



March 12, 2024

To: House Committee on Judiciary

Re: **H7455 – Relating to Property – By Possession or Prescription**
Position: **SUPPORT**

Dear Chairperson Craven and Honorable Members of the Committee,

Clean Water Action, and its 20,000 Rhode Island members, supports H7455, which would protect the public's access to and usage of the historic Pawtuxet River Trail. Warwick and Cranston residents have had access to the Pawtuxet River Trail for 60 plus years thanks to the efforts of the Boys Scouts and local leaders who built the Trail.

In 2019, new owners purchased the land that the trail runs through. In 2022, the owners submitted a master plan for contractor storage units to be built on the flood plain adjacent to the trail and on the banks of the Pawtuxet River, which was met with resistance by the community due to various environmental concerns. In response, the owners eliminated access to the public trail despite the Mayor's and other elected officials' requests that the owners keep the trail open. The owners' master plan was then approved by the Warwick Planning Board on the condition that 12 acres of wetlands, which includes the Trail, be placed into a conservation easement. The owners then withdrew their application, which terminated the conservation easement that would have restored the Pawtuxet River Trail. The owners of 175 Post Road then demolished the bridge on the Warwick side of the Pawtuxet River Trail and installed cameras and signs prohibiting the public from accessing the Trail.

The legislation before you would permit neighbors to file a legal action arguing that the public's years of access to the Trail should matter and should allow for a permanent easement. Notably, the land in question is in a floodplain, a floodway and in state wetlands. The Trail is, arguably, the highest and best use of this narrow stretch of land. Finally, the legislation was narrowly written to avoid opening a "can of worms" with other footpath or public access issues happening around the state.

Sincerely,

A handwritten signature in black ink, appearing to read "Jed Thorp", written over a light blue horizontal line.

Jed Thorp, Rhode Island Director, Clean Water Action

134 Thurbers Ave, Providence, RI 02905

Phone 401.331.6972 | jthorp@cleanwater.org

www.CleanWaterAction.org/RI