

# NewportRI.com | The Newport Daily News

## LOCAL

# Private beach visitors raise access issues

**Matt Sheley** Sheley@NewportRI.com

Aug. 1, 2018, 11:27 a.m. ET

MIDDLETOWN — Public access to Rhode Island beaches is always a hot-button subject.

But what happens when a beach is privately owned, residents and visitors have grown accustomed to using it, and there's no permanent warning they'll have to relocate on occasion?

Local attorney Dana Harrell was at Atlantic Beach in Middletown in front of the Newport Beach House on Sunday morning with her kids when just such a situation happened — again.

She said beach house staff politely asked beachgoers to leave in preparation for a wedding later that day, causing confusion about what was going on. That included Harrell, who said she was sitting in wet sand down by the water, well within what she believed was the mean high tide line.

“I want the business to do well and for them to have weddings here,” Harrell told The Daily News Tuesday. “When they do well, we all do well. It’s just that I saw it Sunday and I’ve seen it before: a lot of confusion and some frustration about who was allowed on the beach and where.

“It all goes back to everyone needs to know where they stand and what the rules are. I went there with my kids to enjoy a day at the beach. Everyone should be able to do that and they should be able to have their weddings, too.”

In response, Newport Beach House attorney Brian Bardorf of Newport said his client's position on the use of the beach is clear.

Even though it is private property, Bardorf said the beach is open for everyone to use — with two caveats.

One is that people conduct themselves in an appropriate manner at all times. The other is that guests comply when asked to relocate to another part of the beach to make way for a wedding, Bardorf said.

Other than that, he said the Newport Beach House owner, Longwood Venues & Destinations, has no issue with public access to the beach.

"We're not interested in building fences or putting up ugly signs," Bardorf said. "We like that people enjoy getting sunburned on our beautiful beach and 99 percent of the people we deal with get it."

Longwood Director of Venue Operations Jaime Campos agreed, saying the business is doing everything possible to be a good neighbor.

"Even though the beach is part of our private property we have a policy of not restricting beach usage," Campos wrote in an email. "We just ask that during a wedding ceremony any beach patrons move over to allow the party some privacy. Our goal is to give our couples the best experience possible on their wedding day."

Campos said Longwood is in the process of determining how best to mark off the area in an unobtrusive way so that everyone can enjoy the beach experience.

"We never want to have anyone in the community or our guests feel frustrated or confused and we have noticed that there is currently a lot of uncertainty," Campos wrote. "For that reason, we have recorded our property lines with the town and are in the process of working with town officials to demarcate the area."

Bardorf told The Daily News he is writing a memo to potentially be distributed to visitors in case there are questions.

One area where he said there seems to be some question is the mean high tide line, the place along the shore where everyone has access for swimming, fishing and other water-related activities.

Contrary to what many might think, Bardorf said it's not where the last line of seaweed rests on the beach or where the sand is wet. He said the line is determined by calculating the average of the high and low tides over the past 18 and a half years. In the case of Atlantic Beach, Bardorf said that mark is actually underwater.

"We're going to be talking to [the state Coastal Resources Management Council] about how to handle it," Bardorf said. "The bottom line is despite what some people say and do, it is in fact a private beach but one that the owners allow the public to use, provided they're polite, abide by all relevant laws and if are asked to relocate — not leave — but relocate for a wedding or two weddings."

Longwood bought the beachfront site in early 2016 from the Kyriakides brothers for \$12 million. Longwood also owns Belle Mer on Goat Island in Newport and several other high-end destination centers across the region.

Since then, the use of the property has changed from a popular restaurant and gathering spot to a private wedding and event center.

After Longwood put up a fence blocking access to the parking lot, some neighbors complained about the look and loss of view.

Questions about the public's use of the property and parking at the adjacent Dunlap-Wheeler Park have also gone public.

On the Longwood website, use of the beach is one of the selling points touted for events at the beach club. Noting the beach is "private," the website notes how the beach can "imbue any event with the serene luxury and glamour that has called people to Newport for generations. The southwest-facing beach allows for breathtaking events complete with beach games and lounge chairs and is ideal for romantic beachside wedding ceremonies."

According to Town Administrator Shawn Brown, Longwood owns about 190 feet of the beach from its seawall to the mean high water mark. He also noted those ownership rights were part of the original First Beach Land Company plat filed in town property records in 1907.

There's also a deeded 40-foot-wide right of way to the water located between Dunlap-Wheeler Park and the beach house property, giving people access from land to the water forever, he wrote in an email to The Daily News.

Middletown Police Lt. Jason Ryan said officers have not been called to the area of the beach house since Longwood took over. CRMC spokeswoman Laura Dwyer said the state agency has not received any complaints about the area this year, but if there were any, an investigation would take place.

Harrell, who lives in the nearby Easton's Point neighborhood, said the small beach is a blessing for locals like her.

With easy parking at Dunlap-Wheeler Park, Harrell said the beach lets her enjoy a little relaxation with her family without having to contend with the crowds at Sachuest Beach up the road.

Aware that the beach house owns a good stretch of the beach, Harrell said she and her crew intentionally sat on the eastern end of the beach down by the water late morning Sunday.

That way, she said, they would be out of the way and not have to relocate if a wedding was happening later in the day.

However, at about 11 a.m., beach house staff asked her and others to move. She said it caught her by surprise, particularly because they were out of the way from the ocean-facing front of the beach house.

Having seen similar situations in the past while catching some rays, Harrell said she felt compelled to say something in the hope that problems could be avoided in the

future.

“There has to be a happy medium with this,” Harrell said. “The town or whoever should set a boundary so everyone can just have a nice day at the beach. That’s all I went for, a nice day at the beach.”

*msheley@newportri.com*