Memorandum

From: Rich Rainer, Town Administrator
To: Portsmouth Town Council

Subj: McCORRIE POINT

Dear Honorable Council,

Residents of the neighborhood near McCorrie Point wish to speak to you regarding perceived changes to assumed private beach rights. As you are aware, the Town has been grappling with complaints of unruly and uncivil behavior at the McCorrie Point beach for many years. A community town hall meeting was held two years ago for the purpose of trying to identify solutions which resulted in only marginally mitigating the problems being reported. Additionally, you should be aware McCorrie Point is Town owned property.

The resident’s memo to the Council refers to the neighborhood as a deeded rights community. This is a misleading characterization. There were some plots in the neighborhood granted bathing and boating rights by the original owners. This is not universal. Most plots have no mention of specific “beach rights” in their associated deeds. In fact, the deeds presented to you are typical of most deeds in that the deeds specifically highlight the right to access McCorrie Lane. This was necessary because the road was a private dirt lane at the time most of the deeds were written (and it was the only way in and out of the neighborhood).

Over time, many people have come to believe they have deeded beach rights which exceed any express grant of easement in their deeds. There are also many residents who think they have deeded beach rights who have no such rights at all. We are now creating a list of properties which will catalogue specific deed language pertaining to beach rights. However, this is not necessary for the discussion tonight because the Town is doing nothing to curtail enjoyment of the beach.

Relative to the issue before you, we are merely enforcing Town Ordinances on Town Land. Specifically, we are enforcing a vehicular or pedestrian traffic and parking ban from 9:00 PM until 6:00 AM per Town Code Section 250-13B (same as other Town Properties). We are also ensuring permits have been granted for any open fires on the beach. The Town is sensitive to resident concerns and has taken no steps to infringe any person’s right to use the beach responsibly. We believe the preponderance of objectional behavior stems from people driving, parking, fishing, and or partying on the beach late at night and are also of the belief that residents and neighbors are not trashing their neighborhood or urinating and defecating in the open.

By enforcing this ordinance, we hope to keep violators off the beach. We allow people who tell us they are residents to remain on the beach but ask them to move their vehicle. We also tell them they can bring the vehicle back down when they’re packing up. We’ve received compliments from many residents for the outcome. Over the last month, complaints about speeding cars, loud music, vehicles doing donuts on the beach, unpermitted fires, people urinating or defecating on public and private property, and a myriad of other grievances have all but disappeared.
The residents of McCorrie Beach deeded rights community
Is requesting the opportunity to address the counsel on changes to our private beach portion in our deeds.
There are many issues that need to be addressed and will need some time on the clock.
Please add the McCorrie Point neighbor committee to address this matter on the next July Town Council meeting.

Respectfully,
Carolann Ferrell Silvia
112 McCorrie Lane
Portsmouth, RI

Sent from Mail for Windows 10
The restrictions being enforced are ordinances that pertain to Town owned properties. All town properties are closed between 9pm and 6am except for special meetings, public right of way and a variety of other things. And Public Rights of way can not be closed per ordinances either! McCorrie is listed as a right of way and was deemed a ROW by the developer.

The problem is deed beach right holders shouldn’t have any restrictions based on the deeds. Town needs to look at these facts. Also due to the petition that new neighbors had other neighbors sign, not me or many that actually use the beach, the DPW and apparently the Town Administrator are responding to their demands. The Town has not informed the residents of McCorrie of these sudden changes to their statements from just 3 years ago supporting our use of the beach. They haven’t informed the mooring holders either. The signs do not make sense. This is a deeded right. Police have told us to park on McCorrie but neighbor goes nuts and thinks he owns 10 ft of town set back as well.

There has been legal research done by Vernon Gorton when the town took ownership. Lets review that! That research was done because the previous owner wanted to stop access and when he couldn’t he stopped paying taxes hence the town took the land in tax deferment. And now they are trying to do the same thing! There is so much more to this then closing the town property at 9pm. Valid complaints in some cases but most are the same issues that all beaches everywhere deal with daily and have since the beginning of time.

Chief Lee and Counsel President at time of last town meeting we were told it was our right to be there. Phones stopped ringing at PPD. Now new home owner is policing beach and tormenting neighbors on a daily basis. Each year it gets worst with same neighbor. PPD now answering numerous calls that are unnecessary.

See attached deeds as examples, there are so many with beach right.

112 McCorrie Lane
Portsmouth, RI 02871
Carolannferrellsilvia@gmail.com
401-418-0789  ph
401-683-4146  fx
or less, and being southerly half of lot #25 as marked on the plan of land above referred to.

For grantor's title, see Portsmouth Land Evidence Records, Book 30, pages 144-145, deed of

Ida B. Hutchinson and Raymond L. Hutchinson are the sole heirs at law of the said William J. Hutchinson, late of Fall River.

No stamps required.

WITNESS my hand and seal this sixteenth day of December A.D. 1948.

Signed in presence of:

Norman P. Smith Ida B. Hutchinson

STATE OF MASSACHUSETTS
County of BRISTOL

In Fall River on the 16th day of December A.D. 1948, before me personally appeared the above-named IDA B. HUTCHINSON to me known and known by me to be the party executing the foregoing instrument, and she acknowledged said instrument, by her executed, to be her free act and deed.

Marion H. Mahoney
Notary Public
My commission expires Nov. 26, 1953.

The above and aforesaid is a true copy of the original instrument received for record in Portsmouth December 17, 1948 at ten o'clock A.M.

Witness

Arthur A. Shiman
Town Clerk

BK 42 page 133 + 134

KNOW ALL MEN BY THESE PRESENTS, That We, Albert Kerr and Arthur J. Roche, Jr., of the City of Newport and Harry R. Paquin, of the Town of Portsmouth, all of the County of Newport and State of Rhode Island, for consideration paid, grant to John Ferreira and Julia M. Ferreira, of the Town of Portsmouth, County and State aforesaid, as JOINT TENANTS and not as tenants in common, and to the survivor of them, his or her heirs and assigns forever, with WARRANTY COVENANTS Those three certain lots or parcels of land situated in the Town of Portsmouth, County of Newport and State of Rhode Island, numbered 5-6-7 on plan entitled "Plat of McCorrie Farm, Portsmouth, Rhode Island" and described as follows:-

Beginning at a point in the easterly line of the East Main Road, which said point marks the intersection of land to be conveyed and other land of John Ferreira with the easterly line of said East Main Road; thence running Easterly, in the line of a stone wall, bounded northerly by said Ferreira land, Twenty-three Hundred Seventy (2370) feet, to a stone wall, for a corner; thence turning and running Southerly, in the line of a stone wall, Six Hundred (600) feet, to a point, thence leaving said line of stone wall and continuing in a south-southwesterly direction, Four Hundred (400) feet, to a point in the northerly line of a Private Way known as "McCormie Lane," bounded easterly in its entire length by other land of these Grantors; thence turning and running Westerly, in the northerly line of said McCormie Lane, Twenty-two Hundred Forty (2240) feet, to land of John E. Cooney, etux.; thence turning and running Northerly, in the easterly line of said Cooney land, One Hundred (100) feet,
a point for a corner; thence turning and running Westerly again, in the northerly line of said Cooney land, Two Hundred (200) feet, to the easterly line of East Main Road; thence turning and running Northerly again, in the easterly line of said East Main Road, Six Hundred (600) feet to the point of beginning. Containing by estimation Forty-six (46) acres of land, be all said measurements more or less and however otherwise the same may be bounded or described.

Being part of the same premises conveyed to these Grantors by deed of Anita O'Keefe Young, dated October 25, A.D. 1947, and recorded in Portsmouth Land Evidence Book 41, Pages 434-435.

These premises are conveyed subject to the condition that the Grantors, their heirs, assigns and lessees shall have the right to take water from the well located on the southeasterly part of the granted premises, and to enter for the purpose of repairing and replacing pipes leading from said well. It is also agreed that the Grantees shall keep and maintain all necessary fences or walls between the granted premises and other land of the Grantors.

The Grantors further covenant and agree that these Grantees, their heirs and assigns, may use, at their own risk, the Private Way known as McCrorie Lane, running from the easterly boundary of the granted premises to the East Main Road. Said use to be in common with other abutting owners.

And for said consideration We, Maude C. Kerr, wife of Albert Kerr; Anne K. Roche, wife of Arthur J. Roche, Jr.; and Leah M. Paquin, wife of Harry R. Paquin, the Grantors herein named, release and grant to the said Grantees, their heirs and assigns, all right of Dower and every other right in and to the herein granted premises.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 17th day of December, A.D. 1948.

[Signatures and seals]

STATE OF RHODE ISLAND
COUNTY OF NEWPORT

In Portsmouth on the 17th day of December, 1948, personally appeared the above named Albert Kerr and Maude C. Kerr; Arthur J. Roche, Jr. and Anne K. Roche; Harry R. Paquin and Leah M. Paquin; all to me known and known by me to be the parties who executed the foregoing instrument and they acknowledged the said instrument by them executed to be their free act and deed.

Arthur A. Sherman
Notary Public

The above and foregoing is a true copy of the original instrument received for record in Portsmouth December 18, 1948 at ten o'clock thirty minutes A.M.

Witness Arthur A. Sherman
Town Clerk

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TO WHOM IT MAY CONCERN, I, Manuel Pimental Cabrita, residing in the town of East Providence, State of Rhode Island, on oath depose and say that Francisco Jose da Ponte died intestate on October 4, 1944 in the City of Ribeira Grande, Saint Michael, Azores and that he left as his only heirs-at-law the following named persons:

1. Maria Jose da Ponte de Sousa (sister)
2. Maria dos Anjos de Ponte Vieira (niece) and her husband, Manuel Pacheco de Sousa
3. Claudina de Ponte Vieira (niece) and her husband, Manuel de Medeiros Cardoso
4. Gloria de Ponte Vieira (sister)
We, Joseph J. Porter and Grace Porter, husband and wife, of Fall River, Massachusetts for consideration paid, grant to Fred Power (being unmarried) and to Edith Mitcheson (being unmarried) jointly and to the survivor, post office address #505 Second Street, Fall River, Massachusetts with WARRANT COVENANTS The land with the buildings and improvements thereon situated in the Town of Portsmouth, County of Newport, State of Rhode Island bounded and described as follows:

A certain lot or tract of land, situate on the westerly side of "Proposed Cedar Avenue" in the Town of Portsmouth, County of Newport and State of Rhode Island, and being lot numbered thirty two (32) on a plan of land surveyed by E.I. Marvel for the heirs of Cornelius S. Greene, dated July 1903, and on file in the office of the Town Clerk in the Town of Portsmouth aforesaid, to which plan reference may be had for a more particular description of the lot here conveyed. Said lot contains according to said plan eleven and 55/100 (11.55) square rods of land be the same more or less.

Being the same premises conveyed to these grantees by William P. Clark, et ux by deed dated August 30, 1926 recorded in Printed book No. 33, page 177 of the Records of Deeds in the Town of Portsmouth, R.I.

I, Joseph J. Porter husband of Grace Porter and I, Grace Porter, wife of Joseph J. Porter release to said grantees all our right of dower and all other interest in the aforesaid premises.

WITNESS our hands this 6th day of April 1954

Joseph J. Porter
Grace Porter

COMMONWEALTH OF MASSACHUSETTS
County of Bristol

In Fall River on the 6th day of April, 1954, before me personally appeared Joseph J. Porter and Grace Porter to me known and known by me to be the parties executing the foregoing instrument, and they acknowledged said instrument, by them executed, to be their free act and deed.

Lester Bakst
Notary Public

My commission expires September 26, 1958

The above is a true copy of the original instrument received for record in Portsmouth April 7, 1954 at ten o'clock thirty minutes A.M.

Witness

Arthur A. Binner
Town Clerk

KNOW ALL MEN BY THESE PRESENTS, That We, Nade C. Kerr, unmarried, Arthur J. Hoche, Jr., married, of the City and County of Newport and State of Rhode Island, and Harry R. Faquin, married, of the Town of Portsmouth and County and State aforesaid, for consideration paid, grant to Charles F. Cooper and Alice M. Cooper, husband and wife, of the City and County of Newport and State of Rhode Island, as TENANTS BY THE ENTIRETY and not as tenants in common, and to the survivor of them, his, her or their heirs and assigns forever, with WARRANT COVENANTS.

That certain lot or parcel of land situated in the Town of Portsmouth, County of Newport and State of Rhode Island, bounded and described as follows:

Being Lot No. 1 as shown on plan of land entitled "North Shore Lot Layout, McCorrie Farm, Portsmouth, R.I., Jan. 1954, Louis E. Murphy, Registered Engineer." Which said Plan is on file in the Office of the Town Clerk of the Town of Portsmouth, Rhode Island.
Said premises are further described as being bounded WESTERLY by a proposed forty foot road or right of way, Fifty (50) feet; NORTHERLY by a proposed right of way to the beach, One Hundred (100) feet; EASTERNLY by the top of the bank bordering on the Scenic River, Fifty (50) feet; and SOUTHERLY by Lot No.2, on said Plan, One Hundred (100) feet; all as shown on said Plan.

Together with the right to use at their own risk and in common with other owners on the aforementioned Plan, the road or roads leading from the East Main Road to the herein granted premises.

The herein granted premises are conveyed subject to the following restrictions which by the acceptance of this deed the Grantees for themselves and for their heirs and assigns, accept and agree to abide by:

1. Said parcel of land to be used for private residential purposes only.

2. No building or part thereof shall be erected or maintained nearer than twenty feet to the easterly line of the right of way on the westerly side of these premises.

3. No building shall be designed, adapted or constructed for the use of more than one family.

4. No lot may be sold or resold off the said parcel smaller in size than 50 x 100 feet, and not more than one dwelling may be erected on any such lot.

5. No business or commercial enterprise of any kind shall be carried on by any owner or tenants on the said premises, this restriction to apply to the taking of boarders or roomers.

6. No Quonset Huts or outside toilets to be maintained on said premises.

7. No sewerage of any kind is to be allowed to run on top of the ground, all sewerage must be run through underground pipes into a covered septic tank or cesspool.

8. No sand, seaweed or gravel is to be removed from the beach, and no obstructions are to be erected to prevent other abutters from walking along the beach on the easterly side hereof.

9. The grantees and their heirs and assigns shall erect and maintain all necessary fences against any adjoining lands of the Grantors or either of them, or their heirs or devisees; provided that after a sale of said adjoining lands by said Grantors, their heirs or devisees, the said fence or fences between the herein granted premises and the land so sold, shall be made and maintained as required by law.

The herein granted premises are part of the same premises conveyed to Albert Kerr, et al., by deed of Anita O'Keeffe Young, dated October 25, A.D. 1947, recorded in Portsmouth Land Evidence Book 42, pages 434-435.

And for said consideration We, Anne K. Roche, wife of the Grantor Arthur J. Roche, Jr., and Leah M. Paquin, wife of the Grantor Harry R. Paquin, release to the Grantees all our right of dower and all other interests in the aforesaid premises.

WITNESS our hands and seals this 31st day of March, A.D. 1952.

Maud C. Kerr
Arthur J. Roche, Jr.
Leah M. Paquin

Harry R. Paquin
Anne K. Roche

STATE OF RHODE ISLAND
COUNTY OF NEWPORT

In Portsmouth on the 31st day of March, 1952, personally appeared Maud C. Kerr, Arthur J. Roche, Jr., Anne K. Roche, Harry R. Paquin and Leah M. Paquin, all to me known and known by me to be the parties who executed the foregoing instrument, and they, each and severally, acknowledged said instrument by them executed, to be their free act and deed.

Seal

Arthur A. Sherman
Notary Public

The above and foregoing is a true copy of the original instrument received for record in Portsmouth April 7, 1952 at one o'clock fifty minutes P.M.

Witness

Arthur A. Sherman
Town Clerk
KNOW ALL MEN BY THESE PRESENTS, that we, CAROLYN K. PAQUIN and JONATHAN LUKE PAQUIN of the Town of Portsmouth, County of Newport, State of Rhode Island, for consideration paid, grant to the Town of Portsmouth, Rhode Island, a municipal corporation duly organized and existing under the laws of the State of Rhode Island, all our right, title and interest, in and to that certain lot or parcel of land, with buildings and improvements thereon, situate in said Town of Portsmouth, and bounded and described as follows:

NORTHERLY on the waters of the Sakonnet River,

NORTHEASTERLY on the waters of the Sakonnet River,

SOUTHEASTERLY on the waters of the Sakonnet River,

EASTERLY on the waters of the Sakonnet River,

WESTERLY partly by land now or formerly of John B. Mutty, et al, partly by land now or formerly of Robert A. Klenk, et ux, and partly by land now or formerly of Maureen A. Edembach, three hundred seventy (370) feet,

SOUTHERLY again by said land of Edembach,

WESTERLY again by Annette Drive, eighty (80) feet,

NORTHERLY again by land now or formerly of Gordon L. Benjamin, Jr., et ux,

WESTERLY again partly by said Benjamin land, partly by land now or formerly of Humbert N. Tavares, et ux, partly by land now or formerly of Michael E. Sandfort, et ux, and partly by land now or formerly of Thomas J. Rodrigues, Jr., et ux, four hundred seven (407) feet,

SOUTHERLY again partly by said Rodrigues land, partly by Annette Drive, and partly by land now or formerly of Roland R. Karon Family Limited Partnership,

WESTERLY again by McCorrie Lane,

NORTHERLY again partly by Karen Street, partly by land now or formerly of Marie R. Weeks, partly by land now or formerly of Joseph T. Ferreira, et al, partly by William Street, and partly by land now or formerly of Theresa Perry, and
WESTERLY again partly by said land of Perry, partly by land now or formerly of Louise Rosinski, now Rassier, partly by a right of way, partly by land now or formerly of Gerald S. Cook, et ux, and partly by land now or formerly of George C. Rose, containing eight (8) acres of land, more or less, or however otherwise the same may be bounded and described.

BEING present Tax Assessor's Map 49, Lot 44.

This transfer is such that no RIGL 44-30-71.3 withholding is required as transferors are residents of RI and this transaction is not a sale.

The consideration for this deed is such that no revenue stamps are required.

WITNESS our hand this 30th day of March, A.D. 1995.

Carolyn K. Paquin

Jonathan Luke Paquin

STATE OF RHODE ISLAND
COUNTY OF NEWPORT

At Newport on the 30th day of March, A.D. 1995, then personally appeared before me Carolyn K. Paquin and Jonathan Luke Paquin, known to me and known by me to be the persons who executed the foregoing instrument, and they acknowledged said instrument, by them executed, to be their free act and deed.

Notary Public
My commission expires: 6/15/95