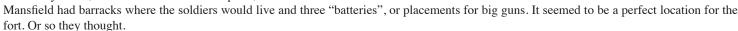
#### Fort Mansfield: The Little Fort That Couldn't

One of the questions naturalists often hear from visitors is about a fort on Napatree. "Didn't there used to be a fort out here? I remember going out there when I was a kid." The short answer is yes, there is indeed a fort at the tip of Napatree Point. The longer answer – how the fort got there in the first place and why it isn't there today - makes for an interesting story.

Back in 1896, ships were an important way of waging war on countries. They carried cannons, which could open fire on other ships, as well as onto the shore. If they were successful in fighting a territory's defenses, there were sailors aboard the ships who could land and take over an area.

To keep that from happening in Rhode Island, the Army decided that Napatree Point would be a great place to build a fort in order to protect Watch Hill (the area where Napatree is located) and Fishers and Long Island Sounds, which is what the waters on the ocean side are called. By 1901, Fort Mansfield was complete, and about 30 men were stationed there.



Unfortunately, practice runs in 1907 showed that the guns of Fort Mansfield would never be able to protect the areas it should. All the money and effort put into building the fort were nearly for nothing, and soon after, the Army changed the fort from being an active duty installation to being a place to only train soldiers. As the fort fell out of use, the population went from about 100 men to none. The government removed the structures (except the batteries) and sold the property for summer cottage development. The cottages that were built were all washed away in the 1938 hurricane.

Today, there are only cement foundations of Fort Mansfield, and the area is covered with ticks and poison ivy. What was once an important defense building is now all but vanished, a small part of the amazing history of Napatree Point.

This summer, naturalists Steve Brown, Jess Cressman, and Hugh Markey will once again be leading our intrepid group of Investigators out onto the sands of Napatree Point to see what we can see. There are so many things to experience out there that we hope you will join us every week for this amazing free program. We have fish, mollusks, sand, sea, fresh air – the only thing missing is YOU! See you on the beach! [HM, SB, JC]

### Napatree Research Team Members



Research team members: Kevin Rogers driving the ATV; Dr. Nicole Rohr, intertidal ecologist and Assistant Director of URI's Coastal Institute; Greg Bonyange, Geospatial Extension Specialist with URI's Natural Resources Science Department; and Jim Turenne, Certified Professional Soil Scientist with the USDA-Natural Resources Conservation Service. Dr. Rohr will lead the research team. (Photo by Janice Sassi)



Scientists (and junior scientists who were really very knowledgeable birders!) assess the lagoon for our upcoming study. They watch as Peter August downloads images from his "critter/cam", which captures movement with the aid of infrared light, providing a treasure trove of information concerning what mammals live on Napatree. (Photo by Janice Sassi)



THE WATCH HILL CONSERVANCY NEWSLETTER

June, 2014 Vol. 7 No. 2 Watch Hill, R.I.

# The Restoration and Rehabilitation of the Lanphear Livery Stable, aka Holdredge Garage

onservator

The Watch Hill

The Lanphear Livery Stable (aka Holdredge Garage) restoration project at One Bay Street in Watch Hill was approved by the Rhode Island Historical Preservation and Heritage Commission as a R.I. historic tax credit project late in 2013. Since that time, a group of interested parties has created a new non-profit entity, One Bay Street Center, Inc. to undertake the restoration and rehabilitation of the building. Given compelling arguments in support of preserving the building, the Board of the Watch Hill Conservancy has given its endorsement to this project, including a limited role in the restoration effort. Preservation and conservation of Watch Hill historic buildings and sites is a vital element in the Conservancy's mission.

The structure was built and enlarged in several stages in the late 19th century as a livery stable and staff housing for the Watch Hill summer hotel and cottage resort. In the early 20th century, the building was converted from horse and carriage storage to automobile storage and repair. Second and third floor spaces were used for groom and chauffeur

housing from the earliest period of construction. Historical features of the building include a large open gear-and crank driven freight elevator that was used to lift carriages and automobiles to the second floor for storage. The framing support of the central and north sections of the building is provided by substantial wooden trusses from which the floors are hung by steel rods. This arrangement provides large open areas of floor space

uninterrupted by supporting columns. The building is listed in the National Register of Historic Places as a contributing element of the Watch Hill Historic District.

Lanphear is located in the Watch Hill Commercial Waterfront zoning district on a 1.7- acre lot that is currently used for off-street seasonal parking. Under a new ownership agreement with the Watch Hill Limited Partnership, the parking lot and the building will become separate condominium units.

One Bay Street Center's Lanphear project will be funded with grants, private donations, and a Hurricane Sandy historic building repair grant from the Rhode Island Historical Preservation and Heritage Commission. The project seeks to address key needs in Watch Hill

- 1) Restoration of a historically significant and rare 19th century service building, which is a key gateway structure to commercial Bay Street from the north.
- 2) Provision for returning viable, accessible, ground-level retail space to the commercial district.



Contents copyright 2014 The Watch Hill Conservancy®

2

### Restoration (continued)

3) Provision for staff housing for Watch Hill resort employees, both seasonal and yearround, who otherwise have no affordable housing in proximity to work.

The project is mixed-use commercial and residential, which includes restoration and rehabilitation of the ground floor for three retail units and a central atrium. This use has existed in the building for at least two decades and is considered a grandfathered use. The second floor will be restored and rehabilitated to contain apartment spaces which have been used for residential purposes over time. A small office space will also be located on this floor. The apartments are intended to be rented as needed to middle-level management staff housing for one or more of Watch Hill's hotels. The third floor space, which was purpose-built in the early 20th century for livery staff housing in ten single bedrooms, shared baths and a common room, will be re-used as accessory seasonal staff housing for the first floor retail spaces or for other seasonal employees. The space, which is historically important, will be restored with eight single bedrooms, several shared baths, a central common room, and a small kitchen area. The building also has the potential of supplying space for public meetings and events.

The exterior of the building will be restored to its early 20th century appearance, particularly on the Bay Street side with large barn door openings providing access on the ground level to retail spaces and a central circulation space which connects Bay Street with the large parking area to the rear.

When completed, the project will be a model historic preservation project that brings an important Bay Street commercial building back into service. Due to the use of Rhode Island historic tax credits and federal Hurricane Sandy historic building repair funds, the Lanphear Livery Stable will be protected by historic preservation easements into the future. [RCY]



## Watch Hill Conservancy Membership Newsletter

The Watch Hill Conservancy has enjoyed sharing its news and views with you over the past years, regardless of membership status, as we recognize your keen interest in our beautiful Watch Hill environs. However, going forward we will be able to distribute our newsletter only to our members. If you are a member, thank you! If not, we encourage you to join us; annual membership levels begin at \$25. We thank you for your support and hope to see you at our Annual Celebration of Summer Party & Fundraiser on June 28th.



### Welcome to another issue of the Investigator!

Are you one of those who thought that this winter would never end? Is your school going until the end of June to make up for all those snow days? Well, cold days are a bad memory on Napatree! The beach rose will soon be in bloom, the piping plovers are back, and slooooooowly but surely, the water is warming up, waiting for your toes to dig into the mud!

And when you dig your toes in, you may find something slipping out from under your foot. That "something" may have been a certain kind of skate, but not the kind with wheels!

#### Skates without Wheels?

Picture this: you're playing in the waters of Napatree on a warm summer day. The bottom might be sandy, like it is on the ocean side. It's low tide, and as you're walking out with your body board, you step on something slippery. Before your brain can say, "Hey, I just stepped on something weird!", the slippery surface zips out from under your foot. It's possible that you just had an encounter with a Little Skate!



As you've probably guessed, these skates are not the kind you'd have on your board, or on your feet. The Little Skate is actually a fish that's a member of the same family as sharks and rays. They're flat, and shaped like a triangle with a spiny back and tail. They live on the bottom, and the spines are there for protection from predators. While they may look a bit spooky, they're harmless. I've never heard of someone being hurt by a skate on Napatree, and believe me when I say that they're more afraid of you than you are of them!

Little Skates spend their lives on the bottom in water that is anywhere from a few inches deep to over 400 feet! They like the sand of Napatree's ocean side, but they have been seen in muddier areas like the bay side. They have don't have teeth the way we would think of them.

Instead, they have rows of sandpaper-like grinders that help them eat crabs, amphipods (remember those from being on the beach with us?), and small fish. The best way to see Little Skates is when the dead ones wash up on shore. If you get to them before the seagulls do, take a few minutes to examine them. You can see their "wings" (the fins they use to swim with), the mouth, which is on the bottom side, and of course, those spiny tails. Take a moment to run your fingers along the spines, and across that sandpaper-like mouth. The textures are really interesting, and you'll see why there's nothing to fear in these odd little shark cousins!

Above Image: East Greenwich High School science students who worked very hard with our crew and USFWS putting up virtual fencing/roping for the plover nesting areas on April 9th. The ATV wasn't running, so they carried heavy poles, spools of rope, and many signs the 1.5 miles to the western end of the point. (Photo by Janice Sassi)

#### Membership Form

The Watch Hill Conservancy is a nonprofit 501(c)(3) organization. Your membership supports the protection of the natural and cultural resources of Watch Hill, a variety of programs, and educational publications, including this newsletter.

Preferred mailing		
Address:		
City:		
State:		
Dhana		
Phone:		

INDIVIDUAL: \$25

No: \_\_\_ Total: \$

Business: \$100

No: \_\_\_ Total: \$

FAMILY: \$100

No: Total: \$

Supporter: \$250 - \$499

No: \_\_\_ Total: \$\_

**S**PONSOR: \$500 - \$999

No: \_\_\_ Total: \$\_

PATRON: \$1,000 - \$2,499

No: \_\_\_ Total: \$\_

BENEFACTOR: \$2,500 - \$5,000 or more

No: \_\_\_ Total: \$\_

OTHER CONTRIBUTION Total: \$

Mail to: THE WATCH HILL CONSERVANCY 222 Watch Hill Road Watch Hill, R.I. 02891

If you are making gifts of memberships, please include the names and addresses of those to receive these gifts.



#### From the Executive Director

Moving into the summer of 2014 - some 15 years after the creation of the Watch Hill Conservancy – it seems timely to remind everyone of the Conservancy's original and continuing mission. True, the Conservancy is perhaps best known for working with URI and others to protect the Piping Plover and its relevant habitat. This is not just a nicety but is required under the Federal Endangered Species Act and various R.I. State laws. However, the Conservancy's mission is much broader than most realize. Specifically, the Conservancy is a non-profit organization

- Promoting the preservation of the natural and built environments of Watch Hill;
- Conserving, maintaining and enhancing its scenic open space and historic values and
- Supporting the vitality and sustainability of the community.

Thus the Conservancy works with the Watch Hill Fire District to provide naturalists to educate children and adults as to the variety of plants and animals that live on Napatree Point. (See Napatree Notes in this issue.) It would be a pity if everyone did not take advantage of at least the Saturday morning guided tours by Janice Sassi and her staff.

This is also why the Conservancy recently weighed in on the future of the Lanphear Livery Stable aka Holdrege Garage at One Bay Street. (See Richard Youngken's article.) The historic value of the building has been recognized by the R.I. Historical Preservation & Heritage Commission. While it takes some vision, this building is acknowledged by experts in the field of historic preservation as having extraordinary value and a unique character as a former livery and dormitory for the hotels that used to populate Watch Hill.

Finally, the Conservancy has been working with the Town of Westerly and the Watch Hill Fire District to enhance Bay Street through streetscape improvements, including the burying of utility lines. The original timeline called for this project to conclude this spring. Due to an extraordinary and early winter, combined with priorities of National Grid elsewhere in the state given the severe weather, the \$6 million plus project is on a tight schedule for conclusion in 2015.

Given the broad mission statement of the Conservancy, it is important to remember not only the future of the species for which the area is home, but the built environment that is fundamental to the historic character and charm of the community as a place to live, visit, and sustain as an historic commercial district. [SEA]

#### THE WATCH HILL CONSERVANCY

222 Watch Hill Road Watch Hill, Rhode Island 02891 (401) 348-6540

#### **Directors and Officers**

Frederick B. Whittemore, President and Chairman

Richard H. Sayre, Vice President, Vice Chairman, and Treasurer

Chaplin B. Barnes, Vice President

Peter B. Griffin, Vice President

Vice President

Jane B. O'Connell.

Vice President and Secretary Grant G. Simmons III,

Maisie Llovd Barlow James R. Barnes Elizabeth W. Bean Peter J. Brockmann Marian C. Burke Harvey C. DeMovick III T. Wilson Eglin, Jr. Donald R. Kelly Susan Kozel Deborah Lamm Regina L. Livingston Thomas F. McWilliams H. Brian Thompson

Charles S. Whitman III

Henry Toolan

Sharon Ahern, Executive Director

Kimberlie Rayner-Russell, Administrator Lyn Traver, Administrative Assistant

> The Watch Hill Conservator Joan Youngken, Contributing Editor Design, Printing Plus

www.thewatchhillconservancy.org

#### STATE OF RHODE ISLAND V. JOAN BARBUTO, ET AL:

#### ONE TO WATCH

people...the privileges of the shore" including "passage along the inherently involves working with access issues.

In September 2012, Rhode Island Attorney General Peter Kilmartin (the AG) sued seven property owners on the ocean or southerly side of Atlantic Avenue in Misquamicut. The Complaint sought injunctive relief asking the court to stop the property owners from preventing "clear" access to the beach in front of their homes and blocking specific rights of way to the beach. The lawsuit is very limited in that the AG relies heavily on a document from 1909 to make most of his case; the lawsuit is very broad in that the AG raises issues potentially affecting all property owners with a beachfront. As the Complaint states: "The purpose of this litigation is to enforce the resulting public rights to use this recreationally valuable strip of dry sand beach situated above the mean high tide line."

Legally you could say that the R.I. case law goes all the way back to an 1895 case, Allen v. Allen, which basically held that the State holds title to all lands below the high water mark. A 1920 case, Armour & Co. v. City of Newport, was of the same opinion, confirming that legally the "shore" was the land below the high water mark. It was not until the 1982 case of State v. Ibbison that it was determined how to legally delineate what that high water mark was. Reviewing United States Supreme Court cases from 1842 to 1935, and recognizing "a periodic variation in the rise of water" and monthly "flux," Ibbison held that the formula for determining the high water mark would be the "landward boundary of the shore" determined over a course of its average during a period of 18.6 years. Reliance would be placed on the U.S Coastal Geodetic Survey to establish this line; the appearance of a "physical mark" on the shore, such as a line of seaweed or wet sand, would not be legally relevant.

In the current matter of Rhode Island v. Barbuto the State wants the Court to extend its ownership beyond what is currently understood to be the public area of beach. Here the State basically wants the entire beachfront to be deemed public, not just the portion calculated from the mean high tide mark (determined over those 18.6 years) to the ocean. In essence the State asserts that some property owners have been using public beachfront as their front lawn while it is actually public land.

To understand the argument you have to situate yourself. The contested beachfront refers to the portion of the beach as you face the ocean with Atlantic Avenue to your back. According to the AG, in 1909 the Misquamicut "barrier beach" was owned by a group that "collectively confirmed" their interest in the property by recording in the Westerly Land Evidence Records a plan of the beachfront showing the beachfront divided into sections with numbered lots and entitled "Plan of Pleasant View Beach Lots". The 1909 plat also shows a series of rights of way, each about 300 feet long, "interspersed among the various lots and extending from Atlantic Ave. to an area labeled 'Beach.'" Thus, the argument goes, the property owners "offered" to "dedicate" rights of way

Access to the beach and the ocean is a national issue and and the beachfront to the public and the public has "accepted" this offer nowhere more so than in Rhode Island, "the Ocean State". Indeed, over the years by using the rights of way and the beachfront – or trying the Rhode Island State Constitution specifically guarantees "the to. The AG is asserting that by preventing full use of the beachfront and rights of way, property owners are "significantly interfering with the shore." (Article 1, section 17.) Any planning along the shoreline public's use of the beach area...depriving the public of its lawful right to enjoy its property" and should be instructed to stop immediately through an injunction by the court.

> The AG raises other legal arguments, such as public and private nuisance, unreasonable use of easements, and arcane property laws. Most interesting are the facts of the case, which rely not only on the 1909 documents but on the current actions of some of the defendant property owners. The AG alleges that "No Trespassing" signs were posted not only along the rights of way but so far along the south of the beach that they were in the water. Snow fencing was apparently put up "to block lateral access" along the shore and "verbal threats of intimidation [were made] towards members of the public that attempt to use this area."

> As always, there is another, complicated, side to the story. The original seven or so property owners sued by the AG pointed out that the results of the lawsuit will have effects up and down the more than twomile stretch of Misquamicut Beach. They argued that the AG was "trying to fragment the litigation" and demanded inclusion of all 96 property

> The court agreed and many other defendants have been "joined," allowed to intervene, or at least notified of the litigation. The Defendants' attorney casts the 1909 documents as "an Agreement" and "a Plan annexed to it." He argues that the AG is relying too heavily on those two documents, and that over the course of more than 100 years there has been "a long chain of subsequent deeds," intervening language refuting the supposed intent to offer the beachfront to the public, and that such a result would have serious implications for title insurance policies.

> During the course of this year there have been numerous court filings and considerable testimony starting in April. Obviously the AG has no contemporary witness to address the intent behind the 1909 documents, but he will continue to argue that the documents "speak for themselves" as they say in the law. The Defense attorney has contemporary testimony and experts that dispute the AG's factual interpretation of those documents. The trial will resume later this year. Given the potentially broad ramifications of the court's decision, not to mention heated emotions on both sides of the long-standing debate over public v. private rights along the shore, this is a litigation for anyone interested in access issues to watch. [SEA]

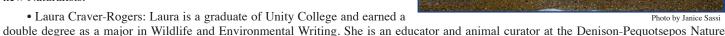
4

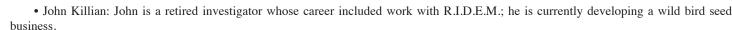
#### Napatree Notes

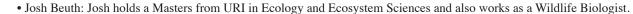
While this picture features a hearty little fellow braving the bitter temperatures, we now have five pair of piping plovers and two identified nests on Napatree!

The summer season is arriving and registration for the popular children's program, "Napatree Investigators" opened June 1. This free series is taught by Stephen Brown, Science Chair at Pine Point School, and Hugh Markey, English teacher at Pilgrim High and environmental writer. Sessions run Tuesday, Wednesday, and Thursday from July 8th to August 26th from 8:30 to 10:30. Children ages seven to fourteen may choose one class per week.

In addition to our returning staff, we are pleased to introduce you to our new Naturalists:







Horseshoe Crab Surveys: During the high tides of the new and full moons of June and July, join us in examining these fascinating animals whose population is waning.

June 21st - Beginning of our 9:00 a.m. Saturday morning nature walks on Napatree led by our naturalists. These walks are for anyone who enjoys Napatree and will continue until Labor Day weekend. Watch for special walks led by guest specialists.

July 12th - A special Horseshoe crab walk led by Laura Craver-Rogers. We invite everyone to join us and participate in examining and tagging these animals. Come and learn about these gentle creatures commonly referred to as "living dinosaurs".

All walks meet at the entrance to Napatree by the Misquamicut Beach Club.

The Watch Hill Conservancy website features a "Napatree" tab at the top that will allow interested people to view and download our "State of Napatree 2013" report, which details the results of our scientific research last season.

Please Note: Our new email address is: napatreenaturalist@gmail.com. Email us or check our Napatree Point Conservation Area Facebook page for more information or contact The Watch Hill Conservancy.

#### Telemetry Tower Erected on Napatree

From June to October, some beachgoers may observe a "tower" on Napatree.

Because Nantucket Sound and the Atlantic Ocean south of Nantucket Island are likely sites for construction of wind energy facilities, information on the migration pattern of shorebirds – many listed as threatened or endangered – that use these waters is critical. Little is known about these flight paths throughout offshore environments, and this information is of high priority for marine spatial planning.

Dr. Peter Paton, an ornithologist specializing in shorebird migration and one of our team of Science Advisors, is participating in an exciting project headed by one of his former graduate students, Pamela Loring. Pamela is a Ph.D. student in the Environmental Conservation Department at the University of Massachusetts, Amherst.

For her dissertation research, she is working in collaboration with the U.S. Fish and Wildlife Service Division of Migratory Birds and the Bureau of Ocean Energy Management to track offshore movements of birds using digital VHF radio transmitters and automated radio telemetry stations.

According to Pamela, "During 2013, we deployed an array of eight automated telemetry stations in Nantucket Sound, Massachusetts, that recorded over 2.5 million detections of a variety of seabirds, shorebirds, and songbirds that were captured and instrumented with radio transmitters at coastal sites throughout the northwest Atlantic.



"In 2014, we are planning to expand the monitoring network that we established during our 2013 study to include additional radio telemetry stations configured to track bird movements across a broader section of the southern New England shelf. This expanded array will consist of the eight automated telemetry stations that we established within the Nantucket Sound region during 2013, and additional radio telemetry stations located at coastal sites adjacent to Rhode Island Sound, Block Island Sound, and eastern Long Island Sound."

Napatree Point provides an ideal vantage point for monitoring bird movements within this important migratory staging area and we are very pleased to cooperate with this important research. [JS]



# Documentary Film of Watch Hill Watch Hill: Portrait of a New England Seaside Resort Former Executive Director Chap Barnes honored at film premier

Chaplin B. Barnes was celebrated at a reception at the Ocean House on March 6th following a special showing of "Watch Hill: Portrait of a New England Seaside Village" a documentary based on his history of Watch Hill, *Watch Hill Through Time*.

Professor Peter V. August presented Chap Barnes with a lengthy Citation on behalf of Governor Lincoln D. Chafee recognizing Chap's many accomplishments and honoring him for "...all that he has done to protect an historically important, ecologically significant, and beautiful corner of the Ocean State."

Professor Judith Swift, Director of the URI Coastal Institute, presented Chap with the Institute's highest award: the first Distinguished Senior Fellow of the University of Rhode Island Coastal Institute. Prof. Swift remarked that "the work that Chap has done to protect and preserve the natural and cultural resources of Watch Hill embodies the vision and values of the Coastal Institute."

As announced in the February issue of this newsletter, the film, produced by Ocean State Video and Weathervane Communications, was released on March 6 as part of the channel's spring membership promotion and has aired several times this spring. The film has been very well received and is now available as a DVD from the Conservancy's website, thewatchhillconservancy.org. RI PBS will be airing it again later this year, and ultimately it will also be appearing on other PBS channels.



Barbara Barnes, Sarah Barnes, Chaplin B. Barnes

## DEM Issuing Fines for Illegal Cesspools

For the first time since Rhode Island passed the Cesspool Elimination Act of 2007, the state Department of Environmental Management announced in March that it has begun the process of issuing notices of violation, aimed at taking an estimated 300 illegal cesspools out of operation.

# Westerly Voters Approve Open Space Referendum

At a special election on April 24, Westerly voters approved a referendum to acquire 433 acres of undeveloped open space in Bradford for up to \$1.3 million, to protect the aquifer and present and future public drinking water wells.

## Efforts Broaden to Protect Water Quality in Pawcatuck River and Winnipaug Pond

In early May, the Connecticut and Rhode Island state environmental agencies announced joint efforts to curb water pollution in the Pawcatuck River watershed. Connecticut is promulgating new standards for its portions of the lower Pawcatuck River, and Rhode Island is on the same track for three upper watershed tributaries: Spring Brook, Acid Factory Brook, and Baker Brook, which are suffering from high bacteria counts. The Conservator reported on Pawcatuck River water quality concerns in the August 2013 issue, available on line at thewatchhillconservancy.org.

At a press conference at the end of May, Rhode Island U.S. Senator Jack Reed announced the awarding of federal and state grants in the amount of roughly \$1 million to dredge Winnipaug Pond of some 70,000 cubic yards of sediments that have collected in the pond since breachways were constructed there in the 1950s. The project is scheduled to take place between October 15, 2014 and January 31, 2015.

#### Community Calendar

(Watch Hill Conservancy, Watch Hill Chapel, Watch Hill Fire District)\*

#### Watch Hill Chapel, June 22 – September 7

8:30 a.m., Roman Catholic Mass (beginning 6/29)

10:30, a.m. Union Service (nondenominational Protestant) (beginning June 22) with visiting clergy

Sunday, June 29, 5 p.m., Choral Evensong

Sunday, July 27, 5 p.m., Hymn Sing

Sunday, August 24, 5 p.m., Hymn Sing

Note: Union services will be held June 22 – September 7. Catholic Mass will be held June 29 - August 31.

Saturday, June 28, 6-9 p.m., Conservancy Celebration of Summer 2014, Misquamicut Golf Club, 60 Ocean View Highway.

Saturday, July 12, 9:30 a.m., Watch Hill Fire District, Annual Meeting

Saturday, August, 16, 5 p.m., Conservancy Annual Meeting, Professor Peter V. August, Napatree Scientific Programs.

\*For all other events and organizations, please check relevant calendars/websites