

A walking tour sees the good, the bad and the ugly of R.I. shore access

Organizers examine the beach and a stretch of roadway in Westerly to “remind people of what’s rightfully theirs”

By [Brian Amaral](#) Globe Staff, Updated September 22, 2022, 5:54 p.m.



A group of shore access enthusiasts used a right-of-way to the beach in Westerly. BRIAN AMARAL

WESTERLY — About 30 people were gathered on the beach west of the Weekapaug Breachway on a perfectly temperate September Wednesday afternoon when they got the

bad news.

“I’d like to point out that we’re all technically trespassing.”

This was Janet Freedman, a coastal geologist and former longtime Coastal Resources Management Council official who is now a senior fellow at the University of Rhode Island’s Coastal Institute. In a state where seemingly everyone has strong opinions about shoreline access, Freedman comes in with facts, backed up by decades of experience: a state Supreme Court decision in the 1980s limits shoreline access to a degree that might surprise people — except those people engaged enough in the debate to come out to the Weekapaug Breachway to hear Freedman talk about it.

The event they were attending was organized by the Coastal Resources Management Council, the Rhode Island Sea Grant, and the URI Coastal Institute. Organizers dubbed it a shoreline access walk, examining the beach itself and a stretch of roadway where there are supposed to be shore access points. The end-of-astronomical-summer event comes amid efforts to change both the law and the culture around getting to the beach in Rhode Island.

“I’m glad the conversation has been amplified,” said Catalina Martinez, who was one of the attendees, “but it’s been atrocious.”

Especially, some critics say, in Westerly, a sort of ground zero for these disputes. That’s part of the reason the walk was organized there: to show not just the good (a blazing sunset on a gorgeous beach) but the bad (the property boundary line is technically in the water) and the ugly (some coastal access points along Atlantic Avenue are completely overgrown).

The purpose of the tour, in other words, was to “remind people of what’s rightfully theirs,” said Leah Feldman, coastal policy analyst and the CRMC and one of the organizers of the walk.



Janet Freedman, a senior fellow at the University of Rhode Island's Coastal Institute, talked to the group about a blocked coastal access point in Westerly. BRIAN AMARAL

The CRMC designates areas along the shore as what are called rights-of-way (or rights-of-ways, or right-of-ways, depending on whom you're talking to). But the agency doesn't own these plots of land and, while it keeps tabs on them, doesn't have the person power to ensure that every one of them is free of obstructions.

That's another reason for Wednesday's walk: to get people engaged in the issue to be eyes and ears on behalf of the broader public.

It is the second time such a right-of-way walking tour has happened, although the last one was pretty much rained out — so it was the first good, thorough one that involved a

long loop around the beach in Westerly for nearly two hours.

The issue of shoreline access has always been present in Rhode Island, but lately it's gotten more attention from the media, politicians, and Rhode Islanders.

In the most recent legislative session, the House of Representatives unanimously passed legislation to solidify access in the state. The Senate did not take up the legislation, though advocates said they'll go back next year and try again.

In short, the legislation would have fixed the public's right of shore access at 6 feet landward of what it calls the recognizable high tide line. You can identify the recognizable high tide line by looking at debris, like seaweed, that the high tide has left behind.

Under a 1980s state Supreme Court decision, people can be charged and convicted of trespassing if a town can prove they intentionally crossed what's called the mean high tide line — which is invisible without complex scientific equipment.

Luckily, or maybe unluckily, Nathan Vinhateiro of the Coastal Institute brought some complex scientific equipment with him. Called a real-time kinematic GPS and resembling a staff that Gandalf would carry in an even nerdier Star Wars crossover, the device allowed Vinhateiro to show exactly where that line was at 5:23 p.m. on Wednesday.

He had to go out into the water to do it. That's where the mean high tide line, and the boundary for shore access as towns and police departments have enforced it for years, lies. (Shore access advocates have argued that the line was [actually overturned](#), but the argument hasn't been tested in court.)

“We need everyone's help” to clarify the line, state Rep. Terri Cortvriend, a Democrat of Portsmouth, told the crowd. Cortvriend introduced the legislation that would have fixed the boundary at the recognizable high tide line.

From there the walking tour headed back out onto Atlantic Avenue, which runs parallel to the coast. It's a long stretch marked occasionally by rights-of-way (or right-of-ways, or rights-of-ways) to the shore.

You wouldn't know it without a map. A couple are entirely overgrown with vegetation — not just a little encroachment by bushes that you could step around, but a jungle of obstruction. Within three quarters of a mile, the group had seen three of them.

The CRMC designates those access points, though it doesn't own them. According to Freedman, the town of Westerly owns the ones the group saw Wednesday.



Nathan Vinhateiro of the URI Coastal Institute, shows a group where the mean high tide line was at 5:23 p.m. Wednesday in Westerly. BRIAN AMARAL

“For all of you who are really depressed,” Freedman said after awhile, “we’re going to see

a good right-of-way.”

This last one was marked with a sturdy granite pillar that clearly showed it was an area where people could access the shore, and a crosswalk (although it didn't have parking or a bike rack).

Are people getting enough of that sort of access to the shore?

Charlie Gruetzner, a seasonal Westerly resident for the past 10 years, answers the question with a question.

“Are you ever going to find anybody that's going to tell you yes?”

In fact, not really, at least not on a tour like the one on Wednesday, which ended on the beach side of the good right-of-way.

“Everyone should have access,” Gruetzner said. “You can't own things that are wild and free.”

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