Rock Property, Cooneymus Road, and Champlins Road (formerly Coast Guard Road). The CRMC designation clarifies the status of the right of way and provides the public with a clear, legally defined access way to the shore. Once a public right of way has been designated by the CRMC, it cannot be abandoned by a city or town without prior approval of the CRMC.

Issues for Consideration:

A few issues of particular interest to Block Island surfaced during the research phase of the project. Some of the public rights of way on Block Island were specifically granted to the 'Inhabitants of the Town of New Shoreham,' versus the general public (Settler's Rock). In these cases, it does not appear that a grant was made to the town or to the general public. The question remains whether or not this legally prohibits "public" use. This may not be an important point if there is no dispute over the right of way, but it is an issue which does bear further research.

Further research should be done on the history of public access along the north end of Ocean Avenue from the Beach Avenue intersection to Great Salt Pond. Town funds were used to construct the highway there late in the nineteenth century.

The issue of accretion was raised during research into Ballard's Beach and the property across from the National Hotel, and more research could have far-reaching consequences. The

Town may be able to prove that all land below Water Street was created by the process of accretion and therefore lies in the public domain.

Recommendations:

1. The Town should work to clarify outstanding issues regarding the property across from the National Hotel (Plat 6, Lot 146), and it should pursue the issue of public ownership of all land which was created through the process of accretion.
2. The Town should research and clarify public ownership, if any, along Ocean Avenue.
3. The Town should continue to maintain this catalog of existing rights of way and identify new ones for incorporation into the catalog.
4. The Town and conservation groups should continue to pursue direct acquisition of coastal land and access rights to the shoreline and the Great Salt Pond. Coastal lands are the Island's most precious resource, in both a biological and economic sense. Coastal lands nourish important wildlife and plants, as well as provide the natural setting that is most enjoyed by visitors to Block Island. As land prices continue to rise it will be increasingly important to conserve waterfront parcels that provide shoreline access for the general public.
5. The Town's regulatory boards should encourage public access whenever a large scale development is proposed along waterfront properties.
6. The Town should continue to focus attention on rights of way as a valuable resource to the inhabitants of Block Island.

SHORELINE ACCESS IN RHODE ISLAND

Access to the shoreline in Rhode Island has been a strong tradition since the colonial era. Rhode Island's 1663 Colonial Charter provided that the King "shall not, in any manner, hinder any of our loving subjects, whatsoever, from using and exercising the trade of fishing upon the coast ... and to build ... such wharves ... as shall be necessary." (RI Manual p. 26). Although the Colonial Charter apparently limited use of the shore to the pursuit of the "trade of fishing," citizens of Rhode Island used the shore for a variety of purposes that remained unchallenged by coastal landowners. The Rhode Island Constitution, adopted in 1842, recognized this expanded usage: "the people shall continue to enjoy and freely exercise all the rights of the fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state." (RI Constitution, Article I).

The Rhode Island Supreme Court defined the phrase "privileges of the shore" in the court case *Jackvony v. Powel* (1941). The court defined the term "shore" as the land between high and low water marks, also known as the intertidal zone. The Court recognized at least four "privileges" or common law rights: (1) fishing from the shore, (2) taking seaweed from the shore, (3) leaving the shore to bathe in the sea, and (4) passage along the shore. The court found no general right of access to the shore; once at the shore, however, the public was allowed a broad range of activities (Maine Law Review, Vol. 42, p. 96).

Rhode Island convened a Constitutional Convention in 1986. One of the first issues addressed was a clarification of the concept of "privileges to the shore." The convention delegates defined "privileges" of the shore to include the four activities cited in *Jackvony*, as well as any other unspecified activities to which the public may have gained historic rights (Maine Law Review, Vol. 42, p. 97). The practical effect of the amendment was to leave the definition of *shore* flexible, within the boundaries of existing case law, but more fully define *shore privileges* so that the Rhode Island Supreme Court would be precluded from reversing its *Jackvony* holding at any time in the future. The amendment was adopted in the November general election by 67.9% of those voting, the highest majority of any of the fourteen proposed amendments on the ballot (Maine Law Review, Vol. 42, p. 97).

Rhode Island's position on public access to the shore remains more liberal than those of Maine and Massachusetts. In these states, private ownership extends to the mean low water mark, subject to the public easements of fishing, fowling, and navigation (*Bell v. Town of Wells, ME, 1974*). In contrast, private property ownership in Rhode Island extends only to the "shore" meaning that the upland private owner owns, at most, down to the mean high water mark. Ownership of the shore rests with the state, and the state, as trustee, has permitted a wide variety of activities to take place. Since *Jackvony* was decided in 1941, the precise location of the shore has been the subject of litigation. The public's right to be on the shore, however, for a broad range of activities, has remained unchallenged (Maine Law Review, Vol. 42, p. 97).

Access to the shore has always been an important issue in Rhode Island. In 1958, the Rhode Island General Assembly established a permanent Commission on Discovery and Utilization of Public Rights-of-Way to prevent the loss of existing access sites from lack of use (RIGL 42-33-1 to -8, repealed 1977). This Commission existed for nearly twenty (20) years before it was abolished.

One of the Commission's final acts was to publish a map illustrating 143 rights-of-way to the shore. Criticism of the map surfaced quickly, however, with some people stating that many of

the sites were either nonexistent or inaccessible. The Commission also attempted to mark existing rights-of-way, but encountered problems. In some cases, right-of-way markers were removed or destroyed by vandals or adjacent property owners as soon as they were installed (Maine Law Review, Vol. 42, p. 98).

In 1977, after several years of inactivity on the part of the Commission, the General Assembly transferred the Commission's functions to the Coastal Resources Management Council (CRMC). In addition to its permitting authority, the CRMC was given the responsibility of "the designation of all public rights-of-way to the tidal waters of the state, and shall carry on a continuing discovery of appropriate public rights of way to the tidal water areas of the state" (RIGL 46-23-6).

The CRMC has faced many of the same problems encountered by the Rights-of-Way Commission. In an article entitled "Beach Bummer," published in the Providence Journal on July 7, 1985, Rights-of-Way Subcommittee Chairman Joseph Turco stated, "with growing numbers of people wanting to get to the seashore, there's been a growing number - a counterforce - trying to keep them away as the shore becomes a scarce commodity." Access to the shoreline appears to be one aspect of coastal management that the public readily understands and appreciates. It remains one of the most visible and controversial aspects of Rhode Island's coastal program.

Public Rights Of Way:

Rights of Way (ROWs) are typically historical pathways or properties that provide access to and from a given area. Some ROWs are considered private, meaning their use is reserved for property owners or neighboring land owners. Other ROWs to the shore are deemed public, meaning they can be used by anyone. In addition, many other opportunities exist to access the shoreline in Rhode Island. These include various sites owned by the state, town and non-profit organizations such as boat ramps, recreation areas, beaches and parks.

A public ROW is a piece of land over which the public has the right to pass on foot or, in some cases, by vehicle to access the tidal waters of Rhode Island. This right of passage is consistent with the use and condition of each individual site. Public ROWs are used for a variety of activities. For example, public ROWs provide access for fishing, for scenic enjoyment, for launching a boat or a windsurfing.

Once a public ROW has been designated, the public possesses an access to the shoreline and tidal waters of the State. Like an easement, a public ROW relates to the public's use, not the public's ownership. In other words, the public has the right to pass over and use this land in a manner consistent with the condition of the site, regardless of ownership.

CRMC's Role in Designating Public ROWs:

As noted, the CRMC has the authority to designate public ROWs to the tidal waters of the state (RIGL 46-23-6). A CRMC designation clarifies the status of a public ROW. The CRMC does not create "new" ROWs; it merely defines and places an official designation on previously existing conditions. The landowner or city/town is the official body that creates a public ROW; the CRMC merely identifies these sites.

If the CRMC has not designated a site, this does not mean that a public ROW does not exist. The CRMC may not have enough information to legally designate it or the site may not have been investigated by the CRMC.

Once a right of way has been designated by the CRMC, it cannot be abandoned by a city or town without approval of the CRMC (RIGL 46-23-6.2). In addition, a public ROW that has not been designated by the CRMC but is still a public ROW cannot be abandoned without formal proceedings. Also, highways which have been dedicated to the public by actions of landowners, or acquired by prescription, cannot be lost due to non-use and the public cannot lose its rights due to adverse possession (RIGL Chapter 24-2).

Methods of Establishing Public Rights of Way:

In general, there are six (6) legal methods to establish a public Right of Way in Rhode Island.

1. **City or town-accepted streets.** These are roadways that have been laid out, recorded, opened and maintained by a city or town council.

2. **Highways by grant or use (Ref. RIGL Chapter 24-2).** This statute applies to all lands that have been quietly, peaceably, and actually used, improved, and considered as public highways for twenty (20) years by a city or town council. In this case, the land may be taken, after proper notice, as if the land had been regularly laid out, recorded and opened by the municipality. The city or town must then record a plat of the highway in its land evidence records.

3. **Recording of a subdivision plat (Ref. RIGL Chapter 45-23).** This subdivision statute authorizes cities and towns to control the subdivision of land within their borders. A subdivision requires roads and ways, and it may contain a road or ways that lead to the shoreline. The city or town planning commission must hold public hearings, approve and record the subdivision plat in the land evidence records of the city or town.

4. **Dedication.** This is a common law method of establishing public ROWs. In order for the public to acquire rights in private property under this method, (a) the private owner must have manifestly intended to dedicate the land to public use, and (b) the dedication must have been accepted either by the proper governmental authority or by the general public.

A landowner's intent to dedicate the land can be shown by the recording of a plat map showing the ROW as public or by language in a deed. The private owner's intent to dedicate may be demonstrated either by words or conduct. In order for the public to acquire rights in private property under this method, (a) the private owner must have manifestly intended to dedicate the land to public use, and (b) the dedication must have been accepted either by the proper governmental authority or by the general public. The private owner's intent to dedicate may be demonstrated either by words or conduct (*Vallone v. City of Cranston DPW, 1961*). Also, the required intent may be inferred from mere silence and passive acquiescence in public use, if such silence and acquiescence is sufficient, under the circumstances, to show an intent on the owner's part "to abandon his own private control of the property and to allow it to be appropriated to the public" (*Daniels v. Almy, 1893*).

In *Talbot v. Town of Little Compton (1932)* the public had "openly, notoriously and uninterruptedly used an entire tract of land under a claim of right for a length of time far in

excess of the statutory period for obtaining title by adverse user." The Rhode Island Supreme Court ruled that a presumption of dedication by prior owners existed.

In *Talbot*, the long, continued public use of a beach included hunting, fishing and bathing, as well taking sand and gravel on a regular basis for municipal purposes. The prior owners' only response was to erect a fence more than sixty years earlier, which was promptly destroyed, and one or two verbal objections to the taking of sand and gravel that were not followed by any preventive action. No private owner had ever attempted to exclude the inhabitants of the town from free use of the beach. "Talbot signifies that if the public exercises open, notorious, uninterrupted use of private property over an extended period of time, the private landowner will be presumed to have intended to yield control to the public and to have dedicated the property to public use" (Maine Law Review, Vol. 42, p. 105).

5. Historical Use. This refers to ROWs that have been used by the public since time immemorial, based on an old common law concept. To create a public ROW by use, evidence must show that the use has been general, uninterrupted, continuous, and adverse, so as to warrant the inference that the land had been laid out, appropriated, or dedicated by the landowner to the public. An occasional use of land by a few persons living in the neighborhood or abutters to the property without any claim of right is insufficient to establish a public ROW.

6. Easement by Prescription or Adverse Possession (Ref. RIGL Chapter 34-7). This refers to privately owned paths to the shore that have been used for a period of ten (10) consecutive years by the public (RIGL 34-7-1). An easement is a right to use the land of another in a specified manner. In order to create a public ROW by this method, the public has the burden of establishing the use of a ROW as open, adverse, notorious, hostile and continuous.

Adverse use is to be distinguished from use that is permitted. For example, in *Daniels v. Blake* (1953), the court found that the friendly personal relations that had earlier existed between the landowner and the individuals who were claiming a prescriptive right-of-way across the land demonstrated that the claimants' use was permissive, not adverse. In this case, a public right of way does not exist (Maine Law Review, Vol. 42, p. 106).

In 1872, the Rhode Island Legislature adopted a special statutory restriction, apparently to make the acquisition of an easement by prescription more difficult. Now incorporated in the RI General Laws, it reads, "No right of footway, except claimed in connection with a right to pass with carriages, shall be acquired by prescription or adverse use for any length of time" (RIGL 34-7-4). This restriction must be read in conjunction with RIGL Section 34-7-8, which states, "Nothing herein contained shall affect any rights of the shore which the people of this state are now entitled under the charter, the constitution or by the law, or be construed to apply to any preceding action."

Case Study: Black Point, Narragansett, RI

The Black Point case involved shorefront land known as Black Point, a shorefront path known as the Narragansett Pier Cliff Walk which runs along most of the shoreside perimeter of the parcel, and the public's right to use this path.

A developer, Downing Corporation, applied for permission to construct an 80-unit residential condominium project. In a hearing which began in April 1987 before an ad hoc committee of the CMRC, the attorney general of the state of Rhode Island and the Conservation Law Foundation opposed the project on behalf of the public's right of access to the shore. They

argued that the public path had been in use since before the Civil war and that the general use had been uninterrupted, continuous and adverse, with the knowledge and acquiescence of various former owners of the property.

The case became an exploration of the legal methods of establishing rights of way by dedication and through easement by prescription. Regarding dedication, there was overwhelming evidence of ongoing and historic public use of the path. Evidence showed that public use had been "open, notorious, uninterrupted and exercised under a claim of right." It was shown that the former property owners, the Lownes, responded to public use by "silence and acquiescence," which inferred an intent to dedicate the path. These owners never blocked the path, never installed "no trespassing" signs, and never took any kind of action to stop public use. Also, the Lownes allowed a reference to the customary public use in a deed. The attorney general argued that the pattern of conduct clearly demonstrated an intent to dedicate the path to public use.

Regarding Easement by Prescription, evidence showed that most public users of the shoreline path and perpendicular path did not know the property owners and had no personal contact with them. Also, no member of the public asked for, or received permission, to use the property. Even though the path lies upland of the shore, the public uses pathways crossing upland portions of Black Point to take advantage of the intertidal zone.

The CRMC did not uphold the public's right to use the entire length of the path. In two separate decisions made in May 1989, the CRMC 1) approved the developer's application to construct the condominium unit at Black Point; and 2) determined the existence of a right of way on Black Point, but recognized only half of the full length of existing shoreline Cliff Walk.

CRMC's decision said that the evidence showed public use of a portion of the path during all seasons of the year, and that public use had been "open, notorious and plainly visible to past owners." But, the CRMC found insufficient evidence for the right of way past a certain point, approximately half of the distance claimed by the public. CRMC claimed there was conflicting testimony as to the actual area used by the public.

The Black Point case eventually found its way into both the courts and the political arena. During the 1988 governor's race, incumbent Governor Edward DiPrete announced plans to acquire Black Point as public property through either purchase or condemnation. In July 1989, the Rhode Island Department of Environmental Management, using the power of eminent domain, condemned the entire Black Point parcel for an appraised price of approximately \$6.5 million (Maine Law Review, Vol. 42, p. 111).

The Black Point case had a significant impact on public access law in Rhode Island. It was the first time that CRMC used its authority to recognize a path along and to the shore. The case has served as the basis for similar claims as other large tracts have been developed along the shoreline. Even though the CRMC did not recognize the full path, the decision was considered an affirmation of the common law doctrine of dedication in Rhode Island. The case raised the issue of access to the shore as a major policy issue in Rhode Island. The case continues to have a lasting impact on Rhode Island (Maine Law Review, Vol. 42, p. 112)

Conclusion:

Providing adequate and high quality public access to the shore has become an important part of development plans in waterfront communities throughout Rhode Island. In the past, this function was undertaken primarily by the private sector. Today, however, the public sector

appears to be the responsible party in providing public access. This change is attributed, in part, to private individuals' interest in acquiring waterfront property and the increasing prices for such land. As waterfront parcels are purchased and developed by private individuals, the public may lose opportunities for access to the shore. In addition, the growth of interest in water dependent activities means that cities and towns must look for opportunities to provide public access to the residents of and visitors to the coastal communities of the State of Rhode Island.

“Shoreline Access on Block Island” and “Shoreline Access in Rhode Island” were researched and written by Michele Crowley for the Block Island Conservancy and Block Island Planning Board.

TABLE OF IDENTIFIED RIGHTS OF WAY ON BLOCK ISLAND

NAME OF ROW	PLAT/LOT	OWNER	TYPE OF ACCESS	FACILITIES	ENVIRONMENT	PRIMARY/HISTORICAL USES
Settler's Rock	P1, L999-99	TNS	A-1, R, C	PK	S, C, M	V, H, F, W
North Light	P1, L1-1 & 1-2	USFW/TNS	A-2, D, R	F, PK	S, C	S, V, C, F, H, W
Settlers Rock/Grove Point	P1, L2 & 18	TNC/TNS	A-4, A-2, D	PK	C, M	H, F
Block Island National Wildlife Refuge	P1, L16	TNS	A-2, D	PK	S, C, D	V, H, F, W, C
West Beach Road	P2, L999-99	TNS	A-1, H, C	P, PK	S, T	F, W, A, C, H
Clayhead / Bluestone I	P2, L1	PRIVATE	A-4, D	P	R, T	S, V, C, H, W
Sachem Pond / Breed	P2, L28, 50&51	TNS	A-6, D	P	S	V, C, W
Cannon Lot / Andy's Way	P3, L45 & 155	TNS	A-1, C, D	P, PK	S, M	B, V, F, W, A, S, H, O
Skippers Island	P3, L64-1, 65, 66-1, 66-2	BIC/USFW	A-2, D	n/a	M, S	O, F, W, H, V, C
Mansion Beach and Road	P3, L127-129	TNS	A-2, D	P, PK	S	B, F, R, A
Scotch Beach and Road	P4, L1	TNS	A-1, D, C	P, PK	S, C, M	B, F, R, A
Mosquito Beach	P4, L68	TNS	A-2, D	P, PK, H	S, M	A, B, F, W, C, V
Ocean Avenue Bridge	P5, L999-99	STATERI	A-2, T	P, PK	C	V, H, F, W
Beach Avenue Bridge	P5, L999-99	STATERI	A-2, T	n/a	C, M	V, F, W
Payne's Dock	P5, L0	PRIVATE	A-5, P, T	PK, D, T, N, A, C, X	B, H	V, A
Frederick Benson Town Beach	P5, L1	STATERI	A-2, D, R, E	PK, T, N, A, C	S	V, W, B, A
Crescent Beach	P5, L2	TNS	A-2, R, E	n/a	S	B, F
Negus Park	P5, L19	TNS	A-3, D	A	M	R, G
Indian Head Neck Road	P5, L63 & 65	BILT/TNS	A-2, D, T	P, B, T	C, H	A, R
Block Island Boat Basin	P5, L69-4	PRIVATE	A-5, P	PK, D, T, N, A, C, X	R, H	F, A
Beach Avenue Properties	P5, L120-1 to 120-5	BIC	A-4, D	n/a	M	O, H, W, C
across from National Hotel	P6, L146	DISPUTED	A-6, T	n/a	S, F, E	A, V, S, F
Old Harbor Dock	P6, L158	TNS	A-2, T	PK, F, D, C	H	V, R
Old Harbor ROW / Water St. Ext.	P7, L999-99	BILT	A-2, D	P	H	A
Ballard's Beach / OH Breakwater	P7, L23	PRIVATE/USGOV	A-5, P, T	PK, T, N, A, C	S, B, H	V, S, B
Southeast Lighthouse	P8, L1	STATERI/SELF	A-3, D	F, PK	T	V, H, S
Green Hill Cove	P8, L56 & 62	BILT	A-2, D	P, PK	R	F, A, O
Springhouse Pond Lot	P8, L83	BILT	A-2, D	P	M	A, O, H, W, V
Mohegan Bluffs / Payne Overlook	P8, L183	STATERI	A-2, D	P, PK	R, T	A, F, W, C, V, B, H
Mohegan Bluffs / Scup Rock	P8, L186	TNS	A-1, A-3, D, C	P	R, T	A, V, W, C
Mohegan Bluffs / Town ROW	P8, L187	TNS	A-3, D	n/a	R, T	V, W, C
Snake Hole Road	P11, L999-99	TNS	A-2, H	P	R, T	F, V, H, A
Black Rock Road / Rodman's Hollow	P12, L13	STATERI	A-2, D	P, K	R, T	H, O, W, C, V, F
Southwest Point	P14, L999-99	TNS	A-2, S, D, T	P	C	V, F, W, R, A
Cooneynus Road	P14, L999-99	TNS	A-1, A-2, H, C	P, PK	C	A, F, H
Dorry's Cove Road	P15, L999-99	TNS	A-2, D	P	S, R	A, F, H
Grace's Cove Road	P19, L999-99	TNS	A-2, T, H	P, PK	S, C	F, H
Bail O'Brien Property	P19, L1	TNS/BILT/STATERI	A-2, D	PK, D, T, N, A, C	S, H	V, H, W, C, A, R
Champlin's Marina	P19, L5 & 6	PRIVATE	A-5, P, T	C, PK, D, T, N, A	S, H	A, B, F, R
Bonnell Beach	P19, L13	BIC	A-2, D	P	S, M, T	V, R, A, B, W, C
Champlin Road / Coast Guard Road	P20, L999-99	TNS	A-1, A-2, E, C, D	P	S, D	A
Charleston Beach	P20, L999-99	n/a	A-6, T	P	S	A, F, B, H, V
Coast Guard Station	P20, L12	USGOV	A-2, D	P, PK	S	B, V, F, S, H, W
Beane Point	P20, L17 & 18	USFW/TNC	A-4, D	n/a	R, M, F, D, S	F, H, V, C, W
West Beach	P20, L20	TNS	A-6, T	P	S	C, W

TABLE CODES

TYPE OF ACCESS:

- A-1 CRMC - designated public access to the tidal waters of the state.
- A-2 Documented legal right of public access to the shore with an existing path or road.
- A-3 Documented legal right for the public to access the shore but the water is inaccessible i.e. no path or passageway or stairs down the bluff exists; access to the property and a view of the shore exists but there is no provision for reaching the water.
- A-4 Properties owned by a conservation organization or the government that are located on the waterfront. These properties appear to have access but the access is via a private road, and the use of the property is limited by a deed restriction or may be limited to members of the conservation organization.
- A-5 Marinas that are privately owned and operated, where public access is allowed as a nature of the business.
- A-6 Properties that have been researched but no legal, written documentation was found to suggest the existence of a ROW.

- C CRMC Designated
- D Deeded
- E Eminent Domain
- H Platted Highway
- P Private Property
- R Town Council Resolution
- S Subdivision
- T Traditional/Historical

OWNERSHIP:

- ASRI Audubon Society of Rhode Island
- BIC Block Island Conservancy
- BILT Block Island Land Trust
- CCA Cormorant Cove Association
- PRIVATE Private
- SELF Southeast Light Foundation
- STATERI State of Rhode Island
- TNC The Nature Conservancy
- TNS Town of New Shoreham
- USFW U.S. Fish and Wildlife Service
- USGOV U.S. Government

FACILITIES:

- A Picnic Table/Benches
- B Boat Ramps
- C Concession
- D Docks/Piers
- F Fee
- H Handicapped Access
- N Public Telephone
- P Path
- PK On-Site Parking
- T Toilet
- X Public Transportation

ENVIRONMENT:

- B Bulkhead
- C Cobble Beach
- D Coastal Dune
- F Forest
- H Harbor Area
- M Marsh
- R Rocky Shore
- S Sandy Beach
- T Steep Shoreline

PRIMARY/HISTORICAL USES:

- A Access
- B Swimming Beach
- C Conservation of Plant/Animal Species
- F Fishing
- G Agriculture
- H Hiking/Walking
- O Wildlife Observation
- R Recreation
- H Historical Significance
- V Preservation of Viewsheds
- W Wildlife Habitats

TABLE DEFINITIONS

FACILITIES:

Boat Ramps: There are boat ramps for launching hand-carried or trailered boats.

Concession: Small to medium-sized concession stands, restaurants, or snack bars are either at the site or nearby.

Docks/Piers: There are docks or piers for boater pickup and/or dropoff.

Fee: There may be an entrance fee, parking fee, or some other cost associated with the use of the site.

Handicapped Access: There are ramps, wheelchair-accessible restrooms, or other facilities designed for the physically challenged.

On-Site Parking: On-site parking is available.

Path: There is a narrow pathway to the shore.

Picnic Table/Benches: There are picnic tables, park benches or shelters.

Public Telephone: Public pay telephones are present on site.

Public Transportation: Some form of public transportation stops at or near the site.

Toilet: Toilet facilities, flush or chemical, are available for public use.

ENVIRONMENT:

Bulkhead: There is a manmade shoreline structure along the shore.

Coastal Dune: Coastal dunes characterize the site.

Cobble Beach: The beach consists mainly of rocks or pebbles.

Forest: There is a forest on the site.

Harbor Area: There is a waterfront area with a variety of activities related to tourism, recreation, and maritime commerce.

Marsh: The site has coastal or brackish wetlands regularly flooded by the tide.

Rocky Shore: The shoreline is composed of bedrock, ledge, or boulder-strewn areas.

Sandy Beach: The beach has fine sand that is easy to walk on barefoot.

Steep Shoreline: Coastal cliffs, bluffs, and steep banks characterize this site.

PRIMARY/HISTORICAL USES:

Preservation of Viewsheds: The site has a significant scenic view of the coast but may have no physical access to the water.

Swimming Beach: The site has lifeguards and designated swimming areas.

Historical/Significance: This area has historical or archeological significance, is eligible for inclusion in the National Register of Historic Places, or is designated as historically or archaeologically sensitive by the Rhode Island Historic Preservation Commission.

Wildlife Observation: This is a sensitive habitat, a stopover for migratory birds, or is a refuge for many species of fish, birds, or waterfowl.

Fishing: The site is a popular fishing spot or is formally designated as a state fishing area.

Hiking/Walking: The site has hiking trails or is a good place for walking.

Recreation: This is an area used for active recreation such as swimming, boat launching, surfing, playgrounds, etc.

Access: The primary use of the site is for public beach access.

Wildlife Habitats: This area provides habitat for many species of plants and animals.

Agriculture: This site consists of farmland or pasture land.

Conservation of Plant/Animal Species: This area is a sensitive habitat which protects rare species of plants and animals.

**RIGHTS OF WAYS DESIGNATED BY CRMC
as of May 1992**

1. Settler's Rock Plat 1, Lot 999-99
2. West Beach Road Plat 2, Lot 999-99
3. Andy's Way Plat 3, Lot 155
4. Scotch Beach and Road Plat 4, Lot 1
5. Scup Rock Property Plat 8, Lot 186
6. Cooneymus Road Plat 14, Lot 999-99
7. Champlin / Coast Guard Road Plat 20, Lot 999-99

Unresolved: Not on list but considered at CRMC public hearings:

1. Southeast Lighthouse Plat 8, Lot 1
2. Snake Hole Road Plat 11, Lot 999-99
3. Grace's Cove Road Plat 19, Lot 999-99

**IDENTIFIED RIGHTS OF WAY:
DESCRIPTIONS & DOCUMENTATION**

Listed by Plat/Lot

**Settler's Rock
Plat 1, Lot 999-99**

Owner: Town of New Shoreham
Type of Access: A-1 / Town Council Resolution, CRMC Designated
Facilities: On-site Parking
Environment: Sandy beach, Cobble beach, Marsh

Primary/Historical Uses:

1. Preservation of Viewsheds
2. Hiking/Walking
3. Wildlife Habitats
4. Fishing

Documentation/References:

1. Volume 8, p. 232-233, Town Council Resolution 8/22/1826, TNS LER
2. CRMC Document, 5/9/1983, TNS Land Use Office
3. CRMC Document, 10/11/1984, TNS Land Use Office

Narrative:

This is an area of sand and rocks that extends north from the northwest end of Corn Neck Road, to a cobble beach known as Cow Cove, bordering Block Island Sound. The area is an extension of Corn Neck Road, down to the North Lighthouse. A plaque has been erected at the end of Corn Neck Road to mark the landing site of the European Settlers who traveled from Massachusetts to Block Island in 1661. Sachem Pond lies across the road, and consists of a small, sandy beach and a few picnic tables. The parking area is also the access point to Sandy Point, the Block Island National Wildlife Refuge, and the northern end of the Clayhead Nature Trail.

The Town Council passed a resolution dated Aug. 22, 1826, which established a public highway, "beginning near the old pier so called and running northerly as the road now runs to Cow Cove." There was no eminent domain taking of the land. The Town Council resolution is based upon twenty (20) years usage, as determined by the Town Council.

The CRMC held a public hearing on Block Island re: this ROW on June 13, 1983. The CRMC recognized this area as a public ROW on March 27, 1984.

North Light Plat 1, Lot 1-1 and 1-2

Owner: U.S. Fish and Wildlife (Lot 1-1) / Town of New Shoreham (Lot 1-2)

Type of Access: A-2 / Deeded, Town Council Resolution

Facilities: Fee, On-site Parking

Environment: Sandy beach, Cobble beach

Primary/Historical Uses:

1. Historical Significance
2. Preservation of Viewsheds
3. Conservation of Plant/Animal Species
4. Fishing
5. Walking/Hiking
6. Wildlife Habitats

Documentation/References:

1. Volume 8, pages 458-459, Deed 4/25/1829, TNS Land Evidence Records
2. Volume 66, pages 219-221, Deed of Conservation Easement 11/20/1984, TNS Land Evidence Records
3. Volume 66, page 222, Acknowledgment 11/20/1984, TNS Land Evidence Records
4. Volume 66, page 223, Resolution 6/5/1984, TNS Land Evidence Records
5. Volume 66, pages 224-225, Deed USA to New Shoreham 10/16/1984, TNS Land Evidence Records

Narrative:

This property includes the North Light and the area known as Sandy Point. Four lighthouses have been built on Sandy Point, including the present lighthouse, which was erected in 1867. The lighthouse (empty since automated in the 1950s) was closed by the Coast Guard in 1972. The structure remained empty until the Town acquired the structure and two and one-half acres of surrounding land in 1984. Under the guidance of the North Light Commission, money was raised to begin restoration and a new light was installed in August 1989. The North Light presently operates as a maritime interpretive center from mid-June until Labor Day.

According to a deed dated April 25, 1829, the Town of New Shoreham sold twenty (20) acres of land to the United States Government for \$200. The deed reads that the Town does "give, grant, bargain, sell and convey, unto Andrew Jackson President of the United States ... the land aforesaid, being twenty acres of said Northwest Point measuring to common high water mark ... together with the same rights of way which the grantors now enjoy to and from the road, and the same rights to the shore hereby granted and bargained, and all the privileges and appurtenances therefore ... and excepting a common right to the seaweed which comes to said shores, to fishing and fowling ..."

The Town Council adopted a resolution at the Financial Town Meeting on June 5, 1984, authorizing the Council "to dispose of certain lands belonging to the Town by transferring a Conservation Easement and Development Rights Easement to approximately twenty (20) acres of real estate located in the north end of Town, adjacent to the North Light to the United States of America in exchange for the transfer of title to approximately two and one-half (2 1/2) acres including the North Light by the United States of America to the Town of New Shoreham."

The deed dated October 16, 1984, from the United States of America to the Inhabitants of the Town of New Shoreham, includes "a 10' wide right-of-way across remaining land of the United States for ingress and egress. Said right-of-way shall be over an existing sand road."

The deed of conservation easement from the Town of New Shoreham to the United States of America is dated November 20, 1984. The deed reads, in part, "the dominant purpose of this easement shall be to conserve and maintain the described land, and the vegetation thereon, in its natural condition ... the said lands shall be administered and posted as part of the Block Island National Wildlife Refuge."

Settler's Rock / Grove Point Plat 1, Lot 2 and 18

Owner: The Nature Conservancy (Lot 2) / Town of New Shoreham (Lot 18)

Type of Access: A-4 (Lot 2) and A-2 (Lot 18) / Deeded

Facilities: On-site Parking

Environment: Cobble beach, Marsh

Primary/Historical Uses:

1. Hiking/Walking
2. Fishing

Documentation/References:

Lot 2:

1. Volume 120, p. 273, BILT Form A, 12/29/1990, TNS LER
2. Volume 120, p. 274, BILT Form B, 12/29/1990, TNS LER
3. Volume 120, p. 275-276, Tax Sale Deed, 12/29/1990, TNS LER
4. Volume 159, p. 46, BILT Form A, 2/22/1994, TNS LER
5. Volume 159, p. 47-48, Quitclaim Deed, 3/3/1994, TNS LER

Lot 18:

1. Volume 120, p. 225, BILT Form A 12/29/1990, TNS LER
2. Volume 120, p. 226, BILT Form B 12/29/1990, TNS LER
3. Volume 120, p. 227-228, Tax Sale Deed 12/29/1990, TNS LER

Narrative:

Lot 2:

This property is located on the north end of the Island, adjacent to Cow Cove. Rosalee Ccopacatty purchased this property by tax sale deed dated Dec. 29, 1990. Mrs. Ccopacatty then granted to The Nature Conservancy by quitclaim deed, "all my right, title and interest, including specifically an undivided one-eighth of one percent (1/8 of 1%) interest" in this parcel. Brayton White, heir of Arthur Sheffield, donated his interest in the property to The Nature Conservancy in 1993.

Lot 18:

This property is also located on the northern end of the Island. The Town of New Shoreham purchased this property by tax sale deed dated Dec. 29, 1990. The property was formerly owned by the estate of John G. Sheffield and the estate of Arthur N. Sheffield.

Block Island National Wildlife Refuge Plat 1, Lot 16

Owner: Town of New Shoreham
Type of Access: A-2 / Deeded
Facilities: On-site Parking
Environment: Sandy beach, Cobble beach, Coastal Dune

Primary/Historical Uses:

1. Preservation of Viewsheds
2. Hiking/Walking
3. Fishing
4. Conservation of Plant/Animal Species
5. Wildlife Habitats

Documentation/References:

1. see Town Land and Beaches, Proprietors Chart, December 1902, TNS LER
2. Volume 66, p. 219-222, Deed of Conservation Easement 11/20/1984, TNS LER
3. Volume 66, p. 223, Town Council Resolution 10/9/1984, TNS LER
4. Volume 66, p. 224-225, Deed USA to TNS 10/16/1984, TNS LER

Narrative:

The Block Island National Wildlife Refuge (BINWR) encompasses the northern tip of Block Island (Sandy Point), including the historic North Lighthouse. The shoreline of the refuge consists of a cobble beach that extends from the parking area at Settler's Rock to Sandy Point, and a sandy/cobble beach that extends several miles along the west side from Sandy Point to Great Salt Pond.

The Refuge provides a rookery for seagulls, and Sachem Pond provides a feeding area for a variety of waterfowl. BINWR is an ideal area for walking, birdwatching, and enjoying spectacular views in all directions. Four-wheel-drive vehicles, with permits, may drive out to Sandy Point, a popular fishing spot on the island. The refuge is an environmentally sensitive area. Visitors are asked to stay off vegetation and out of the dunes, and warned not to swim at Sandy Point, due to dangerous tidal currents.

The Town Council adopted a resolution at the Financial Town Meeting on June 5, 1984, authorizing the Council "to dispose of certain lands belonging to the Town by transferring a Conservation Easement and Development Rights Easement to approximately twenty (20) acres of real estate located in the north end of Town, adjacent to the North Light to the United States of America in exchange for the transfer of title to approximately two and one-half (2 1/2) acres including the North Light by the United States of America to the Town of New Shoreham."

The deed dated October 16, 1984, from the United States of America to the Inhabitants of the Town of New Shoreham, includes "a 10' wide right-of-way across remaining land of the United States for ingress and egress. Said right-of-way shall be over an existing sand road."

The deed of conservation easement from the Town of New Shoreham to the United States of America is dated November 20, 1984. The deed reads, in part, "the dominant purpose of this easement shall be to conserve and maintain the described land, and the vegetation thereon, in its natural condition ... the said lands shall be administered and posted as part of the Block Island National Wildlife Refuge."

West Beach Road

Plat 2, Lot 999-99

(provides access to P2/L48-1 & 48-2 and P20/L20)

Owner: Town of New Shoreham

Type of Access: A-1 / Platted Highway, CRMC Designated

Facilities: Path, On-site Parking

Environment: Sandy beach, Steep shoreline

Primary/Historical Uses:

1. Fishing
2. Wildlife Habitats
3. Access
4. Conservation of Plant/Animal Species
5. Hiking/Walking

Documentation/References:

1. Volume C, p. 256-259, Town Council Minutes 5/7/1888, TNS LER
2. CRMC Document, 5/9/1983, TNS Land Use Office
3. CRMC Document, 10/11/1984, TNS Land Use Office

Narrative:

West Beach Road is located on the northwest side of Block Island, running westerly from Corn Neck Road past the Transfer Station (landfill) to West Beach, a sandy beach bordering Block Island Sound.

The Town Council approved the layout of the road on May 7, 1888, delineating a road twenty (20) yards wide and 157 rods long. It appears that the public has always had access to the shore over West Beach Road.

John (Jack) Gray, former first warden of the Town of New Shoreham, donated six acres to the Town for a landfill in June 1978. When the DEM mandated that the Town erect a fence around the landfill in the early 1980s, Mr. Gray reiterated that a right of way to the beach would remain, and the fence was erected accordingly.

The CRMC held a public hearing re: this ROW on June 13, 1983 and recognized it as a public ROW on March 27, 1984.

Clayhead/Bluestone I Plat 2, Lot 1

Owner: Private (State Easement for two walking trails only)

Type of Access: A-4 / Deeded

Facilities: Path

Environment: Rocky shore, Steep shoreline

Primary/Historical Uses:

1. Historical Significance
2. Preservation of Viewsheds
3. Conservation of Plant/Animal Species
4. Hiking/Walking
5. Wildlife Habitats

Documentation/References:

1. Volume 29, p. 67-71, Quitclaim Deed 10/10/1962, TNS LER
2. Volume 29, p. 93-95, Boundary Agreement 9/29/1967, TNS LER
3. Volume 29, p. 274-291, Covenant & Restrictions Easement 12/18/78, TNSLER
4. Volume 49, p. 141-143, Warranty Deed 9/11/1979, TNS LER
5. Volume 49, p. 144, Assignment of Easement 9/11/1979, TNS LER
6. Volume 166, p. 214, BILT Form A 11/17/1994, TNS LER
7. Volume 166, p. 215, BILT Form B 11/17/1994, TNS LER
8. Volume 166, p. 216-221, Co-Executor's Deed 10/4/1994, TNS LER

Narrative:

This property comprises the bulk of Clayhead Preserve. The State of Rhode Island owns an easement for two scenic nature trails which wind through shrubs, fields and wetlands to the Clayhead Bluffs, along Block Island's northeast shore. From this shore, there is access to the beach at Ball's Cove, from a trail along Clayhead Swamp and from the bluffs. The trail, and the many privately owned but publicly accessible trails leading off from it, provide walkers with views of wildlife, farms, ponds and the coast. This is considered an environmentally sensitive area and is especially important for migratory songbirds. Access to this property is by a trail that leads from Corn Neck Road and winds through Plat 3, Lots 104-1 and 104-2, Lot 103-2, Lot 144 and Lot 145; these lots are part of the Clayhead Nature Trail and eventually wind up at Plat 2, Lot 1.

David P. Lapham conveyed a conservation easement and restriction to The Nature Conservancy dated December 18, 1978. The Nature Conservancy then conveyed the conservation easement and restriction to the State of Rhode Island and Providence Plantations by warranty deed and assignment of easement, both dated September 11, 1979.

The Nature Conservancy has a conservation easement and ecological management responsibility for the property. The State of Rhode Island owns an easement for only two trails, and is responsible for the cost of maintenance of these two trails.

The conservation easement and restriction conveyed "the right of view of the Protected Property in its natural, scenic, open and wooded condition as well as the right of the public to come upon the Protected Property as herein provided."

The document further states that "Rhode Island promises and agrees that it will ... provide normal maintenance and repair for the foot trails which are utilized by the public ... and will assume responsibility for enforcing the restrictions on public use of the Protected Property ... not to be construed to include relocation, expansion or widening of the foot trails used by the public."

**Sachem Pond / Breed
Plat 2, Lot 28, 50 and 51**

Owner: Town of New Shoreham

Type of Access: A-6 / Deeded

Facilities: Path

Environment: Sandy beach

Primary/Historical Uses:

1. Conservation of Plant/Animal Species
2. Wildlife Habitats
3. Preservation of Viewsheds

Documentation/References:

1. Volume 16, p. 20-21, Deed 5/19/1885, TNS LER
2. Volume 16, p. 74-75, Deed 11/3/1885, TNS LER
3. Volume 16, p. 395-396, Deed 4/18/1890, TNS LER
4. Volume 38, p. 299-301, Quitclaim Deed 12/2/1972, TNS LER
5. Map #539, Administrative Subdivision for MacDougall Family Limited Partnerships No. 1 and 2, Plat 2, Lot 28 & 51, July 24, 1996, TNS LER
6. Coast and Geodetic Survey Map

Narrative:

This right of way runs westerly from Corn Neck Road through privately-owned lots 28 and 51. The right of way provides access to West Beach and the Nelson-Breed Wildlife Preserve, which was deeded to the Town of New Shoreham in 1972. The Breed property was conveyed from Nelson and Marjorie Breed to the Town of New Shoreham by quitclaim deed dated Dec. 12, 1972, for "the dominant purpose ... to conserve and maintain the land in its present natural state and as a nature sanctuary."

The property was conveyed "together with and subject to that certain right of way running westerly from Corn Neck Road to the West Beach through the aforesaid Sheffield land and the above described premises, including all riparian and littoral rights in and to Sachem Pond and the West Beach."

The deed further reads, "Said premises are to be maintained in their present wild and uninhabited condition and shall not at anytime be used for human recreational facilities, such as picnicking or camping by organized groups or individuals. Conservationists, naturalists, ornithologists, and other persons interested in studying, observing, or researching the birds and animals to be protected herein, are to be granted free use and access of the premises at any and all time, provided however, that such use shall not be detrimental or disturbing to the wildlife."

**Cannon Lot / Andy's Way
Plat 3, Lot 45 and Plat 3, Lot 155**

Owner: Town of New Shoreham
Type of Access: A1, Deeded, CRMC Designated
Facilities: Path, Parking
Environment: Sandy beach, Marsh

Primary/Historical Uses:

1. Swimming Beach
2. Preservation of Viewsheds
3. Fishing
4. Wildlife Habitats
5. Access
6. Historical Significance
7. Hiking/Walking
8. Wildlife Observation

Documentation/References:

Lot 55:

1. Volume 37, p. 137-142, Restrictions and Protective Covenants Imposed Upon Subdivision of Cannon Lot, New Shoreham, RI 10/23/1970, TNS LER
2. Volume 41, p. 61-62, Bargain and Sale Deed 11/23/1974, TNS LER
3. Cannon Lot Subdivision Map, 1970, TNS LER

Lot 155:

1. Volume 27, p. 227-229, Guardian's Deed 7/14/1958, TNS LER
2. Volume 38, p. 105-106, Quitclaim Deed 4/30/1972, TNS LER
3. CRMC Document, 5/9/1983, TNS Land Use Office
4. CRMC Document, 10/11/1984, TNS Land Use Office

Narrative:

Plat 3, Lot 45:

This property lies west of Corn Neck Road and was designated as Lot 9 as part of the Cannon Lot subdivision in October 1970. Access to this property is via Andy's Way (Plat 3, Lot 155). The property was conveyed from St. Caspian Associates to the Town of New Shoreham by bargain and sale deed dated Nov. 23, 1974. The deed is "subject to restrictions and covenants recorded in Volume 37, p.137 of Land Evidence Records." These restrictions and covenants, which refer to home construction, landscaping, etc., shall continue in full force and effect until Sept. 30, 2069.

Plat 3, Lot 155:

This area is located on the northwest side of Block Island, running westerly from Corn Neck Road to the Great Salt Pond. The right of way consists of a dirt and sand road extending west from Corn Neck Road to a sandy beach bordering Great Salt Pond. This is a popular site for shellfishing, as well as to launch windsurfers.

The property was once owned by Judge John Sweeney who began parceling off land, yet reserved a 50 foot right of way along the southerly wall of his property. Part of the property was subdivided in 1970 and is referred to as the Cannon Lot subdivision. Various property owners began excluding the general public from using the 50 foot right of way during the time of this subdivision.

Through research, F. Albert Starr discovered that Judge Sweeney still owned the 50 foot right of way. Although Judge Sweeney was deceased, his nieces were still alive and were approached by Mr. Starr who obtained the deed on behalf of the Town.

This property was conveyed to the Town of New Shoreham by Dunn/McManus/Delaney by quitclaim deed dated April 30, 1972, referring to a certain parcel of land 50 feet in width, known as "Andy's Way." The 50 foot right of way extends from the west side of Corn Neck Road along the southerly boundary of the Cannon Lot to the Great Salt Pond.

The deed states, "the consideration for this deed has been paid for by the family and friends, and the land given to the Town in memory of Andrew D. Starr, who started many of his happiest days of his short life by crossing over this right of way."

The CRMC recognized this area as a public right of way on October 11, 1984.

Skippers Island
Plat 3, Lot 64-1, 65, 66-1 and 66-2

Owner: Block Island Conservancy (Lot 64-1)
U.S. Fish and Wildlife (Lot 65, 66-1, 66-2)

Type of Access: A-2 / Deeded

Facilities: not applicable

Environment: Marsh, Sandy Beach

Primary/Historical Uses:

1. Wildlife Observation
2. Fishing
3. Hiking/Walking
4. Wildlife Habitats
5. Preservation of Viewsheds
6. Conservation of Plant/Animal Species

Documentation/References:

1. Volume 81, p. 29, Deed 12/19/1986, TNS LER
2. Volume 98, p. 77, BILT Form A 9/23/1998, TNS LER
3. Volume 98, p. 78, BILT Form B 9/23/1998, TNS LER
4. Volume 98, p. 79-81, Quitclaim Deed 5/6/1998, TNS LER
5. Volume 205, p. 98, BILT Form A 3/19/1998, TNS LER
6. Volume 205, p. 99, BILT Form B 3/19/1998, TNS LER
7. Volume 205, p. 100-104, Quitclaim Deed 2/27/1998, TNS LER
8. Volume 205, p. 105, BILT Form A 3/19/1998, TNS LER
9. Volume 205, p. 106, BILT Form B 3/19/1998, TNS LER
10. Volume 205, p. 107-119, Quitclaim Deed 2/27/1998, TNS LER
11. Volume 205, p. 120-121, Release of Building Restrictions 3/4/1998, TNS LER
12. Volume 212, p. 45, BILT Form A 9/4/1998, TNS LER
13. Volume 212, p. 46-48, Warranty Deed 9/3/1998, TNS LER
14. 1914 Coast and Geodetic Survey Map

Narrative:

Lot 64-1:

This property, located on the northerly side of Skippers Island Pond, provides access to West Beach from the end of Skippers Island Road. The property was first conveyed to The Nature Conservancy from Dorothy S. McCluskey by a deed dated Dec. 19, 1986. The Nature Conservancy then conveyed the property to the Block Island Conservancy by quitclaim deed dated May 6, 1998, "together ... with a right of way over and across Skippers Island Road as it extends to Corn Neck Road." The deed also refers to a second right of way. "Both said rights of way to be for passage on foot and for emergency vehicles or maintenance vehicles of the Grantee ...

subject to and with the benefit also of a 12' pedestrian right of way along the shore of Skippers Island Pond ..." The CRMC has approved a 4 foot wide pedestrian path across the northern boundary of this lot, to provide for beach access.

The conveyance was made, "subject to the express condition ... that the premises ... shall forever be held as a nature preserve for scientific, educational and aesthetic purposes, and shall be kept entirely in its natural state ..."

Lot 65:

This property was conveyed to The Nature Conservancy by Leo Nevas and Michael Greenberg et. al. by quitclaim deed dated Feb. 27, 1998. The Nature Conservancy conveyed the property to the U.S. Fish and Wildlife Service by quitclaim deed dated Sept. 3, 1998.

Lot 66-1 and 66-2:

This property, including Skippers Island Road, was conveyed to The Nature Conservancy by Leo Nevas, Michael Greenberg et. al by quitclaim deed dated Feb. 27, 1998. The property was then conveyed from The Nature Conservancy to U.S. Fish and Wildlife by quitclaim deed Sept. 3, 1998.

Mansion Road and Mansion Beach Plat 3, Lot 127, 128 & 129

Owner: Town of New Shoreham

Type of Access: A-2 / Deeded

Facilities: Path, On-site Parking

Environment: Sandy beach

Primary/Historical Uses:

1. Swimming Beach
2. Fishing
3. Recreation
4. Access

Documentation/References:

Mansion Beach Plat 3, Lots 127, 128 & 129:

1. Volume 16, p. 247-249, Deed 9/23/1887, TNS LER
2. Volume 16, p. 251-253, Deed 11/16/1887, TNS LER
3. Volume 16, p. 399-401, Deed 4/28/1890, TNS LER
4. Volume 18, p. 485-487, Deed 11/20/1896, TNS LER
5. Volume 21, p. 245, Deed 9/1/1922, TNS LER
6. Volume 23, p. 188, Deed 5/15/1936, TNS LER
7. Volume 23, p. 366, Deed 10/9/1939, TNS LER
8. Volume 25, p. 434-436, Deed 7/1/1952, TNS LER
9. Volume 27, p. 498-500, Deed 8/6/1959, TNS LER
10. Volume 66, p. 179-181, Quitclaim Deed 11/8/1984, TNS LER

Ministers Lot ROW:

1. Volume 13, p. 229-230, Deed 3/15/1859, TNS LER
2. Map of Ministers Lot, November 1970, TNS LER

Narrative:

Located off Corn Neck Road, Mansion Road is a sandy lane and right-of-way which leads to the shore. At the eastern end of Mansion Road are bluffs that overlook the Atlantic Ocean, with a popular sandy beach below the bluffs. This beach takes its name from the Searles Mansion that stood there from 1888 to 1963. Edward Searles was a member of Herter Brothers, a prestigious decorating firm in Boston. He married Frances Hopkins, the widow of railroad tycoon Mark Hopkins. Frances was considered the wealthiest woman in the United States, and they lived in an 18-room Italian villa surrounded by formal gardens. The mansion was destroyed by a mysterious fire in 1963, and today only the stone foundation remains. Mansion Beach is an excellent site for picnics, swimming and wildlife observation. There is limited parking available on site.

There appear to be two rights of way to Mansion Beach. The first one is Mansion Road , which leads to the beach where the stone foundation is located. This road is a deeded 24-foot strip of land which belonged to Mr. Searles and was originally purchased from several individuals. The road travels from Corn Neck Road, turns south and leads to the mansion property. This road has been used by the public in order to gain access to Mansion Beach. The original gateposts still stand along the way; they date back to the Prohibition Era, when there was a storage area for liquor in the basement of the mansion. The mansion property (Lots 127-129) was conveyed from Angelo Costa to the Town of New Shoreham by quitclaim deed dated Nov. 8, 1984. According to Second Warden Martha Ball, there is no identified legal access to the water. The Town road appears to end at the property line, and there is no reference to a right-of-way in the 1984 deed from Mr. Costa to the Town of New Shoreham.

Ministers Lot:

A second right of way is located on the eastern end of Minister's Lot. The road is six feet wide and runs through Plat 3, Lot 13, which is a privately-owned piece of property. This property, originally part of the Town's Ministerial Lands, was conveyed from the inhabitants of the Town of New Shoreham to William Littlefield by a deed dated March 5, 1859. The conveyance was made, "reserving to all the Inhabitants of this Town the right of way to pass and repass through said lot with teams and otherwise as occasion may require and at any and all times near south line of said lot, and also the same right to pass and repass across the east part of said lot near the sea, and also reserving the right to cart sand from any part of said lot at any and all times ... also reserving all the seaweed and drift that may come or land on said shore with the privilege to cart up the same on said lot and secure the same and to cart the same away at any and all times to, and for the use of, the balance of the said Ministerial Lot not sold." Although the Town appears to have reserved this right of way for the public, there is no physical or legal access to the right of way, other than via a private road which runs through privately owned properties.

Scotch Beach and Road Plat 4, Lot 1

Owner: Town of New Shoreham

Type of Access: A-1 / Deeded, CRMC Designated

Facilities: Path, On-site Parking

Environment: Sandy beach, Cobble beach, Marsh

Primary/Historical Uses:

1. Access
2. Swimming Beach
3. Fishing
4. Recreation

Documentation/References:

1. Volume 19, p. 162-164, Warranty Deed 10/28/1908, TNS LER
2. Volume 27, p. 235, Plat Map, TNS LER
3. CRMC Document, 5/9/1983, TNS Land Use Office
4. CRMC Document, 10/11/1984, TNS Land Use Office

Narrative:

This road and property, consisting of 17.7 acres, are located on the east side of Block Island, east of Great Salt Pond, running easterly from Corn Neck Road to the shore. The road provides access to Scotch Beach and allows access to the northern end of Frederick Benson Town Beach.

Two parcels of land were conveyed to the Town by the Block Island Land and Improvement Company in 1908, the second of which indicates the location of Scotch Beach Road.

The CRMC held a public hearing on Block Island on this ROW on June 13, 1983. Testimony at the public hearing indicated that plat records clearly show this property is a public ROW which goes directly to the water from Corn Neck Road.

The CRMC recognized this area and road as a public ROW on March 27, 1984.

Scotch Beach:

The Town of New Shoreham acquired approximately 44 acres of beach property by eminent domain on June 6, 1953, "for recreational uses and providing for the conveyance of a part of such land to the state for the establishment of a public beach." These 44 acres include Crescent Beach, Scotch Beach, Fred Benson Town Beach and Mansion Beach. According to Robert Downie's book, "Block Island and the Sea," "at one time during the first-half of the century, bathers were charged to use the beach nearer to Town. Those who ventured further along the

shore, saving themselves a few pennies, caused this portion of Crescent Beach ... to be called Scotch Beach."

**Mosquito Beach
Plat 4, Lot 68**

Owner: Town of New Shoreham
Type of Access: A-2 / Deeded
Facilities: Path, Handicapped Access, On-site Parking
Environment: Sandy beach, Marsh

Primary/Historical Uses:

1. Access
2. Swimming Beach
3. Fishing
4. Wildlife Habitats
5. Conservation of Plant/Animal Species
6. Preservation of Viewsheds

Documentation/References:

1. Volume 46, p. 127, Right of Way Agreement 5/3/1978, TNS LER
2. Volume 93, p. 40, BILT Form A 2/18/1988, TNS LER
3. Volume 93, p. 41-42, Quitclaim Deed 2/9/1988, TNS LER
4. Volume 153, p. 272, BILT Form A, 10/25/93, TNS LER
5. Volume 153, p. 273, BILT Form B, 10/25/93, TNS LER
6. Volume 153, p. 274-279, Quitclaim Deed w/docs 10/25/93, TNS LER
7. Volume 153, p. 280-281, Bargain and Sale Deed 8/20/1993, TNS LER
8. Volume 153, p. 282-285, Recreation Easement 11/2/1993, TNS LER

Narrative:

This property, traditionally called "Deep Hole," is located off Corn Neck Road, on the southeast shore of the Great Salt Pond. The area encompasses 4.6 acres and is characterized by salt marsh and beach. This site is popular for the landing of small dinghies, as well as shellfishing.

According to Attorney F. Albert Starr, "... the area was used as public cart paths and roadways for approximately 300 years. From the time the Island was originally divided up and settled in 1600's and 1700's, the only access to the north end from the Center of the Island was from the center road over Indian Head Road and through Indian Head Neck following the easterly shoreline of Great Salt Pond. In this particular area, there were numerous cart paths running from Indian Head Neck Road to the east beach, now Scotch Beach. They were used primarily for gathering seaweed and drift. The subject area ... was the location of the original cart path or roadway."

This property was conveyed by quitclaim deed dated Feb. 4, 1988 from Jane Foster to Douglas and Sandra Campbell, "together with all my right and interest in and to that certain right of way which is described in the right of way agreement dated May 3, 1978 and recorded in Volume 46 at page 127 of the New Shoreham Land Evidence Records." The deed states that the "use of said right of way shall continue for and during such period of time as the said Southerly portion of the roadway is available for use by the inhabitants of the Town of New Shoreham to pass from Corn Neck Road to the Great Salt Pond."

The property was then conveyed by bargain and sale deed dated Aug 20, 1993 from Douglas and Sandra Campbell to the Town of New Shoreham. The property is subject to a recreation easement dated Nov. 2, 1993 between the Town of New Shoreham and Block Island Land Trust, by which the Town "agrees to perpetually use the Premises only for outdoor recreation purposes and parking related thereto ..."

Addendum:

According to former Second Warden Doug Michel, this property was shown and listed as property of the Town of New Shoreham until the late 1980s. The Town hired Stanley Engineering to survey and mark the boundaries of the property in the late 1980s. The survey showed that this property fell on land claimed by Boas and Foster. The Campbells conveyed the property to the Town in 1993, in order to avoid litigation.

Ocean Avenue Bridge

Plat 5, Lot 999-99

(located at Plat 5, Lot 104)

Owner: State of Rhode Island

Type of Access: A-2 / Traditional/Historical

Facilities: Path, On-site Parking

Environment: Cobble beach

Primary/Historical Uses:

1. Preservation of Viewsheds
2. Fishing
3. Wildlife Habitats
4. Hiking/Walking

Documentation/References:

1. not applicable

Narrative:

Ocean Avenue Bridge and Seawall provide access to Trim's Pond, a tributary of the Great Salt Pond. This area is utilized by the public for fishing, shellfishing and walking. Ocean Avenue was laid out as a public highway in 1895, to provide for quicker access between Old and New Harbor. The original bridge, constructed by the State of Rhode Island in 1895, was replaced in the mid-1970s.

Beach Avenue Bridge

Plat 5, Lot 999-99

(Located between lots 49 and 121)

Owner: State of Rhode Island

Type of Access: A-2 / Traditional/Historical

Facilities: not applicable

Environment: Cobble beach, Marsh

Primary/Historical Uses:

1. Preservation of Viewsheds
2. Wildlife Habitats
3. Fishing

Documentation/References:

1. not applicable

Narrative:

Beach Avenue Bridge, located over Harbor Pond channel, provides a public access point for fishing, shellfishing, and scenic enjoyment. The original bridge, a wooden structure, was replaced by a concrete bridge in approximately 1917. The State of Rhode Island's Department of Transportation replaced the 1917 bridge in 1996/1997.

**Payne's Dock
Plat 5, Lot 0**

Owner: Private

Type of Access: A-5 / Private Property, Traditional/Historical

Facilities:

1. On-site Parking
2. Docks/Piers
3. Toilet
4. Public Telephone
5. Picnic Table/benches
6. Concession
7. Public Transportation

Environment: Bulkhead, Harbor Area

Primary/Historical Uses:

1. Preservation of Viewsheds
2. Access

Documentation/References:

1. Interview: Harriet Phelan

Narrative:

Payne's Dock is a full-service marina, with guest slips available, located at the end of Ocean Avenue in New Harbor. Payne's Dock provides access to, as well as a great view of, the Great Salt Pond.

In 1895 the Town constructed Ocean Avenue as an entirely new road, ending at the present dock. Payne's Dock is actually the wharf that the Town was authorized to build by the State of Rhode Island in 1895. The Town leased the wharf to New London Steamship Company, which paid for construction of the present day dock. Steamers from New York City traveled to Block Island from New York and utilized the dock for a number of years.

The property was previously owned by Giles Dunn at some point in the past. Frank Payne Sr. acquired the property from James McGarry, although Mr. McGarry was not using the property as a marina at the time of purchase. The property was transferred to Frank Payne Jr. after his father died. Frank Payne Jr. operated the marina for many years, until he passed away in the early 1990s. Frank Payne Jr.'s son now operates the marina.

Fred Benson Town Beach Plat 5, Lot 1

Owner: State of Rhode Island

Type of Access: A-2 / Deeded, Eminent Domain, Town Council Resolution

Facilities:

1. On-site Parking
2. Historical Significance
3. Picnicking
4. Wildlife Habitats
5. Swimming Beach

Environment: Sandy beach

Primary/Historical Uses:

1. Preservation of Viewsheds
2. Access
3. Wildlife Habitats
4. Swimming Beach

Documentation/References:

1. Volume 26, p. 34-35, Statement Containing Description of Land and Property Taken for Recreational Facilities 6/6/1953, TNS LER
2. Volume 26, p. 99-100, Deed 10/6/1953, TNS LER

Narrative:

Located off Corn Neck Road, this long, sandy beach encompasses approximately 25 acres and borders Rhode Island Sound. It is a popular beach for walking, sunbathing, swimming and provides an excellent view of the ocean and Old Harbor. The beach has a large parking area, bike racks, lifeguards, and a pavilion where people can purchase food, drinks, and access to toilet and shower facilities. The beach is managed by the Town of New Shoreham.

The Town of New Shoreham acquired approximately 44 acres of beach property by eminent domain on June 6, 1953, "for recreational uses and providing for the conveyance of such land to the state for the establishment of a public beach." These 44 acres include Crescent Beach, Scotch Beach, Fred Benson Town Beach and Mansion Beach.

By resolution of the Town Council, the Town "elected to take ... in fee simple, pursuant to the provision of said act, for recreational facilities, the following described tract of land known as Crescent Beach or East Beach, situated in the Town of New Shoreham ..." The deed refers to the property "together with all easements, riparian and littoral rights and interests and privileges therein, and rights incidental and appurtenant thereto," as laid out in an accompanying map.

The Town then conveyed the property to the State of Rhode Island by deed dated 10/6/1953, "for the express purpose of establishing, developing and maintaining thereon a public bathing beach, park or recreation area." The State of Rhode Island erected a one-story bathhouse in 1954.

This deed states that "for the benefit of the inhabitants of said Town generally and of said Town and its assigns, that no fence or other barrier, except fences and jetties erected for the purpose of controlling sand, tides or water, shall be erected on said parcel of land which shall deny to the public free access to and free movement along said beach; and that the inhabitants of said Town, and said Town and its assigns, may at all times enter on foot and with vehicles, upon, across, and otherwise use said parcel for recreational purposes, including bathing and for the purpose of securing and carrying away drift, seaweed and other water borne salvage, without the payment of any fee therefore ..."

The deed further states, "This deed of gift is made upon the condition that the premises hereby conveyed shall be used for and said devoted to the purpose of establishing, developing and maintaining on said parcel a public bathing beach, park or recreation area ... and in the event that the said entire premises shall be abandoned by the Grantee for such purpose the same shall revert to and become the proper estate of the Grantor to the same effect as though this deed had not been made."

The State began renovating the bathhouse in 1989 but construction was not completed until 1992. The Town of New Shoreham took over management of the beach and bathhouse on May 19, 1992; the contract runs until May 1, 2002.

Crescent Beach Plat 5, Lot 2

Owner: Town of New Shoreham
Type of Access: A-2 / Eminent Domain, Town Council Resolution
Facilities: not applicable
Environment: Sandy beach

Primary/Historical Uses:

1. Swimming Beach
2. Fishing

Documentation/References:

1. Volume 26, p. 34-35, Statement Containing Description of Land and Property Taken for Recreational Facilities 6/6/1953, TNS LER

Narrative:

Located off Corn Neck Road, this long, sandy beach encompasses 4.5 acres and borders Rhode Island Sound. It is a popular location for walking, sunbathing, swimming and provides a good view of the ocean and Old Harbor.

The Town of New Shoreham acquired approximately 44 acres of beach property by eminent domain on June 6, 1953, "for recreational uses and providing for the conveyance of a part of such land to the state for the establishment of a public beach." These 44 acres include Crescent Beach, Scotch Beach, Fred Benson Town Beach and Mansion Beach.

By resolution of the Town Council, the Town "elected to take ... in fee simple, pursuant to the provision of said act, for recreational facilities, the following described tract of land known as Crescent Beach or East Beach, situated in the Town of New Shoreham ..."

The deed refers to the property "together with all easements, riparian and littoral rights and interests and privileges therein, and rights incidental and appurtenant thereto," as laid out in an accompanying map.

**Negus Park
Plat 5, Lot 19**

Owner: Town of New Shoreham

Type of Access: A-3 / Deeded

Facilities: Picnic table/benches

Environment: Marsh

Primary/Historical Uses:

1. Recreation
2. Agriculture (Farmer's Market)

Documentation/References:

1. Volume 32 , p. 74-75, Statutory Form Warranty Deed, 11/30/1966, TNS LER
2. Volume 94, p. 288-290, Stipulation to Judgment, 5/16/1988, TNS LER

Narrative:

This property, adjacent to Harbor Pond, is bordered northwesterly by Beach Avenue and southwesterly by Ocean Avenue. The park is named in honor of Adelbert Negus, the Island's first fire chief. Negus Park provides a quiet, shady place for picnicking and passive recreation. It is also the site of the annual Easter Egg Hunt in April, as well as the Farmer's Market, conducted every summer. A 20-foot right of way (a sewer easement) runs along the Great Salt Pond, to Beach Avenue, between properties currently owned by Payne and Alpert.

The property was conveyed from Max L. and Miriam Grant to the Town of New Shoreham by warranty deed dated November 30, 1966. The property was conveyed "together with all of the right, title and interest of the grantor in and to that certain road lying between the above described premises and said Harbor Pond and also extending from said Ocean Avenue along said Harbor Pond and then running Northwesterly between lots numbered 24 and 26 on said Hygeia Plat to Beach Avenue, as shown on said Hygeia Plat.

The accompanying plat map is entitled, "Hygeia Plat, Block Island, R.I. by J.A. Latham & Son, July 1992, " and is recorded in the Land Evidence Records of the Town of New Shoreham.

**Indian Head Neck Road
Plat 5, Lot 63 and 65**

Owner: Block Island Land Trust (Lot 63)
Town of New Shoreham (Lot 65)

Type of Access: A-2 / Deeded (Lot 63)
Traditional/Historical (Lot 65)

Facilities:

1. Path
2. Boat Ramps
3. Toilet

Environment: Cobble beach, Harbor area

Primary/Historical Uses:

1. Access
2. Recreation

Documentation/References:

Lot 63:

1. Volume 121, p. 229, BILT Form A 2/14/1991, TNS LER
2. Volume 121, p. 230, BILT Form B 2/14/1991, TNS LER
3. Volume 121, p. 231, Quitclaim Deed 2/13/1991, TNS LER
4. Volume 121, p. 232-235, Agreement w/Exhibit B 2/12/1991, TNS LER
5. Volume 123, p. 217, BILT Form A 5/7/1991, TNS LER
6. Volume 123, p. 218, BILT Form B 5/7/1991, TNS LER
7. Volume 123, p. 219, Quitclaim Deed 12/26/1990, TNS LER
8. Volume 123, p. 220, BILT Form A 5/7/1991, TNS LER
9. Volume 123, p. 221, BILT Form B 5/7/1991, TNS LER
10. Volume 123, p. 222, Quitclaim Deed 1/15/1991, TNS LER
11. Volume 123, p. 223, BILT Form A 5/7/1991, TNS LER
12. Volume 123, p. 224, BILT Form B 5/7/1991, TNS LER
13. Volume 123, p. 225, Quitclaim Deed 12/4/1990, TNS LER
14. Volume 125, p. 141, BILT Form A 6/27/1991, TNS LER
15. Volume 125, p. 142, BILT Form B 6/27/1991, TNS LER
16. Volume 125, p. 143, Quitclaim Deed 6/27/1991, TNS LER

Lot 65:

1. Town Council Book H, pages 83 & 88, 6/3/1946 & 7/1/1946 Meetings, TNS LER
2. Letter from John Gray to John Lyons, 3/25/1983, TNS LUO
3. Opinion of Title from Attorney Joseph A. Priestley, Jr., 4/12/1984, TNS LUO
4. Letter from Edward F. McGovern, Jr. to Grover Fugate 6/6/1990, TNS LUO
5. Letter to the Zoning Board on behalf of Northeast Corporation, 12/10/1992, TNS LUO

6. Letter to the Zoning Board on behalf of Island Marine Corp., 12/11/1992, TNS LUO
7. Volume 144, p. 4-6, Zoning Decision Letter 1/27/1993, TNS LER

Plat 4, Lots 70-74

Plat 5, Lots 59, 60, 61-1, 61-2:

1. Volume 10, p. 44, Deed 2/4/1837, TNS LER
2. Volume 16, p. 61, Deed 10/8/1885, TNS LER
3. Volume 18, p. 64, Deed 9/3/1900, TNS LER
4. Volume 33, p. 202-203, Deed 11/19/1967, TNS LER
5. Letter to Town Manager and Town Council from Attorney F. Albert Starr dated 2/22/1993, TNS Land Use Office

Interviews:

1. Robert Downie
2. Donald Littlefield
3. Elliot Taubman

Narrative:

Lot 63:

This property, consisting of 26,000 sq. ft., is bounded northerly by the Great Salt Pond and southerly by Trims Pond. All heirs of Doctor John Carder Champlin, with the exception of Frank Payne Jr., conveyed their interest in the property to the Block Island Land Trust by quitclaim deed between December 1990 and June 1991.

The heirs wished the conveyance to serve "as a memorial to John Carder Champlin, Block Island's only native doctor, who faithfully served the residences of the Island from 1886 to 1916."

Lot 65:

This property lies easterly of Ocean Avenue in New Harbor. The property is actually a 33-foot strip of land which lies between Smuggler's Cove and Dead Eye Dick's Restaurant. Traditionally, this site has been used as a landing, a launching ramp, and a fishing area. It was also used as the off-loading ramp for commercial shellfishermen.

This strip of land is a portion of a Town road called Indian Head Neck Road, which historically extended from Ocean Avenue at New Harbor, across a bridge and in a northeasterly direction to the north end of the Island. When Corn Neck Road was constructed, the old road ceased to be used and the bridge was removed when the harbor was dredged in 1901. On June 3, 1946, recorded in Town Hall Book H, there is a reference of "Notice of Abandonment of the Western End of the Old Indian Head Neck Road." This matter was further referred to at the July 1, 1946 meeting of the Town Council. Ultimately, however, the matter was never acted upon by the Town Council.

There seems to be some dispute as to whether the Town has title to this property. A letter from First Warden John F. Gray to Mr. John Lyons of the CRMC in 1983 states that "the Town ... has title to a thirty-three foot roadway leading to the Hog Pen." Mr. Gray further states that "the Town, in the future, would like to construct a small boat (access) ramp at this site because the deep water of the channel affords a good launching area for boat trailers." In 1990, First Warden Edward F. McGovern, Jr. addressed the issue of ownership with Grover Fugate, executive

director of CRMC. In a letter to Mr. Fugate, Mr. McGovern wrote, "the Town maintains that this property has been under public Town ownership since the 1600s ... this parcel has a long history of use as a public landing and boat launching facility." Mr. McGovern also stated, "... ownership was never questioned until Northeastern Corporation purchased the abutting property in ... 1982. All property lines have been surveyed and recorded by Stanley Engineering in March of 1983."

Eventually, the Town received approval from the Zoning Board in 1993 for construction of a dock and boat launching ramp at this property. Objectors to the case, such as Northeast Corporation, owners of Smuggler's Cove, maintained that the Town does not own this piece of property. Northeast Corporation enclosed an "Opinion of Title" by Attorney Joseph Priestley dated April 12, 1984, which states that his research reveals that this land was never deeded to the Town. In a letter to the Zoning Board in 1992, Northeast Corporation argued that "the best case that the Town can make is that the land in question is a "right of way," "highway," "public lane," or some other form of easement. It is apparent that this piece of land was once a part of Old Indian Head Neck Road."

Plat 4, Lots 70, 71, 72, 73, 74

Plat 5, Lots 59, 60, 61-1, 61-2

The former Indian Head Neck Road also appears to pass through other privately owned properties. Attorney F. Albert Starr addressed this issue in a lengthy memo to the town manager and Town Council dated Feb. 22, 1993. In part, the memo refers to property formerly owned by Simon and Martin Ball. Elizabeth Popock conveyed approximately eight acres of property to the Balls by deed dated Feb. 4, 1837, "reserving the public road as it now runs through the said tract of land ..."

The Balls conveyed a portion of the property to Agnes Van Ostrand by deed dated Oct. 8, 1885, which refers to "reserving two roads through said lot for the Inhabitants of the Town of New Shoreham, one of them running in a Northerly and Southerly direction and the other road running in an Easterly and Westerly direction from Indian Neck Road to what is called the back of the beach road (Corn Neck Road)." When Van Ostrand conveyed the property to Mary and Daniel Murphy in Sept. 30, 1900, she also reserved, "for the Town of New Shoreham and its inhabitants forever, the two roads or highways crossing said premises ..."

Block Island Boat Basin
Plat 5, Lot 69-4

Owner: Private

Type of Access: A-5 / Private Property

Facilities:

1. On-site Parking
2. Docks/Piers
3. Toilet
4. Public Telephone
5. Picnic Table/benches
6. Concession
7. Public Transportation

Environment: Rocky shore, Harbor area

Primary/Historical Uses:

1. Access
2. Fishing

Documentation/References:

1. not applicable

Narrative:

Block Island Boat Basin is a full-service marina on the Great Salt Pond. The marina has guest slips available, as well as a small beach and barbecue area. There are bike, car and moped rentals available on site. The ferry from Montauk, NY, to Block Island provides service from this marina. The office of the harbormaster is also located here.

The property is currently owned by Eleanor Mott, wife of the late Samuel Mott.

**Beach Avenue Properties
Plat 5, Lot 120-1 thru 120-5**

Owner: Block Island Conservancy

Type of Access: A-4 / Deeded

Facilities: not applicable

Environment: Marsh

Primary/Historical Uses:

1. Wildlife Observation
2. Hiking/Walking
3. Wildlife Habitats
4. Conservation of Plant/Animal Species

Documentation/References:

1. Volume 144, p. 245, BILT Form A 2/17/1993, TNS LER
2. Volume 144, p. 246, BILT Form B 2/17/1993, TNS LER
3. Volume 144, p. 247, BILT Form C 2/17/1993, TNS LER
4. Volume 144, p. 248-257, Receivers Deed 2/5/1993, TNS LER
5. Volume 144, p. 258-269, Conservation Easement 2/17/1993, TNS LER

Narrative:

This property, abutting the Great Salt Pond, includes a large meadow with a knoll overlooking Trim's Pond. During the 1980s this property was slated for the development of luxury townhouses by two developers, who subsequently defaulted on loans from the Marquette Credit Union. The land was sold at foreclosure to the Depositors Economic Protection Corporation (DEPCO), and eventually sold to the Block Island Conservancy in 1992. A conservation easement on the property, dated Feb. 17, 1993, is held by the Block Island Land Trust. The public is allowed to access the property for hiking the existing trails, but there is no reference made to beach access in the management plan.

**Property across from National Hotel
Plat 6, Lot 146**

Owner: Disputed
Type of Access: A-6 / Traditional/Historical
Facilities: none
Environment: Harbor Area

Primary/Historical Uses:

1. Historical Significance
2. Fishing
3. Access
4. Preservation of Viewsheds

Documentation/References:

1. Map of Water Street, May 1897, TNS LER
2. Volume E, pp. 74-84, Town Council Minutes 10/16/1897, TNS LER
3. Letter from Richard Kyte to Herbert Whitman, 11/25/1980, TNS LER
4. Master's Report: Old Harbor Marina Realty Corp., et al vs. Town of New Shoreham, et al, CA No. 83-220, prepared by Master Ralph T. Lewis, Jr., 2/12/1986, TNS LUO
5. Master's Report II, prepared by Master Ralph T. Lewis, Jr., 4/24/1991, TNS LUO
6. Interview: Robert Downie

Narrative:

This property is located in Old Harbor, east of Water Street across from the National Hotel. The slanted bluff or bank runs to the seashore and the seashore runs to the ocean. The property is claimed to be owned by several parties, including the Town of New Shoreham.

The Town based its claim of ownership on an engineering survey prepared by Charles F. Chase dated May 8, 1897. Volume E of the 1897 Town Council Records indicate that on or about March 1, 1897, a commission was established "to survey bound and mark out (the widening of Water Street) from a point near the Surf Hotel, so called, to the East Government Crib Work ...". The survey performed by Mr. Chase was a result of the Town's authorization. Council records indicate that the Town accepted the commission's report with the survey and further entertained claims of damages for the proposed improvement of Water Street. The proceeding was advertised and there is no indication that anyone disputed title to the real estate referred to in the survey. Former Town Solicitor Richard Kyte Jr. spent considerable time researching the Town's land evidence records in 1980 and found no evidence of a deed from the Town to any other person regarding this real estate.

In a letter to former First Warden Herbert Whitman dated Nov. 25, 1980, Mr. Kyte referred to the legal doctrine of acquisition of real estate by the process of accretion. The letter states, "As various members of the Historical Society correctly point out, much of the real estate disputed did not exist in 1885 or 1897. Accretion occurs when the line between water and land bordering thereon is changed by gradual deposit of soil upon the margin of water. The owner of such land acquires title to all additions thereto. Simply, although there has been a gradual buildup over the past century, title still remains with the Town."

In 1985, Old Harbor Marina Realty Corporation brought an action to quiet title against the Town of New Shoreham, claiming ownership of the property. The corporation claimed title to the property based upon a chain of title which originated with a warranty deed from Nathaniel and Catherine Littlefield to Caleb Littlefield, dated Dec. 9, 1768. The corporation also claimed title to the property by adverse possession for a period extending ten years.

A counterclaim was filed by Claire S. Pike, who claimed that she and several other people were the rightful owners of the property, as descendants and devisees of Winfield S. Dodge. This counterclaim did not mention a claim to the title by virtue of adverse possession.

The Town of New Shoreham filed an answer and counterclaim to the complaint, claiming title to the property by virtue of acts of the Town of New Shoreham in 1897, as well as by the 1897 survey by Charles F. Chase. The Town also claimed title by virtue of adverse possession.

Judge Ralph T. Lewis, Jr. was appointed master of this case in 1985, to "have the power and duty to determine questions of law and fact in order to determine the interests of the parties, if any, to the subject matter real estate." Master Lewis issued the Master's Report on February 12, 1986. He issued the following findings regarding this piece of property:

1. Old Harbor Marine Realty Corporation "did not acquire title to the property by virtue of a series of grants or devisees," and "have furnished absolutely no evidence to support the allegation of title by Adverse Possession";
2. The Town of New Shoreham "has submitted no evidence whatsoever that would place title ... in the Town of New Shoreham," and "has furnished absolutely no evidence to support the allegation of title by Adverse Possession." Further, "The Town of New Shoreham has not carried its burden of proving that the Town is in fact the owner in fee of Water Street ... and there is no concrete proof that the Town ... has ever condemned or taken Water Street as its own." Master Lewis goes on to state that, "at best, the Town could only have a fee in the bed of the highway or roadway, which fee would not extend beyond the boundaries of that highway or roadway ... the ownership of Water Street would not entitle the Town ... to the ownership of the land lying between the easterly line of Water Street and the sea ... and Water Street does not now and throughout this chain of title never did border on the sea." Master Lewis concludes by stating that the Town "... took no title by Adverse Possession, took no title to the fee of Water Street, and thus was not entitled to the benefits of accretion, and took no title by virtue of the Federal Government constructing a breakwater in the Block Island harbor."
3. Claire S. Pike et al. were granted "an undivided seaweed privilege" or "a certain shore privilege" as "passed and conveyed to the grantees therein a ... freehold estate ... in the subject parcel of this suit ... Therefore, the heirs, successors, devisees and assigns of the grantees named in the aforesaid deeds which issued out of the five daughters of Caleb Littlefield are the owners in fee simple of the subject parcel of this suit."

After the Master's Report was issued in 1986, objections were filed on behalf of Old Harbor Marina Corporation and the Town of New Shoreham. The parties appeared in court in 1987 to secure an order which allowed the parties to present further evidence regarding their respective claims of title. These hearings were conducted by the master in October and November 1989, the outcome of which was the issuance of a Master's Report II, dated April 24, 1991. The Master's Report II determined ownership interests of the property for Claire S. Pike et. al.

According to Island Historian Robert M. Downie, the Master's Reports must be accepted and ratified by the Superior Court. It appears that this process has yet to be completed, even though the Master's Reports were filed several years ago. The Town was granted condemnation authority in 1986, but it appears that the issue was never pursued by the Town. Therefore, the issue of ownership remains unresolved, until such time as the Master's Reports are ratified by the Superior Court.

**Old Harbor Dock
Plat 6, Lot 158**

Owner: Town of New Shoreham

Type of Access: A-2 / Traditional/Historical

Facilities:

1. On-site Parking
2. Fee
3. Docks/Piers
4. Concession

Environment: Harbor area

Primary/Historical Uses:

1. Preservation of Viewsheds
2. Recreation
3. Access

Documentation/References:

1. Volume 12, page 407, Deed 10/18/1851, TNS LER
2. Livermore's "History of Block Island," 1877, TNS Library
3. Assent issued by Dept. of the Army, 1948, TNS Land Use Office
4. Map of Old Harbor showing Water Street, October 1985, TNS LER
5. Report entitled, "The Public's Use of Pole Harbor, From 1816-1987," by Robert M. Downie, dated 5/9/1987, TNS Land Use Office
6. Interview: Donald Packer

Narrative:

This town dock, located east of Interstate Navigation's ferry dock on Water Street in Old Harbor, has guest slips available. The dockmaster's office is located here and the dock is close to the center of Town, restaurants, shops, hotels, and the ferry, which provides transportation to Point Judith, RI, and New London, CT.

Island Historian Robert M. Downie prepared a comprehensive report entitled, "The Public's Use from 1816-1987 of Pole Harbor, Block Island, RI, Also called: Sand's Landing and Old Harbor," dated May 9, 1987. The report focuses on the public's use of the land between and including the present breakwaters from the Surf Hotel to Ballard's Restaurant.

Pole Harbor was established in 1816 as a result of the pier and Harbor Pond channel being destroyed by the Great Gale of 1815. The Islanders developed a harbor in the cove south of Harbor Pond channel, between the present Surf Hotel and Ballard's Restaurant.

According to Livermore, "A single individual ... sunk a few piles close to each other, about six feet deep, the upper parts of them rising above the water from ten to fifteen feet. To these he could tie up his boat in ordinary weather. Others followed his example, until long rows of such poles extended out into a considerable depth of water at high tide. Between two parallel rows, stones were placed, and little piers were thus built up. This construction was carried on for so many years by so many Islanders that a forest of oak poles became the principal harbor into which twenty or more boats could enter at time." According to Mr. Downie, "the land around the cove was used freely by the public, and ... the public came and went at will ..."

In 1851, Nicholas Ball bought the land surrounding Sand's Landing from Nathaniel Sands. The land extended from property near the present National Hotel, east and south along the shore to where Mr. Ball built the Ocean View Hotel in 1873. This land was bounded "northerly and easterly by the sea or salt water." Mr. Downie states that during this time, boat-berthing and seaweed rights were held by various Islanders, and these individuals had varying rights to the water and adjacent shore. The public, however, was not denied access to the water or shore.

In 1856, Nicholas Ball requested a \$500 grant from the State Legislature, to be matched by Block Island, for construction of a breakwater next to his property. Mr. Ball stated that he would grant the public access to the breakwater, and the use of the land around it forever. The matching money, however, was not raised until after the Civil War. By this time, it was determined that \$1000 was not sufficient to construct the breakwater. Mr. Ball once again contacted the State Legislature and Congress approved an initial amount of \$30,000 in 1870.

Work on the breakwater began in October 1870. Although the east breakwater (near Ballard's Restaurant) was finished in approximately 1878, work continued on the west breakwater (near the Surf Hotel) into the 1890s.

In April 1872, Nicholas Ball sent a letter to Major G.K. Warren, the U.S. Army Major of Engineering, who was the person in charge of building the breakwater. Mr. Ball reaffirmed the public's right to access the landing, "as far as I possess the power to do so, along the shore as far eastward as the line of the main breakwater (next to Ballard's Restaurant)." In April 1874, Major Warren wrote to the Chief Engineer of the War Department, stating, "I do not know that he has any legal claim that could be extinguished by purchase."

According to Mr. Downie, this implies that, "... Nicholas had never had ownership of Sand's Landing because it was really in the public domain through constant use over many decades, or; Nicholas had given the landing to public use when the state legislation of 1856 was passed, or; Nicholas had given up his rights to the land in his letter of April 1872 to Major Warren."

Much of the land between the two breakwaters was purchased through various conveyances in the late 1950s or early 1960s. Paul Fillipi purchased the property around the west side of the harbor in 1958. This conveyance was made by quitclaim deed from the descendants of Nicholas Ball. This property, where the island's fishing fleet traditionally tied up, was the center of Pole Harbor.

According to Mr. Downie, "somewhere through the decades has been forgotten ... the old seaweed rights ... the old boat-berthing rights ... Nicholas Ball's abrogation of his rights in 1856 and 1872 in favor of the public use of the landing, and ... the public's free use of the landing both before and after the breakwaters were built, including the land that in the 1900s steadily built up along the shoreline between the two breakwaters."

The Federal River and Harbor Act of March 2, 1867, called for a survey of Block Island for the purpose of creating an artificial harbor. Construction work began in 1870, and this was the beginning of an ongoing process where the Federal Government has constructed, improved and maintained an artificial deep water harbor known as Old Harbor (Block Island Harbor of Refuge).

According to Town Solicitor Donald Packer, "the inner basin was originally designed and constructed to be a temporary harbor for protection of the construction plant and off-loading facilities supporting the construction of the main harbor. The federal government (U.S. Army Corps of Engineers aka USACE) has maintained the harbor walls and, by periodic dredging projects, the integrity of Old Harbor through the 1940s when the federal government's interest in expanding and/or undertaking any significant modifications to the existing improvements in Old Harbor began to wane."

The Town has constructed several port and shore facilities at Old Harbor throughout the years. The Town constructed the south and west wharves in 1948. The south wharf area was paved by the Town for parking purposes, and a building for the Harbormaster was constructed on the site. The USACE made repairs and reconstructed the east wall of the inner basin in 1970. A new pile-supported timber dock with fenders was built over existing stone fill in order to allow the berthing of boats. The west wharf was completely rebuilt by the Town in 1977. This dock is used for commercial fishing boats and transient boats. The most recent activity by USACE was in 1993, with emergency maintenance dredging of the entrance channel.

In 1993, the Town filed a complaint against Ted Shaw (alias Edward C. Shaw) due to the fact that he was utilizing dock space and associated amenities on the west and east docks for a number of years without compensating the Town. Mr. Shaw claimed that the portion of the inner harbor where his boat was docked was actually under the control and jurisdiction of the USACE, and that the Town had no permit or authority to charge him for dockage of his vessel. The case was heard in Superior Court in 1994, with summary judgment granted for the Town. Mr. Shaw was ordered to remove his vessel from the town dock, and was prohibited from securing his vessel to any docks owned or controlled by the Town of New Shoreham without paying the proper fees and complying with the Town's ordinances.

Old Harbor Right of Way / Water Street Extension

Plat 7, Lot 999-99

(between lot 1-1 and lot 23)

Owner: Block Island Land Trust

Type of Access: A-2 / Deeded

Facilities: Path

Environment: Harbor Area

Primary/Historical Uses:

1. Access

Documentation/References:

1. Volume 183, p. 24-25, BILT Form A 6/21/1996, TNS LER
2. Volume 183, p. 26-27, Exhibit A 6/25/1996, TNS LER

Narrative:

This right of way, located south of Ballard's Beach, provides access to the beach between Ballard's Restaurant and a steep bank to the right of the building.

The right of way was granted from Singer Island Associates to the Block Island Land Trust on June 21, 1996. Exhibit A refers to "a nonexclusive, appurtenant and perpetual easement for use together with the owner of that certain parcel or tract of land ... known as Ballard's Inn ...". This right of way runs along the westerly boundary line of the Ballard's Inn property, "then runs easterly and parallel to the first mentioned course to a point in the mean high water line of the Atlantic ocean; thence running northerly by and with the mean high water line of the Atlantic Ocean to the point and place of beginning."

The condition of this easement is that "no structures may be erected on nor any physical items placed within the limits of the easement; provided, however, that any structure located therein at the time of the original conveyance creating this easement may be maintained and repaired but not extended nor rebuilt in the event of its complete destruction or removal."

Ballard's Beach / Old Harbor Breakwater Plat 7, Lot 23

Owner: Private (Lot 23) / U.S. Government (breakwater)

Type of Access: A-5 / Private Property, Traditional/Historical

Facilities:

1. On-site Parking
2. Toilet
3. Public Telephone
4. Picnic Table/benches
5. Concession

Environment: Sandy beach, Bulkhead, Harbor area

Primary/Historical Uses:

1. Preservation of Viewsheds
2. Historical Significance
3. Swimming

Documentation/References:

1. Map entitled "Existing Site Plan of Ballard's for Paul Filippi, Block Island, Rhode Island, Plat 7, Lot 23," prepared by Cherenzia & Associates, dated 11/6/1986, TNS LER
2. Interview: Robert Downie
3. Interview: Doug Michel
4. Interview: Elliot Taubman

Narrative:

This beach is located off Water Street, at the eastern end of Old Harbor. The sandy beach next to Ballard's Inn (Estate of Paul Filippi) is open to the public without fee. The beach has picnic tables, lifeguards and volleyball nets; there is also a restaurant and a bar, with a deck overlooking the beach. The breakwater is federally owned and the public can access the beach across the breakwater.

According to many people, the beach exists only because the federal government built the breakwater in the late nineteenth century. This property was created through the process of accretion, which is the natural increase of shorefront land into an area formerly covered by water through artificial means (dredging, filling or building bulkheads). In general, American law states that new shorefront property which has resulted from accretion belongs to the owner of the land which has been extended. Put simply, ownership boundaries follow the natural changing waterline (78 Am Jur 2d "Waters", Sections 406-429). In addition, it is the general rule that an individual cannot acquire title to public property by means of adverse possession.

Island Historian Robert Downie states that Ballard's Restaurant is actually built on public property; that the breakwater actually runs beneath the front part of the current restaurant, which was rebuilt after a devastating fire in 1986. This is confirmed by former Second Warden Doug Michel, who states that photographs show the breakwater continuing straight into the land.

Southeast Light Plat 8, Lot 1

Owner: State of Rhode Island (land) / Southeast Light Foundation (building)

Type of Access: A-3 / Deeded

Facilities: On-site Parking

Environment: Steep shoreline

Primary/Historical Uses:

1. Preservation of Viewsheds
2. Hiking/Walking
3. Historical Significance

Documentation/References:

1. Volume 15, p. 17-19, Quitclaim Deed 3/31/1873, TNS LER
2. CRMC Document, 5/9/1983, TNS Land Use Office
3. Volume 124, p. 193, BILT Form A 6/5/1991, TNS LER
4. Volume 124, p. 194, BILT Form B 6/5/1991, TNS LER
5. Volume 124, p. 195, BILT Form C 6/5/1991, TNS LER
6. Volume 124, p. 196, Letter to S.E.L.F. from U.S.C.G 5/2/1991, TNS LER
7. Volume 124, p. 197-204, Quitclaim Deed w/ documents 5/29/1991, TNS LER

Narrative:

This property encompasses approximately ten acres and is bounded on the northwesterly corner by Spring Street and Mohegan Trail. It adjoins state-owned property (Plat 8, Lot 183), which offers a spectacular view of the lighthouse, as well as the Mohegan Bluffs. The actual light sits 201 feet above sea level on the Mohegan Bluffs. The light was activated in 1875 and at one point, three lighthouse keepers (a chief and two assistants) were needed to maintain operation of the light. An automated light was constructed on a separate tower in July 1990. The bluffs surrounding the lighthouse encroached within sixty feet of the building in the late 1980s, and the Southeast Light Foundation determined that the building could be relocated, out of harm's way. The moving of the lighthouse took place in July and August 1993. The lighthouse is maintained by the Southeast Light Foundation. Tower tours and information are available on a seasonal basis.

George Sheffield conveyed this property to the United States of America in 1873. Historically, the public was allowed free access on the property and people were often invited inside the lighthouse by civilian keepers. Eventually, the Coast Guard started excluding the public and shut the gate to the property, restricting access. The area was eventually closed in and fenced off for safety reasons due to dangerous erosion along the bluffs. In addition, access was denied to the property during war time, for security reasons.

The United States of America, acting through the secretary of transportation, granted this property to the Block Island Southeast Lighthouse Foundation (SELF) by quitclaim deed dated 5/29/1991. The deed states, "the purpose of this conveyance is to ... establish and maintain a non-profit center for the public at the Block Island Southeast Lighthouse for interpretation and preservation of the culture of the United States Coast Guard and Block Island's maritime history." The United States reserved the right to enter the property without notice to maintain navigational aids and continues to operate and maintain navigational aids on the property.

According to Robert Downie, the property was conveyed to the State of Rhode Island in 1993 for the purpose of moving the lighthouse away from the bluffs. As of today, the State of Rhode Island owns both the property and the Lighthouse, but the building is expected to be deeded to the Southeast Light Foundation in 1999.

Although this property allows the public legal access to the shore, there is no physical access on this site. The public can access the shore, however, by utilizing the wooden staircase on the state-owned adjoining property (Mohegan Bluffs/Payne Overlook).

**Green Hill Cove
Plat 8, Lot 56 and 62**

Owner: Block Island Land Trust

Type of Access: A-2 / Deeded

Facilities: Path, Parking

Environment: Rocky shore

Primary/Historical Uses:

1. Fishing
2. Access
3. Wildlife Observation

Documentation/References:

1. Volume 43, p. 253, Quitclaim Deed 8/31/1976, TNS LER
2. Volume 182, p. 206-207, Quitclaim Deed 12/13/1995, TNS LER
3. Volume 182, p. 208-209, Parking & Pedestrian Access Easement 6/7/96, TNS LER
4. Volume 182, p. 210, Exhibit A, TNS LER

Narrative:

This right of way to the beach is located in the southeasterly part of the Island, beginning at a point approximately 16 feet easterly from the intersection of Southeast Road and Spring Street, and bounded northerly by the Atlantic Ocean. It provides access to a low bluff for fishing and wildlife observation.

Lot 56:

OTA, L.P., a limited New York partnership, conveyed this property to the Block Island Land Trust by quitclaim deed dated December 13, 1995. The deed refers to "a right of way 25 feet in width for vehicular travel and installation and maintenance of utilities services from the premises to Southeast Road and subject to a walking easement as set out in a deed from William T. Hall and Blanche Dodge to William T. Hall in August 1976."

This right of way is described in the August 1976 deed as "extending westerly from the southwesterly corner of the herein described premises to the existing right of way on the grantor's property, and extending therefrom to the intersection of Southeast Road and Spring Street."

The deed also makes reference to "a certain walking right of way and easement granted to Mary Blanche Dodge by these grantors, to be laid out by the grantee, William T. Hall, and constructed and maintained by the said Mary Blanche Dodge, her heirs and assigns."

Lot 62:

Clarence Caspar granted a parking and pedestrian access easement to the Block Island Land Trust on June 7, 1996.

The parking easement is subject to the following conditions: (1) no more than three (3) vehicles shall be allowed to be parked in the easement area; and (2) the parking easement shall not be used from June 15th to September 15th each year.

The deed states that the purpose of the pedestrian access easement is "to provide access ... for the general public to the grantee's land located easterly of the grantor's land which is burdened by the easement."

An accompanying map, labeled "Exhibit B," is located in Volume 182, page 210 of the land evidence records.

Spring House Pond Lot Plat 8, Lot 83

Owner: Block Island Land Trust

Type of Access: A-2 / Deeded

Facilities: Path

Environment: Marsh

Primary/Historical Uses:

1. Wildlife Observation
2. Hiking/Walking
3. Wildlife Habitats
4. Access
5. Preservation of Viewsheds

Documentation/References:

1. Volume 183, p. 248-257, Conservation and Recreation Easement 7/3/1996, TNS LER
2. Volume 183, p. 258, Exhibit A 7/3/1996, TNS LER
3. Volume 183, p. 259, BILT Form A 7/3/1996, TNS LER
4. Volume 183, p. 260-261, Quitclaim Deed 7/3/1996, TNS LER
5. Volume 183, p. 262, Exhibit A 7/5/1996, TNS LER

Narrative:

This property, containing the Spring House Pond, is located on the easterly side of Spring Street and is bordered on its eastern side by the Atlantic Ocean. This property provides public access via a path across the low bluffs to the shore. Island Enterprises granted a conservation and recreation easement to the Block Island Land Trust for a sum of \$200,000 in July 1996. The easement recognized "the natural, scenic, aesthetic and special character" of the property.

The easement includes "the right of visual access to and view of the property," ... and "the right to use and develop the property for public outdoor recreational purposes ..." The easement further grants "the right, and the obligation, to allow and control access to the Protected Property by the general public."

**Mohegan Bluffs/Payne Overlook
Plat 8, Lot 183**

Owner: State of Rhode Island
Type of Access: A-2 / Deeded
Facilities: On-site Parking, Picnic Table/benches
Environment: Sandy beach, Steep shoreline

Primary/Historical Uses:

1. Access
2. Preservation of Viewsheds
3. Swimming Beach
4. Hiking/Walking
5. Fishing
6. Wildlife Habitats
7. Conservation of Plant/Animal Species

Documentation/References:

1. Volume 52, p. 263-264, Warranty Deed 5/20/1981, TNS LER
2. Volume 53, p. 3-5, Warranty Deed 5/23/1981, TNS LER
3. Volume 67, p. 268-270, Deed 3/8/1985, TNS LER

Narrative:

Off Southeast Light Road, adjacent to the Southeast Lighthouse, Mohegan Bluffs drop 150 feet to the sandy beach and surf below. A short trail from the parking area leads to a wooden platform at the edge of the bluffs, offering dramatic views of the ocean. A long, wooden staircase, constructed by the Department of Environmental Management, provides access to the beach. This site is well-known for its excellent views of the Island's southern coastline, as well as the Southeast Lighthouse.

This property, formerly known as the "Bank Pasture" has always been open to the public by the Payne Family. The property was conveyed to The Nature Conservancy by Harriet Phelan, Frank C. Payne, Jr., and Erwin and Anna Brewer by warranty deed dated May 20, 1981.

The Nature Conservancy conveyed the property to the State of Rhode Island and Providence Plantations by warranty deed May 23, 1981, as well as a deed dated March 8, 1985.

Both of these deeds state, "this conveyance is made subject to the express condition and limitation that the premises conveyed shall forever be held as a nature preserve for scientific, educational, aesthetic and passive recreational purposes, and shall be kept entirely in its natural state, excepting only the maintenance of such fences, foot trails, and other improvements as may

be appropriate to effectuate the foregoing purpose without impairing the essential natural character of the premises."

The deeds go on to state that "should the premises cease to be used solely as provided herein, then the estate hereby granted to the Grantee shall cease and desist and shall revert to and vest in The Nature Conservancy."

**Mohegan Bluffs / Scup Rock
Plat 8, Lot 186**

Owner: Town of New Shoreham
Type of Access: A-1, A-3 / Deeded, CRMC Designated
Facilities: Path, On-site Parking
Environment: Rocky shore, Steep shoreline

Primary/Historical Uses:

1. Conservation of Plant/Animal Species
2. Preservation of Viewsheds
3. Wildlife Habitats
4. Access

Documentation/References:

1. Volume 38, p. 236, Quitclaim Deed 6/19/1972, TNS LER
2. Volume 38, p. 364-366, Agreement & Restrictions Acquisition 10/17/1972, TNS LER
3. CRMC Document, 5/9/1983, TNS Land Use Office
4. CRMC Document, 10/11/1984, TNS Land Use Office

Narrative:

This property is located on the southeasterly side of Block Island, and is an extension of Pilot Hill Road. A road leads to a gravel walk that extends from the south end of Pilot Hill Road to the top of the steep cliffs of Mohegan Bluffs, overlooking the ocean. A limited amount of parking is available on site. This property adjoins state-owned property (Plat 8, Lot 183), which offers a spectacular view of the Southeast Lighthouse, as well as the Mohegan Bluffs. This property was named "Scup Rock" by Attorney F. Albert Starr, because one of the rocks located on the property reminded him of a "scup," a type of fish.

The parcel was deeded from Eve Murphy to the Town of New Shoreham by quitclaim deed dated June 19, 1972. There is an agreement and restrictions acquisition document attached to the property, dated October 10, 1972. It appears that the public has access to the shore from the extension of Pilot Hill Road to the bluffs area.

Although this property allows the public legal access to the shore, there is no physical access on this site. The public can access the shore, however, by utilizing the wooden staircase on the state-owned adjoining property (Mohegan Bluffs/Payne Overlook).

The CRMC held a public hearing on Block Island re: this right of way on June 13, 1983. The CRMC recognized this property as a public ROW on March 23, 1984.

Mohegan Bluffs / Town Right of Way Plat 8, Lot 187

Owner: Town of New Shoreham

Type of Access: A-3 / Deeded

Facilities: Path (to bluffs)

Environment: Rocky shore, Steep shoreline

Primary/Historical Uses:

1. Preservation of Viewsheds
2. Wildlife Habitat
3. Conservation of Plant/Animal Species

Documentation/References:

1. Volume 23, p. 326-327, Deed 9/6/1938, TNS LER
2. Volume 27, p. 347-348, Deed 10/7/1958, TNS LER
3. Volume 38, p. 291, Quitclaim Deed 12/4/1972, TNS LER

Narrative:

This property is situated on the Mohegan Bluffs on the southerly part of the Island. The land is bounded on the northerly side by the public highway known as Mohegan Trail, and on the southerly side by the Atlantic Ocean.

This property was conveyed to the Town of New Shoreham by Beatrice Ball Dodge (formerly known as Effie Beatrice Ball Dodge) by quitclaim deed dated December 4, 1972. The deed states that the property is "to be forever used and maintained by the Town, or its designee, for public use and enjoyment, as a memorial to Nicholas Ball, born December 1828 and died July 31, 1896, and Nicholas Ball, born February 22, 1880 and died February 28, 1941."

Snake Hole Road Plat II, Lot 999-99

Owner: Town of New Shoreham

Type of Access: A-2 / Platted Highway

Facilities: Path

Environment: Steep shoreline

Primary/Historical Uses:

1. Access
2. Fishing
3. Preservation of Viewsheds
4. Hiking/Walking

Documentation/References:

1. Vol. B (1844-1874), p. 4-9, Town Council Minutes 12/3/1844 & 12/6/1844, TNS LER
2. CRMC Document, 5/9/1983, TNS Land Use Office
3. Plan of Land for the Town of New Shoreham, June 1989, TNS LER
4. Interview: F. Albert Starr
5. Interview: Robert Downie
6. Interview: Elliot Taubman
7. Interview: Doug Michel

Narrative:

This is an area located on the south end of Block Island, running in a southerly direction from the intersection of Lakeside Drive and Mohegan Trail. The road runs along a steep shoreline and provides spectacular views of the Atlantic Ocean.

During the Town Council meeting of Dec. 3, 1844, a committee was appointed to survey, bound and mark out a road "from the old buttonwood bars to the sea." At the Town Council meeting of Dec. 6, 1844, the Council approved a report by the committee declaring "a highway from the old buttonwood bars, so called, 40 rods south along Mitchell's wall, so called, which is 2 rods wide; thence southerly 28 rods to the sea through said gully which is 4 rods wide from the east side of Gully Road which said last 36 rods in length run through Barzilla B. Mitchell's land to the sea."

In a Deed dated 1898, the Town of New Shoreham and Mitchell swapped land. After a washout and the transfer of land, the road followed its present course and goes down the center of the gully. Presently, the road appears to be a rough, overgrown path, with no vehicle access. This area was resurveyed with bounds set in 1989. A copy of this map, Number 401, can be found in the Town's land evidence records.

Addendum:

According to Attorney Al Starr and others, Snake Hole Road also goes westerly and has always been considered a public right of way to Black Rock Point. The Town went to court in the 1970s in an attempt to prove that this was either a public or town-owned right of way. It was decided that Town ownership of the road ends at the pillars/posts located along the road, which extends further west as a private road continuing to Black Rock Road.

Black Rock Road / Rodmans Hollow Plat 12, Lot 13

Owner: State of Rhode Island
Type of Access: A-2 / Deeded
Facilities: Path
Environment: Rocky shore, Steep shoreline

Primary/Historical Uses:

1. Path
2. Conservation of Plant/Animal Species
3. Preservation of Viewsheds
4. Hiking/Walking
5. Wildlife Habitats
6. Wildlife Observation
7. Fishing

Documentation/References:

1. Volume 68, p. 196-202, Warranty Deed w/ Schedule A 5/24/1985, TNS LER
2. Volume 68, p. 203-209, Executor's Deed w/ Schedule A 5/21/1985, TNS LER
3. Volume 74, p. 106-109, Corrected Deed of Development Rights and Right of Access Easement 3/10/1986, TNS LER
4. Volume 74, p. 110-112, Exhibit A, TNS LER
5. Volume 74, p. 113, Exhibit B, TNS LER
6. Volume 74, p. 114-120, Warranty Deed w/ Exhibit A 3/10/1986, TNS LER

Narrative:

This property is situated southerly of Cooneymus Road and provides public access to the beach at Black Rock Point. The property, consisting of approximately 115 acres, was granted from Leo Nevas to The Nature Conservancy by warranty deed dated May 24, 1985.

The deed states that the grantor "conveys as appurtenant to the tract of land above described and to each part thereof, all rights of way, riparian rights, seaweed rights and privileges and access to the ocean and any and all rights and privileges belonging to said land or any parts or parts thereof." Schedule A attached to the deed states that "said parcel is subject to rights of others to pass and repass over existing roadways as they now exist on said property."

The Nature Conservancy granted development rights to the Town of New Shoreham by executing a corrected deed of development rights and right of access easement dated March 10, 1986, for 33 acres of the property. The deed conveys to the Town, "a right of access over the right of way to the property ... the right of members of the public to walk upon and/or engage in compatible recreational use and enjoyment of the property ... the right of public view from

roadways and from the water of the property in its natural, scenic, open and wooded condition ... and the right of the Town ... to enter and inspect the property." As holder of these development rights, the Town of New Shoreham, along with the State of Rhode Island (Department of Environmental Management), has the ability to control all use and development of this property.

The Nature Conservancy then conveyed the property to the State of Rhode Island and Providence Plantations by Warranty Deed dated March 10, 1986, subject to the corrected deed of development rights and right of access easement dated March 10, 1986.

Southwest Point

Plat 14, Lot 999-99

(between lot 17-1 and 17-2)

(between lot 19-13 and 19-14)

Owner: Town of New Shoreham

Type of Access: **A - 2**
Subdivision/Deeded (17-1/17-2)
Traditional/Historical (19-13/19-14)

Facilities: Path

Environment: Cobble beach

Primary/Historical Uses:

1. Preservation of Viewsheds
2. Fishing
3. Wildlife Habitats
4. Recreation
5. Access

Documentation/References:

1. Volume 63, p. 57-62, Easement Deed 4/17/1984, TNS LER
2. Sea Meadows Properties Subdivision Map, 7/1982, rev. July 1983, TNS LER
3. Interview: F. Norris and Nancy Pike
4. Interview: Dorothy McCluskey
5. Interview: Donald Littlefield
6. Interview: Robert Downie
7. Interview: Elliot Taubman

Narrative:

There are two rights of way located on the southwest part of the Island. One right of way is located on Plat 14, between lots 17-1 and 17-2. This right of way was deeded to the Town of New Shoreham as part of the Sea Meadows Subdivision, approved by the Planning Board in 1984. The second right of way is historical/traditional in nature, and is located on Plat 14, between lots 19-13 and 19-14.

Plat 14, between lots 17-1 and 17-2:

This right of way consists of a sandy path, over 400 feet long, extending west from the intersection of Cooneymus Road and West Side Road to a cobble beach bordering the ocean. The right of way was deeded to the Town of New Shoreham as part of the Sea Meadows Subdivision, approved by the Planning Board on March 19, 1984. The Sea Meadows subdivision was originally a farm owned by Winfield Dodge, Sr.

Mel Seeger, David Blackburn and Arnold Abbott granted an easement to the Town of New Shoreham by Easement Deed dated April 17, 1984. The Town was granted "an easement for passing on foot only ... for the Town of New Shoreham, its citizens, residents, and the general public over a certain strip of land eight feet (8') in width ... the strip of land ... shall also be available for use by emergency vehicles ... together with an easement for passage on foot and with vehicles at any and all times over and across that certain forty (40') right of way running from Cooneymus Road to the easterly boundary line of the right of way above described and including the right to park vehicles on those two certain "2 Car Laybys" as set forth on Sheet 2 ... on said plan of subdivision." The car laybys are located on lot 17-2 and lot 17-5. The Town also has a 50 foot easement around the pond on lots 19-5, 20-5 and 20-6.

Members of the Block Island Conservancy met with abutting property owner of this right of way at Southwest Point during the summer of 1998. Frank and Barbara Malone, owners of Lot 17-2, explained that they are building a stonewall marking the boundary of the right of way on their property to a low point in the bluffs. Mr. Malone stated that the right of way is public and dates back to the 1970s when the road used to go down to and along the beach to the right of way crossing lots 19-13 and 19-14. However, Dorothy McCluskey discovered that the 1886 stone wall map shows a road along the beach from lots 19-13 and 19-14 to Cooneymus Road, but no beach road to the right of way between lots 17-1 and 17-2.

Plat 14, between lots 19-13 and 19-14:

This right of way is referred to by generations of Islanders, although it is an undocumented access point. According to many Islanders, this right of way has been used for 100 years. These two properties are presently jointly owned by Shirlyne Goben and Della Slate.

Cooneymus Road Plat 14, Lot 999-99

Owner: Town of New Shoreham
Type of Access: A-1, A-2 / Platted Highway, CRMC Designated
Facilities: Path, On-site Parking
Environment: Sandy beach

Primary/Historical Uses:

1. Access
2. Fishing
3. Hiking/Walking

Documentation/References:

1. Volume 15, p. 76, Deed 12/7/1874, TNS LER
2. Volume C, p. 5-11, Town Council Minutes 2/2/1875, TNS LER
3. CRMC Document, 5/9/1983, TNS Land Use Office
4. Interview: F. Albert Starr
5. Interview: Elliot Taubman

Narrative:

This right of way lies on the southwest side of Block Island, running westerly from West Side Road to the shore, and is an extension of Cooneymus Road to the sea. According to Livermore, "Cooneymus" appears to be an Indian name. The area has been used as a convenient shore for hauling up boats of fishermen, as well as the site for a life-saving station. In addition, islanders used to get fresh drinking water from Cooneymus Spring. This area has always been a place where people passed and repassed freely, collecting seaweed and peat. There is a limited amount of parking in the area, which is a popular site for surfcast fishing.

At the Town Council meeting of February 8, 1875, the Town Council adopted the report of a committee which created a road to the sea in the southwest portion of the Island, and declared it a public highway. This is described as "the southwest road from its connection to the main road, north of Isaac Churches to the sea shore, terminating at said shore at a point north of the United States of America Life Saving Station."

According to recent plat maps, there are three (3) different ends of Cooneymus Road:

1. approximate location of public road as shown on Road Layout Map (lot 39; platted highway per 1875 Town Council Meeting);
2. approximate location of public road as traveled, from aerial photos of 1970 and 1972 (currently used right of way);

3. approximate location of public road as shown on U.S.C. and G.S. Map No. 356, 1914 (lot 41).

The CRMC first considered this road as a public right of way on May 9, 1983. At that time, there was confusion regarding which of the three rights of way to designate as the official right of way, and therefore, the matter was delayed until further research could be done. At the time of the hearing, Town Solicitor F. Albert Starr had a copy of an ancient deed from the Champlins to the Lewises, running from Warden's Pond. This deed referred to a private road, but the public had free use of it to get to the shore. The deed described the road running westerly to the shore, but an engineer would be needed to determine the exact location of the road per the wording of the deed. The CRMC eventually designated this particular right of way at the end of Cooneymus Road on September 9, 1986. The designated right of way refers to the approximate location of the public road as traveled, from aerial photos taken in 1970 and 1972 (#2 listed above).

**Dorry's Cove Road
Plat 15, Lot 999-99**

Owner: Town of New Shoreham

Type of Access: A-2 / Deeded

Facilities: Path, On-site Parking

Environment: Cobble Beach

Primary/Historical Uses:

1. Access
2. Fishing
3. Hiking/Walking

Documentation/References:

1. Volume 12, p. 479, Deed 6/4/1852, TNS LER

Narrative:

This road leads from West Side Road to Dorry's Cove on the western shore of the Island. Dorry's Cove was used as a harbor, circa 1876. According to Livermore, the name of the cove is derived from an owner by the name of Tormut Rose, one of the original settlers of the Island, whose name was sometimes written Dormut, or Dormund. The cove was distinguished as a landing for fishermen, and there were fishing shanties located along the shore. Fishermen would go to sea in dories, returning to bring their catch, by carts, into town.

The road was conveyed from Caleb L. Rose, William G. Sheffield, Daniel Mott, Abraham R. Mott, Edward Dodge and Robert C. Mitchell to the inhabitants of the Town of New Shoreham by quitclaim deed dated June 4, 1852. The land was conveyed for use as a driftway, described as follows:

"In consideration of the Towns erecting good gates at the places specified in the Report of the Committee which was appointed to lay out a driftway commencing at Caleb L. Rose Landing running over land to the main road, south of Ball or Mott's Pond ... and made use of as such by the Inhabitants of this town, as a driftway as occasion may require at any and all times unmolested, have remised, released and by these presents do remise, release and forever quitclaim unto the said Inhabitants of New Shoreham ... as long as (the above-described driftway or premises as laid out by said Committee) may be occupied for a Driftway or Road, and no longer ... Caleb L. Rose retains Right of Fishery, Seaweed and Drift to him, his heirs and assigns forever."

**Grace's Cove Road
Plat 19, Lot 999-99**

Owner: Town of New Shoreham
Type of Access: A-2 / Platted Highway, Traditional/Historical
Facilities: Path, Parking
Environment: Sandy Beach, Cobble Beach

Primary/Historical Uses:

1. Fishing
2. Hiking/Walking

Documentation/References:

1. Volume C, p. 71-75, Town Council Minutes 7/7/1879, TNS LER
2. CRMC Document, 5/9/1983, TNS Land Use Office

Narrative:

This road is located on the west side of Block Island, running westerly from West Side Road to the shore. Grace's Cove (AKA Grace Cove) consists of a cobble and sandy beach which offers views of the Coast Guard Station and the Atlantic Ocean.

The area was once used as a harbor by the Manisses Indians and later by the white settlers. This was a popular site for the landing of small boats. According to Livermore, "it was there, probably, that the Mohegan Indians landed when they came ... to fight the Manisseans ...". This area was later shown on older maps as Dunn's Landing, and sometimes referred to as "Dunn Town."

On July 7, 1879, the Town Council ordered and decreed that the report of a Committee to lay out Grace's Cove Road be approved. The road was described as a "public highway" commencing at the southwest corner of Nathaniel D. Ball land and terminating at Graces Cove, so called."

Although the CRMC considered this road as a public right of way on May 9, 1983, there was some confusion about the actual location of the road. Originally, there was a stone wall which was the north bound of the road. Throughout the years, the wall was built up with sand and growth. It appears that the right of way drifted north over time. Fishermen and the public have used this northern right of way instead of pushing through the sand dune.

Ball O'Brien Property Plat 19, Lot 1

Owner: Town of New Shoreham
Block Island Land Trust (easement) / State of RI (easement)

Type of Access: A-2 / Deeded

Facilities: Path

Environment: Steep shoreline, Marsh

Primary/Historical Uses:

1. Preservation of Viewsheds
2. Hiking/Walking
3. Wildlife Habitats
4. Conservation of Plant/Animal Species
5. Access
6. Recreation

Documentation/References:

1. Volume 108, p. 163, Request for Certificate 9/8/1989, TNS LER
2. Volume 108, p. 164, BILT Form A 9/15/1989, TNS LER
3. Volume 108, p. 164A, BILT Form C 9/15/1989, TNS LER
4. Volume 108, p. 165-167, Statutory Form Warranty Deed 9/15/1989, TNS LER
5. Volume 108, p. 168-175, Conservation Restriction & Easement 9/15/1989, TNS LER
6. Volume 108, p. 176-182, Management Plan 9/15/1989, TNS LER
7. Volume 109, p. 6-10, Recreation Easement with Exhibit A 8/22/1989, TNS LER
8. Volume 109, p. 11-37, Conservation Restriction & Easement 9/15/1989, TNS LER
9. Volume 109, p. 38-44, Management Plan 9/15/1989, TNS LER

Narrative:

The site consists of eleven (11) undeveloped acres on Great Salt Pond. The property was conveyed from Ellen Ball O'Brien and Gertrude Murphy Ball to the Town of New Shoreham by warranty deed dated September 15, 1989, "together with and subject to all riparian and littoral rights on the Great Salt Pond and also subject to any governmental regulations of the United States of America, State of Rhode Island and Providence Plantations relating to navigable waters in general and the Great Salt Pond in particular."

The conveyance was made subject to "reserving an easement to Gertrude Murphy Ball and Ellen Ball O'Brien, and their issue, in perpetuity, for the use of one boat slip for a boat or other vessel no more than twenty-five feet in length and ten feet width on any docking facility which may be built or maintained on the premises."

The Block Island Land Trust holds a conservation restriction and easement dated September 5, 1989, on the eastern half of the property. There is a Greenway trail located along the western boundary to the entrance on West Side Road. This path, created in 1998, extends the Greenway trail system from the Great Salt Pond to Black Rock Point.

The State of Rhode Island holds a recreation easement dated August 22, 1989, on the western half of the property.

A map of the property is found in Volume 108, page 175 of the land evidence records. A management plan for the property is found in Volume 108, page 176-180 of the land evidence records.

Champlin's Marina Plat 19, Lot 5 and 6

Owner: Private

Type of Access: A-5 / Private Property, Traditional/Historical

Facilities:

1. On-site Parking
2. Docks/Piers
3. Toilet
4. Public Telephone
5. Picnic Table/benches
6. Concession

Environment: Sandy beach, Harbor area

Primary/Historical Uses:

1. Fishing
2. Recreation
3. Access
4. Swimming Beach

Documentation/References:

1. Interview: Robert Downie

Narrative:

Located off West Side Road, Champlin's Marina is a full-service marina on the Great Salt Pond, with guest slips available. Facilities include restrooms and showers, a pool, restaurant, bar, laundry services and even a movie theater.

In 1899, the Ball brothers (Fenner, Everett and Eugene) built a 275 foot dock in the Great Salt Pond. According to Robert Downie's book entitled "Block Island - The Sea," the brothers "began this enterprise, primarily to sell water to yachts and fishing vessels ... the brothers also supplied coal, ice and provisions." The property was purchased in 1929 by George Bonnell, Henry Birdseye and Robert Bavier, who added another 450 foot long dock to the business. The property was then sold to the Champlin Family, adjoining property owners. According to Mr. Downie, "Under the guidance of Lillian and Robert Champlin the dock became the widely known Champlin's Yacht Station, offering gasoline, oil, ice, telegraph service, laundry ... "

The property was sold in 1962 from Robert Champlin to Paul Fillippi and others, who enlarged the marina with two additional side docks and a swimming pool. The property was eventually sold to the current owner, Joseph Grillo.

Bonnell Beach Plat 19, Lot 13

Owner: Block Island Conservancy
Type of Access: A-2 / Deeded
Facilities: Path (primary access is from Great Salt Pond)
Environment: Sandy beach, Marsh, Steep Shoreline

Primary/Historical Uses:

1. Wildlife Habitats
2. Access
3. Swimming Beach
4. Preservation of Viewsheds
5. Recreation
6. Conservation of Plant/Animal Species

Documentation/References:

1. Volume 121, p. 5-8, Deed 1/21/1991, TNS LER
2. Volume 129, p. 213, Request for Certificate 11/25/1991, TNS LER
3. Volume 129, p. 214, BILT Form A 12/5/1991, TNS LER
4. Volume 129, p. 215-217, Bargain and Sale Deed 12/21/1991, TNS LER
5. Volume 129, p. 218-219, Mortgage 12/3/1991, TNS LER
6. Volume 129, p. 220-221, Exhibit A 12/5/1991, TNS LER
7. Interview: Dorothy McCluskey

Narrative:

This property is located adjacent to, and south of, the Great Salt Pond. The property was conveyed from George Bonnell to the Cruising Club of America by deed dated June 1, 1959. A granite marker on the beach commemorates this gift and marks the entrance to a short nature trail across the property. Primary access to this property is from the Great Salt Pond harbor. Secondary access is from a private right of way off Champlin Road.

The property was conveyed from the Bonnell Cove Foundation to the Block Island Conservancy by bargain and sale deed dated December 21, 1991, "together with a right of way for passage on foot and with vehicles at any and all times, at least twenty-five (25) feet wide extending from the public highway known as West Side Road, across and along the private road to the Coast Guard Station and from said private road to the premises herein conveyed." The property was acquired under a grant from the Department of Environmental Management (DEM) and a matching gift from a private individual. The DEM holds a recreation easement on the property.

Champlins Road / Coast Guard Road Plat 20, Lot 999-99

Owner: Town of New Shoreham

Type of Access: A-1, A-2 / Eminent Domain, Deeded, CRMC Designated

Facilities: Path

Environment: Sandy beach, Coastal Dune

Primary/Historical Uses:

1. Access

Documentation/References:

1. Volume 39, p.46-49, Quitclaim Deed with maps, 6/9/1973, TNS LER
2. Volume 41, p. 24-29, Town Council Minutes 10/7/1974, TNS LER
3. Map of Champlins Road, October 1974, TNS LER
4. CRMC Document, 5/9/1983, TNS Land Use Office
5. CRMC Document, 10/11/1984, TNS Land Use Office
6. Interview: Kathryn Champlin

Narrative:

This road is located on the west side of Block Island, running northwesterly from West Side Road to the shore. The road was originally owned by the Champlin family, and was part of the Champlin Farm. Champlin Road has always been publicly used by various home owners, renters, fishermen, and others who wished to use the beach. Although the Champlins allowed many abutters to utilize the road, the Champlin family was solely responsible for its maintenance. The property was conveyed from Lillian M. Champlin, Kathryn Champlin and Edward R. Champlin to the Town of New Shoreham by quitclaim deed dated June 9, 1973, for the sum of \$1.00.

The deed refers to "a perpetual right of passage to provide the inhabitants of Block Island and their guests free and unobstructed access and use of the shores and beaches of Block Island Sound, Charleston Beach and the New Harbor entrance at all times ... and is given as a permanent memorial to the memory of Edward P. Champlin and Robert P. Champlin, who together, father and son, faithfully served the Town of New Shoreham as Town Clerks for the years from 1893 to 1941 and from 1941 to 1966, respectively." The grantors also conditioned the conveyance "that the roadway from the West Side Road to the designated parking area at the Coast Guard Station ... be designated as 'Champlins Road', and maintained in good serviceable condition.

After the road was conveyed to the Town, there was a long, lengthy battle with the various abutters regarding the public's right to use the road. Several abutting property owners immediately took the Town to court to argue that they had overburdened the right of way and therefore extinguished it. As a result, the Town Council condemned Coast Guard Road and took it for

public use in October 1974. The Town paid the appraised value of \$10.00 to the Registry of the Superior Court of the State of Rhode Island.

The Town Council resolution dated October 7, 1974, states that "it is hereby declared that the public interest, convenience and welfare make it necessary and advantageous for the Town of New Shoreham to acquire by condemnation and the right of eminent domain, all right, title and interest which it does not presently have in and to that certain roadway ... which is fully laid out and described on that certain plan entitled, 'Plan Showing Champlin's Road, commonly called Coast Guard Road, in New Shoreham by Stanley Engineering, Inc., October 1974.'"

Charleston Beach
Plat 20, Lot 999-99

(Located between Plat 19, Lot 34 and Plat 20, Lot 1-1)

Owner: not applicable

Type of Access: A-6 / Traditional/Historical

Facilities: Path

Environment: Sandy beach

Primary/Historical Uses:

1. Access
2. Fishing
3. Swimming Beach
4. Hiking/Walking
5. Preservation of Viewsheds

Documentation/References:

1. Interview: Kimberly Gaffett
2. Interview: Kathryn Champlin

Narrative:

Located on the west side of the Island, this right-of-way consists of a path extending from Champlins Road (formerly Coast Guard Road) to Block Island Sound. The path is located between Plat 19, Lot 34 and Plat 20, Lot 1-1, both privately-owned pieces of property.

Although this is an undocumented access point, many Islanders use this path to reach the beach for walking and fishing. According to former First Warden Kimberly Gaffett, Island children used this right of way in the late 1960s. Children sailed boats or rode bicycles to this section of Charleston Beach for camping trips sponsored by the Block Island Club.

**Coast Guard Station
Plat 20, Lot 12**

Owner: U.S. Government
Type of Access: A-2 / Deeded
Facilities: Path, On-site Parking
Environment: Sandy beach

Primary/Historical Uses:

1. Swimming Beach
2. Preservation of Viewsheds
3. Historical Significance
4. Hiking/Walking
5. Fishing
6. Wildlife Habitats

Documentation/References:

1. Volume 23, p. 110-111, Deed 1/25/1934, TNS LER
2. Interview: David Holt
3. Interview: Marc Tillson
4. Interview: Kathryn Champlin

Narrative:

This property is situated on the channel entrance to New Harbor. There is a small, sandy swimming beach along the protected waters of the Great Salt Pond. Parking and trash receptacles are available on site.

This property was conveyed from the Block Island Corporation to the United States of America by a deed dated January 25, 1934, for the sum of \$1.00. The transaction was handled by the secretary of the treasury, "on behalf of the United States, the right to use and occupy the hereinafter-described lot of land as a site for a Coast Guard Station."

The deed states "it is stipulated that nothing in this grant contained shall be construed as giving to the general public the right to pass and repass at any time for any purpose over said roads and/or paths." Coast Guard Road, however, appears to run along Lot 12, between the tennis courts and motor pool building, to the shore.

The Town signed a perpetual lease for use of the Coast Guard Station, and the property is being transferred to the Town. There was a "party transfer" of the property on July 24, 1999, but the actual deed to this property, as well as Lot 10, was to have occurred at a later date. The Civil Division of the Coast Guard, acting through Section 100.4 of the Coast Guard Authorization Act of 1996, is responsible for the transfer of property.

According to Town Manager David Holt, the U.S. Coast Guard has completed its environmental review of the property. In addition, the Rhode Island Historic Preservation Commission has completed its review of the structures on the property, and has determined that all buildings on the property are eligible for inclusion on the National Register of Historic Places.

**Beane Point
Plat 20, Lot 17 and 18**

Owner: U.S. Fish and Wildlife (Lot 17) / The Nature Conservancy (Lot 18)

Type of Access: A-4 / Deeded

Facilities: Path

Environment: Rocky shore, Marsh, Forest, Dune

Primary/Historical Uses:

1. Fishing
2. Hiking/Walking
3. Preservation of Viewsheds
4. Conservation of Plant/Animal Species
5. Wildlife Habitat

Documentation/References:

Lot 17:

1. Volume 162, p. 53-54, Quitclaim Deed 5/23/1994, TNS LER
2. Volume 162, p. 55-56, Quitclaim Deed 5/24/1994, TNS LER
3. Volume 162, p. 57-59, U.S. Marshal's Quitclaim Deed 6/22/1994, TNS LER
4. Volume 162, p. 60, BILT Form A, 6/22/1994, TNS LER
5. Volume 162, p. 61, BILT Form C, 6/22/1994, TNS LER
6. Volume 162, p. 62-63, Warranty Deed 5/31/1994, TNS LER

Lot 18:

1. Volume 120, p. 245, BILT Form A, 12/29/1990, TNS LER
2. Volume 120, p. 246, BILT Form B, 12/29/1990, TNS LER
3. Volume 120, p. 247-248, Tax Sale Deed 12/29/1990, TNS LER
4. Volume 120, p. 274, BILT Form B 12/29/1990, TNS LER
5. Volume 120, p. 275-276, Tax Sale Deed 12/29/1990, TNS LER
6. Volume 159, p. 46, BILT Form A, 2/22/1994, TNS LER
7. Volume 159, p. 47-48, Quitclaim Deed 3/3/1994, TNS LER

Narrative:

Lot 17:

This property, consisting of approximately 21.8 acres, is situated on the north side of the entrance to the Great Salt Pond, east of Block Island Sound and west of the Great Salt Pond. The east shore is flanked by shallow salt marsh while the west shore abuts Block Island Sound. Public access is prohibited above mean high water, since the property is part of the Federal Wildlife Refuge System and supports a wading bird colony and beach nesting birds. There is no legal access to this property from the north. Instead, legal access to the property is across a lot owned

by The Nature Conservancy, and permission is needed from The Nature Conservancy before traveling onto the property.

This property was known as "Hippocampus" during the 1930s, and was used as a children's camp for purposes of recreation and education. The camp, begun in the years preceding the Second World War, was a short-lived enterprise. The land was monitored by the federal government during World War II. Soon afterward, the property was sold to the Beane family, who owned it until circumstances conspired to bring about the transfer of the property in 1994.

The property, jointly owned by Joel, Carol and Peter Beane, was seized by the U.S. Marshall's Office in 1989, following the discovery of 385 marijuana plants growing there. In 1990, Peter Beane was found guilty in federal court on civil charges of cultivating marijuana with intent to sell. As a result, the jointly owned land was confiscated and the U.S. Marshall's Office began the process of selling the property.

Nearly six years after the seizure of Beane Point, the Nature Conservancy purchased the property for \$1.45 million. Instrumental in the negotiation process were The Nature Conservancy, the U.S. Fish and Wildlife Service, Rhode Island Senators Claiborne Pell and John H. Chafee, Congressman Jack Reed, as well as local Block Island residents and officials. Two-thirds of the proceeds of the sale went to Joel and Carol Beane, while Peter's portion was divided between the arresting agencies.

The property was conveyed from Joel Beane and Carol Beane to The Nature Conservancy by quitclaim deed dated May 23, 1994, and May 24, 1994, respectively. The land was conveyed "together with all the buildings and improvements now standing ... together with any and all rights of way appertaining to said property of record, and subject to any and all rights of way and other privileges of record to date." The Nature Conservancy then conveyed the property to the United States of America (U.S. Fish and Wildlife) by warranty deed dated May 31, 1994.

John J. Leyden, United States Marshal for the District of Rhode Island, conveyed an additional interest in the property to The Nature Conservancy by United States Marshal's quitclaim deed dated June 22, 1994. This deed refers to a District Court case entitled United States of America v. One parcel of Real Property with Buildings, Appurtenances, and Improvements, Known as Plat 20, Lot 17, Great Harbor Neck, New Shoreham, RI, Civil Number 89-063P, on May 15, 1991, "an order was entered ... declaring that the one third interest of Peter Beane ... was forfeited to the United States of America ..."

On July 16, 1994, approximately 400 people gathered on the lawn of the Narragansett Hotel in New Harbor to officially dedicate the property as part of the Block Island National Wildlife Refuge.

Lot 18:

This property lies adjacent to Beane Point. The property was conveyed from Rosalee Ccopacatty to The Nature Conservancy by quitclaim deed dated March 3, 1994. The deed conveyed, "all my right, title, and interest including specifically an undivided one-hundredth of one percent (0.01%) interest in and to that certain tract or parcel of land, with all the buildings thereon ... being the same premises conveyed to me ... by Tax Sale Deed dated December 29, 1990 ..." The remaining interest in this property was conveyed to The Nature Conservancy as part of the purchase of the Beane property (Plat 20, Lot 17) in 1994.

**West Beach
Plat 20, Lot 20**

Owner: Town of New Shoreham
Type of Access: A-6 / Traditional/Historical
Facilities: Path
Environment: Sandy beach

Primary/Historical Uses:

1. Conservation of Plant/Animal Species
2. Wildlife Habitats

Documentation/References:

1. Town Land and Beaches, Proprietors Chart, December 1902, TNS LER
2. Map of Block Island, 1661, TNS LER

Narrative:

This is a 52-acre parcel lying south of West Beach Road. It has always been considered Town land. The original settlers and purchasers, as they divided the Island, ran their property lines to the approximate area of the shore and designated the land on the ocean side as owned by the Town. The beach has traditionally been used for the gathering of driftwood and seaweed.

The property is traversed by a sandy traveled way, sometimes called Hippocampus Road, lying behind a barrier beach. This part of a rough roadway that historically ran from the north side of the Great Salt Pond entrance to the north end of Sandy Point.

West Beach provides important habitat for rare, endangered and significant avian species such as the American Oystercatcher, American Bittern and Marsh Hawk.

The Great Salt Pond Management Plan recommends that a primary pedestrian access path should be designated crossing through the Town-owned conservation lands in this area. The path should be well-marked and designed as an elevated trail. In addition, the plan recommends that all conservation lands to the south of this area should be closed to vehicular traffic.

ADDITIONAL RIGHTS OF WAY / RESEARCHED

The following properties were considered as potential public access points as part of Bluestone/Clayhead Nature Trails. These properties were ultimately taken off the list because they do not provide public access to the shore.

1. Clayhead / Risom Plat 1, Lots 5, 7-2 and 8
2. Clayhead / Newstead Plat 1, Lot 9-2
3. Bluestone Plat 2, Lots 16 and 17
4. Clayhead / Whitman Plat 2, Lot 24
5. Bluestone III Plat 3, Lots 149-151

The following properties were researched but no documentation was found to suggest a legal right of way for public access of the property to the shoreline:

1. Middle Pond Plat 2, Lot 35 (this pond lies on West Beach, which is public access)
2. Wash Pond Plat 2, Lot 37 (this pond lies on West Beach, which is public access)
3. USFW/O'Tooles Plat 2, Lot 37 and 38-1 (public access is via a private road)
4. New Harbor riprap Plat 5, Lot 67 (property ownership is in dispute; property claimed by Interstate Navigation, Eleanor Mott and the Town of New Shoreham)
5. Twin Maples Plat 5, Lot 118 (no public access to shoreline)
6. Southeast Point Plat 8, Lots 16, 22, 24, 25-1 (privately owned properties with no public access to shoreline)
7. Off Spring Street Plat 8, Lots 59 and 69 (privately owned properties with no public access to shoreline)
8. Off Spring Street Plat 8, Lots 71-3, 78 and 79 (privately owned properties with no public access to shoreline)
9. Rodman's Hollow Plat 12, Lot 1 (no public access to shoreline)
10. Sisal Bog Plat 15, Lot 24-7 (no public access to shoreline; access is to spring)
11. Off Grace's Cove / Cullinan Plat 15, Lots 129 and 130 (no public access to shoreline)
12. Charleston Beach Plat 20, Lot 8-1 (no public access to shoreline)

13. near Coast Guard Station Plat 20, Lots 10 and 11 (Lot 10: no public access to shoreline/Lot 11: privately owned)

14. Cormorant Cove Plat 20, Lot 13 (this is a private beach; no public access to shoreline)

The following properties appear to allow public access, but these have been taken off the list because, although they are waterfront properties, they do not provide public access to the shore.

1. Mansion Beach / Ministers Lot Plat 3, Lot 13: There is a six foot-wide public right of way through this property, but access to the property is via a private road.
2. BIED / Kelly-Dusek Plat 5, Lot 15: There is a conservation easement on this property, located adjacent to Harbor Pond, but the deed does not allow public access to the shore.
3. Mohegan Bluffs / Slattery Plat 9, Lot 121: This right of way is located from Mohegan Trail to the Bluffs, but public access does not extend to the shoreline.
4. Black Rock Property Plat 12, Lot 14: You can get to Black Rock Point via Plat 12, Lot 13, which is one of the public access points listed in the report. The Nature Conservancy owns this property, but it does not provide public access to the shore.
5. Sturges Land Plat 19, Lot 23: This property allows public access, but access to the property is via a private road.
6. Charleston Beach Plat 20, Lot 4: Block Island Conservancy owns the property, but it does not provide public access to the shore.

REFERENCES

- CRMC, "Designated Public Rights of Way to the Shore," October 1991
- CRMC, "Public Rights of Way: CRMC Designation Process," Spring 1993
- CRMC Public Hearing re: Rights of Way, Town of New Shoreham, 6/13/1983
- CRMC Subcommittee Hearing re: Rights of Way, Town of New Shoreham, 6/13/1983
- CRMC Semi-Monthly Meeting re: Rights of Way, Town of New Shoreham, 3/27/1984
- Downie, Robert M., "The Public's Use of Pole Harbor from 1816-1987," 1987
- Downie, Robert M., "Block Island - The Sea," Book Nook Press, 1998
- Lee, Virginia and Pamela Pogue, "Public Access to the Rhode Island Coast," Coastal Resources Center, 1993
- Livermore, Reverend S.T., "Livermore's History of Block Island," 1897
- Nixon, Dennis and Michael Rubin, "Shoreline Access in Rhode Island: A Case Study of Black Point," Maine Law Review, Volume 42, No. 1, 1990 (includes all references to court cases, the Rhode Island Manual and the Rhode Island Constitution)
- Nixon, Dennis, "Evolution of Public and Private Rights to Rhode Island's Shore," Suffolk University Law Review, Volume XXIV, RI Survey, No. 2, 1990
- Nixon, Dennis, "Opportunities for Enhancing Public Access to the New England Shore," Coastal Issues in New England, 1990
- Providence Journal, "Court Rules Path to Beach not a Public Right of Way," 11/24/1998
- Providence Journal, "Beach Bummer", 7/7/1985
- RIGL Chapter 24-2, Highways by Grant or Use
- RIGL Chapter 34-7, Easements by Possession and Prescription
- RIGL Chapter 45-23, Subdivision of Land
- RIGL Chapter 46-23, Coastal Resources Management Council
- Town of New Shoreham, "Recreation and Open Space Plan," June 1994
- Town of New Shoreham Harbors Ordinance, "The Great Salt Pond Public Access and Rights of Way," revised and approved April 1998
- "Waters," 78 Am. Jur 2d, Sections 406-429

**MAPS ASSOCIATED WITH PUBLIC ACCESS PROJECT
LOCATED IN LAND EVIDENCE RECORDS, TOWN HALL**

1. Map of Block Island, 1661
2. Map of Land: Water Street, May 1897
3. Coast and Geodetic Survey, 1914 (based on 1886 data)
4. North Light R.O.W. Plan / Plan of Cow Cove Road, October 1908
5. Hygea Plat, July 1992
6. Beach Land Taken by State for State Beach (2 sheets), January 1953
7. Town of New Shoreham: Southeast Branch, April 1953
8. Coast Guard Road, October 1968
9. Mansion Property, December 1968
10. Champlins Road / Coast Guard Road, October 1974
11. Map of Old Harbor, showing Water Street, October 1985
12. Ocean Road / Cooneymus Road (no date)
13. Dorry's Cove and Grace's Cove (no date)

MAPS ASSOCIATED WITH PUBLIC ACCESS PROJECT
LOCATED IN LAND EVIDENCE RECORDS TOWN HALL

1. Major Road Layout, 1987
2. Major Road Wastewater May 1987
3. Coastal Erosion Survey, 1984 (based on 1980 data)
4. North East R.O.W. Plan (Plan of Cow Cove Road, October 1988)
5. Major Road July 1987
6. Beach Land Taken by Director State Beach 13 sheets, January 1987
7. Town of New Brunswick, Southern Beach, April 1987
8. Coastal Road October 1988
9. Major Road, December 1988
10. Coastal Road, C.O. and Grand Road, October 1987
11. Map of Old Harbor showing Water Street, October 1987
12. Old Road, Coastal Road, the land
13. Major Road and Cow Cove, the land

Millie McGinnes

From: Courtney Queen Rosenfeld |
Sent: Tuesday, December 15, 2015 10:47 PM
To: klacoste@new-shoreham.com
Cc: Millie McGinnes
Subject: Public Comments re: SAWG Report on Coast Guard Beach
Attachments: Email to Town Council - Sept. 2015.pdf; ATT00064.htm; block island trace.pdf; ATT00067.htm

Greetings Mr. Lacoste:

The Deputy Town Clerk provided me with your email address and said I could reach out to you to inquire about the Town Council's plans with respect to the Shoreline Access Working Group's (SAWG) final report. We had the understanding based on the email below that the Council would not be acting on the SAWG's report until next year. On Monday, however, I learned that the report is on the agenda for the Council hearing on Dec. 16th. Therefore, please accept this email as a submission of public comments to the Council. Thank you very much.

On behalf of my family, I am writing regarding the SAWG's recommendations for Coast Guard Beach/Champlin's Road. We are requesting that Town Council postpone any specific actions on the Coast Guard Beach access recommendations in the SAWG report. We agree with the goals of protecting public access to beaches, but have concerns about how to best execute a solution that will achieve this goal and also relieve the existing parking/access issues that we have experienced over the years. These concerns are outlined in our public comments submitted on Sept. 8, 2015 (attached). Since our property continuously abuts the entire border of the area discussed in the report, we would like to have a working meeting to consider the design issues together. We have attached a conceptual drawing of our proposal for meeting the goals outlined in the report.

As stated in the email below, "The committee realizes that a final parking plan can't be designed until your family, the Sereno's and the Sargents finalize your access to Champlin Road." Given that situation, we request that Town Council postpone making a decision about executing any details of this section of the report until June when more clarity is reached on all of the access points and driveways in this area. We appreciate the committee's attention to the access problems that exist in this location and would like to contribute to the solution.

Thank you,
Courtney Rosenfeld

Subject:

Shoreline Access Group - Sept. 8th - Public Comments

September 8, 2015

We regret that we could not attend today's Shoreline Access Group meeting in person. We appreciate the opportunity to share our thoughts with the Group members, and are grateful for the Group's efforts to improve Block Island's beautiful beaches.

As you may know, we live directly adjacent to the former Coast Guard Station and the pathway down to Coast Guard Beach. We purchased the property in 1986 and have seen many changes over time. We recognize that increased traffic into the parking area at the end of Champlins/Coast Guard Road has created a lack of adequate parking spaces. As a result, many cars park illegally, sometimes at an angle and blocking in other cars, and often directly in front of "no parking" signs. Our driveway entrance, which abuts the start of the beach access path, is set back and routinely gets blocked, leaving us unable get in or out.

We are eager to work with the Group and Town Council to be a part of the solution. We believe the situation might be improved with providing increased parking spaces, coupled with enforcement for violators. With that in mind, we have spoken with neighbors and are preparing a proposed sketch plan for the Group to consider. We will share this drawing with the Group in the next week or so, and look forward to hearing the Group's thoughts to find a workable solution.

Our understanding is that the Group is considering widening the path to 6-feet from the fence line, to allow an emergency 4x4 vehicle to access the beach. We support the path modification for emergency purposes. If the path is widened, we recommend placing a removable bollard at the path entrance so that non-emergency vehicles are not permitted down to the beach (perhaps with a sign on it saying "no vehicles").

Further, we understand that the Group may be considering placing picnic tables in the area. We do not think there is adequate space in the parking lot for this, but in any case we ask that the Group to consider that sound reflects off the white garage and bounces back towards our house, and can at times be extremely loud in our house (including at late hours when beach-goers walk down the path). We hope the Group will consider this factor when developing any other amenities in the area.

We would also ask the Group (as well as the Town) to consider the impacts of increased traffic down Coast Guard/Champlins Road, as it relates to beach access. The traffic volume has picked up significantly in recent years, and it appears that the narrow, sandy road, as well as the lack of parking at the end, is not well suited to support the increased volume. Our hope is that the situation could be improved with better signage. Some ideas the Town might consider include:

- (1) a larger, clearer "Dead End" sign at the entrance off West Side Road;
- (2) a larger, clearer "No Mopeds" sign (we often see mopeds on this road) - same location;
- (3) a sign that states "Rough Terrain/Very Limited Parking" - same location (these signs could be tiered rather than on one post, so they are more visible);
- (4) a few speed limit signs (there has been a significant increase in speeding cars, especially along the Cove);
- (5) in the parking lot area, signs that say "No Parking - Towed at Owner's Expense."

Perhaps with some of these signs, coupled with parking enforcement, the area will see improved compliance.

Thank you for your consideration.

Michael, Mathias, Courtney Rosenfeld

Concept Sketch for Emergency Beach Access (6 ft. wide)
 Safe Pick-up + Drop-off area + 10 Real Parking Spaces
 No Picnic area please
 (plan 1" = 40' from aerial photo)

Oct. 12, 2015

