

Deal Will Restore Public Access To Blocked Waterfront Site In Downtown Newport

Antonia Noori Farzan
The Providence Journal
November 3, 2021



Records going as far back as 1786 show a public right of way running along Lee's Wharf in the heart of downtown Newport, from bustling Thames Street down to the harbor.

But in recent years, as waterfront hotels and condominiums have taken the place of shipyards and chandleries, the pathway has been covered up by carefully landscaped trees and shrubbery.

After numerous complaints from groups like Friends of the Waterfront, Clean Ocean Access and Save The Bay, that's going to change. The Rhode Island attorney general's office announced Wednesday that it had reached a deal to "reestablish public access to the Lee's Wharf right of way and provide site improvements for the public to enjoy."



The announcement didn't say who was responsible for blocking off Lee's Wharf in the first place. The right of way is bordered by a large, fenced-off commercial parking lot to the south. The Vanderbilt Residences at Brown and Howard Wharf, a luxury condominium development where units have sold for \$2.75 million, sits directly to the north.



It's also not entirely clear when the problem began, but Google Street View images going as far back as 2017 show manicured shrubbery and trees in large planters covering the right of way, and concealing utility boxes that had been placed there.

Friends of the Waterfront, a Newport-based nonprofit, filed a complaint with city officials and the Coastal Resources Management Council in 2019. Michael Rubin, a former Rhode Island assistant attorney general who serves on the group's board, noted in his letter to city and state officials that there was a sign marking the blocked pathway as a CRMC

designated right of way.

Visitors seeing that sign might assume that they could get around the obstacles by walking down a neighboring driveway used by the condominium association, Rubin pointed out. But a sign warned "Private Property — Residents and Guests Only Beyond This Point."

Records show that in 2020, the CRMC issued a Notice of Violation to Thames, Brown, and Howard LLC, which owns the condominium complex, as well as the City of Newport.

Under the terms of the agreement announced by the attorney general's office on Wednesday, Newport "will relocate a large electrical panel that currently blocks the view of the water and clear overgrown vegetation." The deal does not require any action to be taken by the condominium association.

But it does impose conditions on Howard Wharf LP, the developers who purchased the parking lot south of the right of way in 2019, and hope to build a 21-room hotel there. The CRMC typically requires all new waterfront developments to offer some form of public access.

In this case, Howard Wharf LP "will provide a five-foot public easement along the southerly side of the designated right of way to counteract obstructions that could not be relocated due to cost," including a city-owned water pump station, the attorney general's office said.



The developers will also work with the city to "provide aesthetic improvements including lighting, benches, and new landscaping. "Exactly when those changes will take place is unclear, because the proposed hotel still needs to get final approvals from the CRMC and local officials, a statement from the attorney general's office said. (It's already cleared some hurdles, including obtaining a liquor license and approvals from Newport's zoning board.)

If the hotel project doesn't go forward, the City of Newport, the CRMC, and the Rhode Island attorney general's office are required to work out an alternative plan to restore public access.

"As an interim measure, the City will remove overgrown vegetation by spring of 2022," the attorney general's office said.

Some improvements have already been made: There's now a clear pathway that leads through the landscaping, making it possible to walk from Thames Street to the stone wall at the edge of the wharf.



Johanna Viety, president of Friends of the Waterfront, praised the plan to "revitalize and rehabilitate the long-neglected and much-abused Lee's Wharf right-of-way."

The attorney general's news release also included statements from CRMC Executive Director Jeffrey Willis, Newport City Manager Joseph J. Nicholson Jr., Save The Bay Executive Director Jonathan Stone, and Howard Cushing, a principal with Howard Wharf LP, who all expressed enthusiasm for the agreement.

Viety and Cushing noted that Newport has been working on creating a Harbor Walk intended to eventually run the length of the downtown waterfront. Re-establishing access at Lee's Wharf will provide another "link in the chain," Viety said.

Attorney General Peter F. Neronha said in a statement that over the years, "many legally designated rights of way have been unlawfully blocked by private or semi-private entities."