



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street
Providence, Rhode Island 02908

December 22, 2023

Blansfield Realty Holdings, LLC
c/o James Blansfield
2 High Fields Drive
Danbury, CT 06811

Re: Wetlands Application No. 22-0340 in reference to the location below:

Approximately 450 feet northwest from Mansion Road at Utility Pole No. 210, and approximately 1380 feet southeast from the intersection of Mansion Road and Corn Neck Road, Assessor's Plat 3, Lot 136, New Shoreham, RI.

Dear Mr. Blansfield:

Please be advised that the DEM's Freshwater Wetlands Program is unable to complete our review of your Application at the above-referenced site at this time. The enclosed review comments are intended to obtain additional information and specify what must be revised and/or provided so that we may continue to process your application. Please provide this information as soon as possible. If we do not receive this information within (1) one year of the date of this letter your application will be considered closed pursuant to the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1.

Thank you in advance for your anticipated cooperation in addressing the enclosed comments. Please reference the application number provided above in all communications regarding your application. If you have any questions, please call me at 401-537-4194.

Sincerely,

Martin D. Wencek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
MDW/SC/sc

Enclosure: Technical review comments with Right of Way documentation

ec: Sergio Cherenzia, President, Cherenzia & Associates, LTD
Edward Avizinis, President, Avizinis Environmental Services, Inc.

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
FRESHWATER WETLANDS PROGRAM**

APPLICATION NUMBER: 22-0340 **BIOLOGIST:** Sophie Clode
APPLICANT: Blansfield Realty Holdings, LLC

Technical Review Comments of Documents Received by RI DEM on November 10, 2023.

The following items must be provided or addressed in order to complete your application and allow this Program's review to continue:

BIOLOGICAL REVIEW COMMENTS:

1. This Program has received information from an abutting landowner's attorney that there is a viable easement present between Lots 133 and 134 that could allow access to the property subject of this application thereby avoiding all proposed wetland alterations. The information we have received is attached for your convenience. This Program suggests that you contact the attorney who has provided the Wetland Program with this easement information and try to determine exactly what the status is of this Right Of Way is, since you have presented your findings that such a Right of Way does not exist. Once the status of the Right of Way has clearly been established, the findings can be presented to the Department for assessment and we will have a clearer idea of the proper way to proceed in accordance with the Wetland Rules.

CONCLUDING COMMENTS:

1. In order to facilitate the review of future revisions to your project, please address each of the above items in writing.
2. If you have any questions regarding this letter or the processing of your application, or with respect to any of the above-noted biological review comments, please contact Martin Wencek at 401-537-4194.

Kindly be advised that processing of your application is being held in abeyance until you resolve the item noted above. Thank you for your attention regarding this matter.

JOSEPH A. PRIESTLEY, JR.

ATTORNEY AT LAW
85 BEACH STREET, Unit C
WESTERLY, RHODE ISLAND 02891-2763
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FAX NO. (401) 541-5735
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November 30, 2023

Martin D. Wencek, Project Supervisor
Office of Water Resources, Freshwater Wetlands Program
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, RI 02908

Re: Wetlands Application of Blansfield Realty Holdings, LLC,
Wetlands Application No. 22-0340; Our File No. 15-129

Dear Mr. Wencek:

I represent Katie van der Sleesen, Michael van der Sleesen, Kim van der Sleesen, Margaretha Dyer, and the Vera G. B. van der Sleesen Trust, the owners of the lot identified by the New Shoreham Tax Assessor as Lot No. 131 on Assessor's Plat No. 3. This lot is located to the south of the lot of Blansfield Realty Holdings, LLC (A.P. 3, Lot No. 136) which is the subject of the pending and above referenced application.

The van der Sleesen's lot comprises lot Nos. 11, 12, 13, 14, 15, and 16 and a portion of the 40' wide right of way shown on the recorded plan entitled "Map Showing Developement (sic) of Property of Michael & Vera Blansfield, Block Island, New Shoreham, Rhode Island, Scale: 1" = 80', May 28, 161" which was recorded July 17, 1963 in Book 29 at page 148 of the Land Evidence Records of the Town of New Shoreham and is now recorded as Map No. 7. The lot of Block Island Holdings, LLC (A.P. 3, Lot No. 136) comprises Lot Nos. 4, 5, 8, 9, and 10 and the recorded plat and a portion of the plotted 40' wide right of way. I attach a copy of the recorded plat and a copy of the "Plan of Land Prepared for: Vera G. B. van der Sleesen Trust, Off East Mansion Road, Assessor's Plat 3, Lot 131, New Shoreham, R.I., Scale: 1" = 50', Date: May 12, 2015" by Richard A. Greene & Associates, Inc. There does not need to be an incipient dedication for owners of lots conveyed by reference to a recorded plat to obtain rights over the easements set out in the recorded plat.


All the lots on the recorded plat abutting the 40 foot wide plotted right of way have an easement for access across this right of way.

This means two things:

1. Block Island Holdings, LLC has a right of way over the van der Sleesen's lot.
2. The van de Sleesen's have a right of way over the lot of Block Island Holdings, LLC.

The van der Sleesen's have no objection to the application of Block Island Holdings, LLC, but they must insist that the project acknowledge and take into consideration that the 40 foot wide right of way shown on the recorded plat from Mansion Road southerly to their lot is legally available for their use and may be their only practical or legal access at this point in time.

Respectfully submitted,



Joseph A. Priestley, Jr.
Bar No. 2438
85 Beach Street, Unit C
Westerly, RI 02891
Phone: 401-596-8710
Fax: 401-541-5735

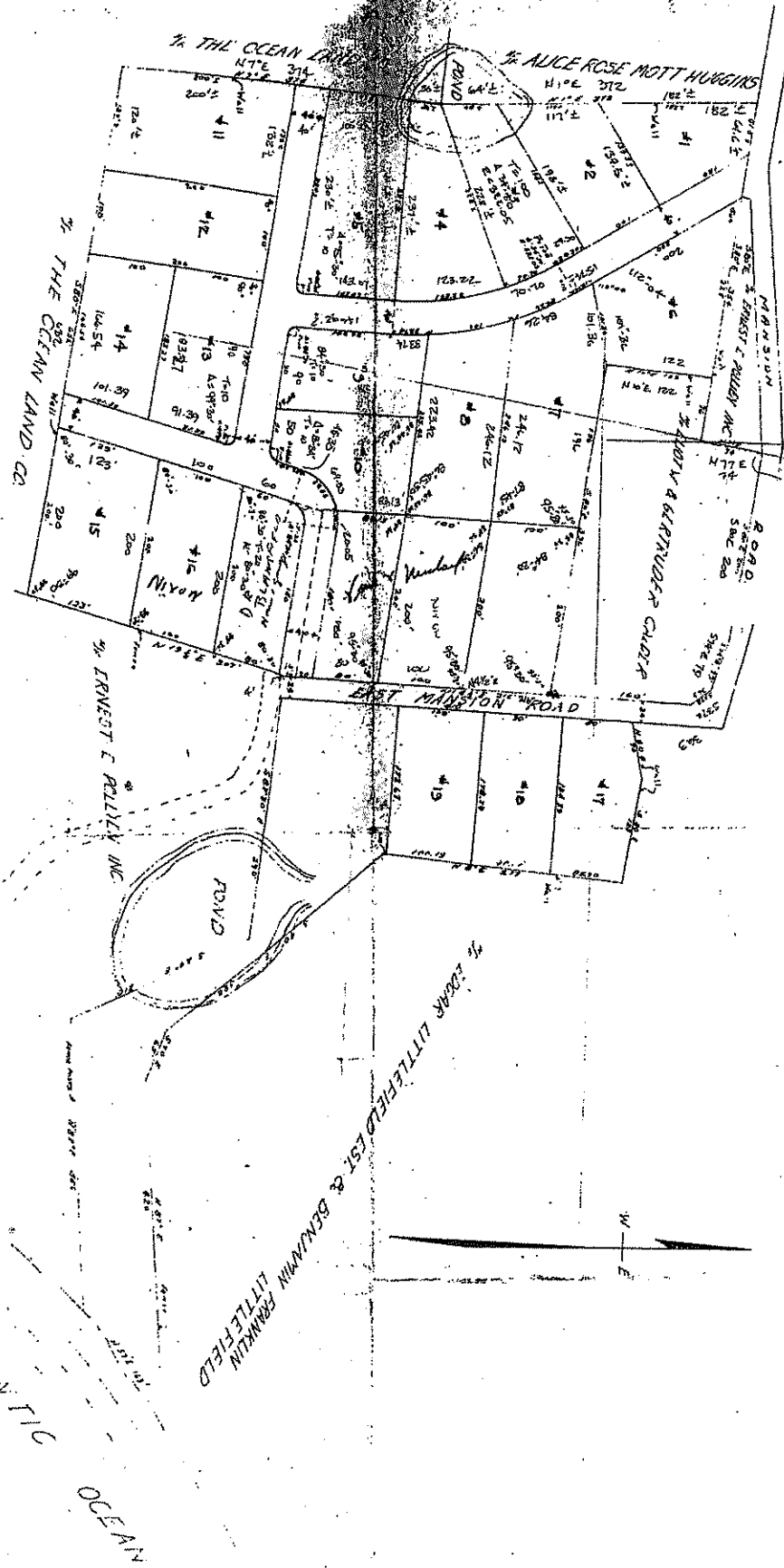


- NOTES:
1. REFERENCE IS HEREBY MADE TO THAT CERTAIN PLAN E...
 2. REFERENCE IS HEREBY MADE TO THAT CERTAIN PLAN F...
 3. REFERENCE IS HEREBY MADE TO THAT CERTAIN PLAN G...
 4. REFERENCE IS HEREBY MADE TO THAT CERTAIN PLAN H...
 5. REFERENCE IS HEREBY MADE TO THAT CERTAIN PLAN I...
 6. REFERENCE IS HEREBY MADE TO THAT CERTAIN PLAN J...
 7. REFERENCE IS HEREBY MADE TO THAT CERTAIN PLAN K...
 8. REFERENCE IS HEREBY MADE TO THAT CERTAIN PLAN L...
 9. REFERENCE IS HEREBY MADE TO THAT CERTAIN PLAN M...
 10. REFERENCE IS HEREBY MADE TO THAT CERTAIN DEED R...



ARBITING STREET IN
MANSION ROAD
&
EAST MANSION ROAD

NOTE:
 OUTLINE FOR THIS MAP TAKEN FROM
 MAP OF LAND IN NEW SHOREHAM, R.I.
 BLOCK ISLAND, CONVEYED BY PATENT, UNDER
 THE ACT OF APRIL 20, 1864, CHAP. 155.
 THIS MAP IS SUBSTANTIALLY CORRECT
 C. E. LAND SURVEYOR.



MAP # 7

OFFICE OF
 C. E. LAND SURVEYOR
 MAP SHOWING DEVELOPMENT
 OF PERCENTY OF
 MICHAEL & VERA BOSS BLANKIN
 BLOCK ISLAND
 NEW SHOREHAM
 SCALE 1"=100'
 1987 22 19 85

JOSEPH A. PRIESTLEY, JR.

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December 1, 2023

Martin D. Wencek, Project Supervisor
Office of Water Resources, Freshwater Wetlands Program
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, RI 02908

Re: Wetlands Application of Blansfield Realty Holdings, LLC,
Wetlands Application No. 22-0340; Our File No. 15-129

Dear Mr. Wencek:

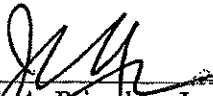
This Memorandum supplements my Memorandum to you dated November 30, 2023. It is clear and obvious but in light of the report by Pilgrim Title filed by the Applicant, I think it needs to be reiterated.

In *Robidoux v. Pelletier*, 120 R.I. 425, 391 A.2d 1150 (1978) the Rhode Island Supreme Court opined:

We are reminded of all the well-recognized rule which holds that a sale of a platted lot with reference to the plat will, as between the grantor and the grantee, give the latter a right to use all of the streets delineated on the plat even though the plat is unrecorded. Vallone v. City of Cranston, 97 R.I. 248, 197 A.2d 310 (1964); Crawford Realty Co. v. Ostrow, 89 R.I. 12, 150 A.2d 5 (1959); Thaxter v. Turner, 17 R.I. 799, 24 A. 829 (1892); Chapin v. Brown, 15 R.I. 579, 10 A. 639 (1887); Providence Steam-Engine Co. v. Providence & Stonington Steamship Co., 12 R.I. 348 (1879); 2 Thompson, Real Property § 361 (1961); Annot., 7 A.L.R.2d 607 § 5 (1949). Such an easement is appurtenant to the property and passes with the conveyance of the property, unless specifically excluded, even though not mentioned in the deed. *Thomas v. Ross*, R.I., 376 A.2d 5 (1959); Sullivan Granite

Co. v. Vuono, 48 R.I. 292, 137 A. 687 (1927); Khoury v. Dappinian, 46 R.I. 163, 125 A. 268 (1924); 120 R.I. at 436, 391 A.2d at 1156 (1978).

Respectfully submitted,



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