

What's Happening at Hammetts Wharf? (a.k.a. The Newport Yachting Center)



Scott's Wharf Access Vindicated In 2018

By Mike Rubin (retired AAG)

This year members of Friends of the Waterfront can take a degree of satisfaction as they approach the old Newport Yachting Center/Bohlin site (the main entry-way to this place is known as Scott's Wharf). As that vicinity now becomes developed into a boutique hotel (the Hammett's Wharf project), major permanent physical and legal improvements are nonetheless being made to the public access-ways. Old access is being enhanced and new access is being created. This happened because of pressure and persuasion from Friends of the Waterfront.

Some improvements are already in place. For instance, everyone now has the pleasure of entering the north-facing patio (along the inlet on the north side of Commercial Wharf) without passing the ugliness and smelliness of the over-flowing dumpster that plagued this location for a decade. That dumpster is now gone. Other positive changes are on their way as explained later.

The securing of the public rights and amenities unfolded in two stages. But at the outset, the physical setting should be understood.

I. THE SETTING.



Current photograph of wharf streets in Newport. **Date: circa 1/18 (south is towards the bottom of the image).**
The central area cast in shadow is the focus of some of the major improvements. This area is referred to as the patio.



Historic photograph of wharf streets in Newport.

Date: 8/1/61 (prior to the creation of America's Cup Avenue). Three (3) particular rights-of-way (the street of Scott's Wharf, the street of North Commercial Wharf, and an unnamed connector) are all roughly highlighted in yellow. The street of South Commercial Wharf, by contrast, is not highlighted.

The street North Commercial Wharf (since truncated) starts from Thames Street near the right side of the picture and proceeds along the upper side of the white-roofed building. North Commercial Wharf then widens so as to include the area occupied by a white-roofed trailer (which constitutes an encroachment.) The latter area is now surfaced with paving-stones and forms the patio. This latter patio is the area obscured by shadow in the prior photo.

For reference, the post office, still existent today, is in the lower right of the image ➡ (South is towards the bottom of the image).

On the historic Newport waterfront, jutting out from America's Cup Avenue into the harbor, lies a wharf of ancient origin called "**Commercial Wharf.**" Readers will recognize this wharf as the site of the Harbourview Condominiums (formerly "the G.E. building"); it is also the home of the annual Newport Boat Show. To the immediate south is the ongoing construction of the Hammett's Wharf Hotel.

On this wharf is an irregular grid of streets. The major streets of this grid consist of three parallel roadways, each of which runs in a direction along the length of the wharf (although none extend that whole distance). Each of these east-west roadways is itself called a "Wharf." (As readers will recognize, the word "Wharf" in Newport can connote a wharf structure itself or a roadway thereupon.) These three main roadways are: South Commercial Wharf (often referred to simply as "Commercial Wharf," which is also the name of the underlying wharf structure itself), North Commercial Wharf, and Scott's Wharf. There are also several short unnamed connector streets running perpendicular to the three main roadways, i.e., in a north-south direction across the width of the wharf.

As mentioned, the streets are irregular. North Commercial Wharf, especially, is oddly configured. Along the north side of the Harbourview Condos it widens-out into a broad patio, now surfaced with paving stones. At its east end, it is now cut off from America's Cup by a parking lot.

II. THE QUEST FOR PUBLIC ACCESS.

A. The Fight in Court: 1990-2005: upholding the old dedication to the public.

Roughly twenty to thirty years ago, this site was the subject of the publicly visible court case called Newport Realty v. Attorney General. That litigation, in turn, harkened back to earlier times when, over the course of the 20th century, the roadways on the wharf were allegedly set aside as city streets.

In particular, the lawsuit was an attempt by an abutting landowner, Newport Realty, Inc., to block community access to this section of the historic Newport waterfront. Specifically, the then-owner of the Bohlin site sought to close three platted streets (North Commercial Wharf, Scott's Wharf and a short unnamed connector), which, taken together, led from America's Cup Avenue, over most of the length of the wharf, along a branch (inlet) of the harbor. In other words, the case concerned whether these three particular inter-connected platted streets were private or public. The suit was a dispute involving the deeds and plats recorded in City Hall. The abutter brought the action to settle the title on the theory that the rights-of-way were always intended to be private.

The suit, if it had been successful, would have been a major setback for enlightened public-private partnership in developing the state's most inviting and frequented tourist district. But the State (through the Attorney General) contended that a particular recorded subdivision plat in the early 1920s constituted an offer of dedication of the platted streets that had since been accepted by public usage. Fortunately, in the end, the State Supreme Court agreed with the Attorney General. The Justices explored the history of the wharf streets beginning in the early years of the twentieth century. The high Court then held that the plat from the 1920s clearly favored the public and, further, that the public had accepted the streets by long uninterrupted usage. In sum, the Court declared the ways to be open for the public.

B. The Follow-up Objections and Negotiations.

The legal status of most of this network of streets was settled in that litigation. But the exact physical dimensions were uncertain. The old plats were vague. And, after the close of the court case, a sloppy situation arose. Neighboring owners cluttered the entry way with parked mopeds, obliterated a cross-walk, and placed the offensive dumpster. The alignment of the entry-way was confusing and twisted.

So, with the advent of the proposal for the Peregrine (Hammett's Wharf) boutique hotel project, Friends of the Waterfront sprang into action. Sensing that the hotel proposal could compound the shabby conditions, and sensing that the proposal represented an opportunity to correct those lingering abuses of the public rights-of-way, the Friends of the Waterfront Board of Directors hired Attorney Terry Tierney of Newport and insisted on meetings with the developer. This was reinforced by objections lodged with the Newport Planning Board and the R.I. CRMC. These efforts gained further momentum when your writer, also an attorney, joined the Board in May.

The upshot was a formal resolution that involves the following elements (most still to be implemented):

- The formal deeded dedication of the crucial area comprising the entrance to the gated patio.
- The removal of the dumpster
- The re-delineation of a crosswalk
- The removal of the mopeds
- The realignment of the entry access-way to the patio area.
- The paving of the entry access-way to the patio area with attractive paving-tones.
- The formal deeded dedication of new rights-of-way over the southern area comprising a loop back to America's Cup Avenue.
- The paving of these new rights-of-way with attractive paving stones.
- The formal deeded dedication of a third right-of-way area in the future, contingent on the cooperation of the neighbor to the south. This would be a link in the future harbor walk.

In short, the year 2018 saw the resolution of simmering issues involving the public's enjoyment of the Scott's Wharf/North Commercial Wharf patio. Moreover, 2018 saw an enforceable specific written mandate for increased access on other parts of the site.

SALE OF THE ARMORY

Initially FOW opposed the sale of the Armory, as the city failed to develop any long-term plans for the building. In 2012 the lower level of the building was created as the Maritime Center with grant monies, but there was no long-term plan in place for the entire historic building. The upper floors continued to be rented without pursuing any kind of real funding for any repairs or improvements.

Since public input did not seem to be a priority at first by the city and there was a lack of transparency regarding the sale of the property; an online petition on the social media site change.org was launched. This platform allowed opinions of Newport regarding the sale of this landmark to be voiced.

FOW board members met with city officials to discuss the organization's opposition to the sale of the historic building and concessions were made. The City with the agreement of the National Sailing Hall of Fame (NSHOF) divided the property into two condominium units. The purchase and sales agreement guaranteed public access to the beach and the Maritime Center within a separate condominium. The NSHOF condo will occupy the 1st and 2nd floors with repairs to that part by them. A first floor street access public restroom was also guaranteed. A separate land parcel Ann Street Pier was not on the table. With these agreements in place, FOW was able to take a neutral position. We would like to thank everyone for their support and we look forward to working with NSHOF in the future.

The sale of the Armory will result in a loss to many local people in Newport who both shopped and worked at the boutique-style stores. The Armory has been utilized by many small businesses for many years as a place to sell antiques and unusual goods and they will be sorely missed.

Friends of the Waterfront, Inc.

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Officers 2018-2019

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2017-18 FOW Board Members



**Public Welcome
Monthly Board Meetings
Newport Public Library**

FOW MISSION

- To protect public access to the water
- To preserve historical uses, rights of way, and waterfront views;
- To help foster the development of Newport, RI's shoreline and harbor front areas in ways that maximize public access

WATERFRONT CONCERTS

Friends of the Waterfront were the recipients of a generous donation from the Isham family, which resulted in the 2018 Waterfront Concert Series.



In order to celebrate Newport's public access, five free concerts were offered over the course of the summer at the gazebo in King Park.

As a compliment to the free music, URI Master Gardeners offered free gardening chats to the public preceding the concert events. The talks were designed to help educate the

public on science based best practices for sustainable waterfront gardening.

FOLK FESTIVAL



Friends of the Waterfront were chosen to be part of the "Participation Row", a non-profit village at the Newport Folk Festival for the second year in a row. FOW's booth was interactive which encouraged both

folk festival attendees and musicians to **"paint a rock"** by taking an action to promote and restore public waterfront access in Newport.

The 1200 pounds of painted river stones from the past 2 years which is roughly 6,000 individual attendee's actions were placed around the dinghy Monarch Butterfly habitat at Spring Wharf (IYRS).



2018 Annual Meeting

Oct 11, 2018 commemorated the 36th annual meeting for FOW. Long time board members Dave Wixted and Linda Hammer both 'officially' retired and the loss of their contributions on the board will surely be felt. The new 2018-19 board-of-directors was installed and FOW President Johanna Vietry highlighted the 2018 year in review for the members.

A presentation by Mike Rubin 'Public Access: A Case Study on Scott's Wharf' was a memorable documentary of the legal process that took 25 years to successfully resolve in favor of waterfront public access. For anyone unfamiliar with Newport's Scotts Wharf, this is where the original fight for public access began 37 years ago by FOW's founder Mary Ferrazzoli.

In advance of the annual meeting, all city council candidates were sent 5 questions on Newport waterfront issues developed by the FOW board members. The candidates were each invited to, and attended, the meeting, where their responses were distributed to the public.

Candidate's Waterfront Questions

- *It is possible that the City will be able to purchase the old Navy Hospital land on Third Street. What would you as a candidate like to see on this waterfront parcel?*
- *Many applicants for city building permits are looking to develop on parcels that are zoned WB (Waterfront Business District) or GB (General Business). Would you suggest some public access as part of the permitting process?*
- *Do you agree with the concept for a Master Waterfront Development Plan that would work in combination with the existing Open Space Plan?*
- *Newport Yacht Club is property owned by city of Newport. How do you view this public asset?*
- *Do you agree with the process the City followed with the sale of the Armory?*

35th INSPECTION CRUISE

Don't Miss The Boat



The 2018 end of summer Harbor Inspection Cruise took place on August 26th. Retired Assistant Attorney General and FOW board member Mike Rubin offered fact based information on many of Newport's rights of ways while

Dan Oakley of the Amazing Grace supplied anecdotal local stories about the waterfront. The sold out yearly fundraiser is always a great way for FOW members to re-connect with old friends; and the outstanding homemade appetizers by the board members were once again a big hit.

The cruise participants did not object to the after dark docking due to the breathtaking rising of the full orange moon.

King Park Rain Garden Painting Raffle

Jeannine Bestoso, FOW's volunteer artist in residence, spent several days last summer at King Park working on her rain garden watercolor. She meticulously matched the colors of the RI native pollinator plants in the park's newly installed garden to her painting.

The raffle for the painting took place at the FOW Annual Meeting with over \$400 collected. The proceeds will be used for the waterfront beautification project.

Jeannine's generosity didn't stop here, for the last 2 years the retired Newport art teacher has volunteered her creative talents at King Park Day. Her exotic face painting images of butterflies and frogs on the faces of the little ones are a big hit at these events with children anxiously waiting their turn to get their faces painted.



King Park Day

Over 200 people attended the 2018 King Park Day when FOW, Friends of King Park and the City joined forces to host an event that showered the waterfront park with some badly needed environmental attention.

Other participants included:

- Lauren Carson's RI Green Infrastructure Coalition group who gave away free rain barrels. A display rain barrel was painted by Rogers High School students.
- URI Master Gardeners donated and handed out free seeds and free pollinator plants. They also discussed the installation of rain gardens using the King Park garden as a case in point.
- Tanya Kelley co-project manager of the City's Open Space Plan led a "Stroll through the Park" chatting about the history and the difficulties the park and harbor are currently facing due to climate change and sea level rise.
- Mary-Gail Smith of the Alliance Française spoke on "Saving Rochambeau."
- Rachael Whitworth led a yoga class on the lawn.
- Lois Vaughan's Quintet kicked off the Waterfront Concert Series



~ Coming Soon ~
King Park Day 2019 Information

King Park Water Filling Station

Rehydrate yourself and your four legged friends at King Park's new water filling station and dog bowl! The Greenlove Foundation water filling station with the attached dog water bowl that was donated by Friends of the Waterfront was dedicated on June 2nd at King Park Day and is a celebrated addition to the municipal park.

The Greenlove Foundation was established in memory of Kendra L. Bowers, a young environmentalist who lost her life in a skiing accident. This station and dog bowl help fulfill her legacy to create a healthier Earth. As Kendra would say: "Recycle, Reduce and Reuse!"



2018 Earth Day Clean Up



Friends of the Waterfront and Friends of King Park partnered together for the annual Earth Day Clean Up Event at King Park. The 2018 theme was 'End Plastic Pollution', an important theme for Newporters to be mindful of. We are grateful for all of the folks who joined us and the Thames Street Starbucks and Bellevue Avenue Stop & Shop, that supplied snacks and water to fuel the volunteers through the clean-up.

For over a hundred years King Park has been a valuable natural resource for the city of Newport. For over 25 years FOW has participated in Earth Day cleanup of the park.

Please Join Us This Year

Earth Day
April 20, 2019
'Protect Our Species'
Where pollinator populations will be the focus!



Harbor Walk Dinghy Planters and Waterfront Gardens

The 2 1/2 mile - long Newport Harbor Walk was originally conceived by Friends of the Waterfront to prevent the disappearance of public access in the harbor area during a period when heavy development was taking place in the City in the 1980's and 1990's. These enduring public access pathways can be traced back to colonial times.

The Newport Harbor Walk Garden Project is a collaboration of the University of RI Master Gardeners, the City of Newport and FOW.

Newport Harbor Walk Garden Project's Mission:

- to benefit the whole community by making Newport's Harbor Walk more inviting and visible to the public and visitors alike
- to educate the public to the fact that colonial waterfront rights-of-way do still exist and are of great value to the city and the state
- to educate the public about the benefits and beauty of planting native plants and their importance in encouraging pollinators and to also encourage the installation of rain gardens in landscapes to help prevent storm water run-off into the harbor and watershed.

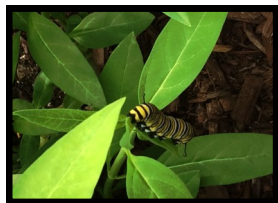
This approved URI Master Gardener (MG) project is entering its 5th year in 2019. There are now 5 dinghy planters and 2 gardens that are all located in busy areas along the waterfront and they all need care by volunteers on an almost daily basis during the growing season. The retail value of all of these green spaces on a yearly basis is in excess of \$10,000.00. The funding comes from URI MG, FOW and donations from the public.

These large urban flower containers have been planted with many drought tolerant RI native pollinator plants along with some North American natives which offers a diverse ecological system along the shoreline. The plantings demonstrate a more natural and sustainable way to garden that is also visually appealing 'they're pretty'.



The over-sized containers serve also as crucial habitats for Monarch butterflies and other pollinators. These up-cycled dinghy planters provide a variety of native Rhode Island plants as the food and nectar sources for adult monarchs and caterpillars.

Our planters received national recognition by the Monarch Joint Venture a national partnership of federal and state agencies, non-governmental organizations, and academic programs working together to conserve the monarch butterfly migration.



In 2017 a long planned rain garden was finally installed by FOW and URI Master Gardener volunteers as a small demonstration rain garden at King Park. The rain garden was supported by the City of Newport and funded in part by a grant from the state of R.I.

This garden was created in order to help educate the King Park neighborhood about sea level rise and storm water mitigation. One small residential rain garden with the right plants can make a difference in preventing stormwater from entering the Bay and also help in the mitigation of flooding.

In 2017 the Harbor Walk Garden Project was named the University of Rhode Island's Master Gardener Project of the Year and again in 2018 the Harbor Walk was named Eastern Project of the Year.



These honors belong to the many volunteers who's contribution of time and dedication over the last 4 years have made the Harbor Walk Project a success. Each year for 16 weeks, volunteers give of their time by greening up and beautifying the Newport shoreline. Their combined hours of work represents well over \$70,000.00 of man hours to the City of Newport per year or \$300,000 since 2015.

If you would like to be part of the team and volunteer for 2019 email FOW info@newportwaterfront.org



Harbor Walk Tours

Dozens of people joined FOW's free monthly Newport Harbor Walks during the summer of 2018. The groups met at Mary Ferrazzoli Park where FOW Board Member Casey Farley discussed FOW's founding and a brief history of the organization. The 1 1/2 mile tour continued all the way to King Park with stops along the way to admire the repurposed dinghies planted by FOW and to show where some access points to the Harbor Walk look uninviting.

At King Park walkers were delighted to meet FOW President Johanna Vietry who greeted guests with sun tea and home-made cookies.

