



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, R.I. 02879-1900
(401) 277-2476

ASSENT MODIFICATION

May 8, 1996

Robert W. Gilstein, Town Planner
Town of Portsmouth
2200 East Main Road
Portsmouth, RI 02872

RE: CRMC Assent A94-11-30, Town Boat Launch Ramp, Burma Road, Plan Modification

Dear Mr. Gilstein:

The R.I. Coastal Resources Management Council has reviewed your request for modification of assent no. A94-11-30 and approve the modification with the following additional stipulations.

- CRMC Assent A94-11-30 shall herein be revised to incorporate Revision 3 of sheet 8, revised 5/2/96.
- All remaining conditions of Assent A94-11-30 remain in full force and effect.

Please note that the original expiration date remains the same.

Sincerely yours,

Grover J. Fugate, Executive Director
Coastal Resources Management Council

GJF/KWA/lam

cc: K. Anderson, CRMC
D. Reis, CRMC
S. Tomson, Caito Corp.



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950709 Portsmouth, R.I.
Received for record 3-17-95
at 10 o'clock 49 AM
and Recorded in Book No. 423
Page 042. *Carol Zinner*
Town Clerk

ASSENT

File Number: 94-11-30 Assent Number: A94-11-30

Issue Date: December 30, 1994

Whereas,

-> **TOWN OF PORTSMOUTH**
2200 East Main Road
P O Box 155
Portsmouth, RI
ATTN: Robert G. Driscoll

of

has applied to the Coastal Resources Management Council for assent to: Construct boat launch facility consisting of: 1) boat ramp (30' wide); 2) two (2) timber piers, ramps, and floats; 3) parking lot (gravel, 36 car capacity); 4) access roadway (paved, 1,400 lin. feet total); 5) riprap revetment shoreline protection; 6) associated dredging (47 cy), filling in tidal waters (450 cy), earthwork, landscaping, and drainage improvements; and hereby represents that they are the owner(s) of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: Construct boat launch facility consisting of: 1) boat ramp (30' wide); 2) two (2) timber piers, ramps, and floats; 3) parking lot (gravel, 36 car capacity); 4) access roadway (paved, 1,400 lin. feet total); 5) riprap revetment shoreline protection; 6) associated dredging (47 cy), filling in tidal waters (450 cy), earthwork, landscaping, and drainage improvements; located at plat 50, lot 7; Burma Road, Portsmouth, RI in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before December 30, 1997, after which date this assent is null and void, (unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date).

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Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to applicant's property to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date thereof, after which time this permission shall terminate necessitating either complete removal or a new application.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

A copy of the legal decision may be acquired by contacting the CRMC office in writing.

A copy of this Assent shall be kept on site during construction.

Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

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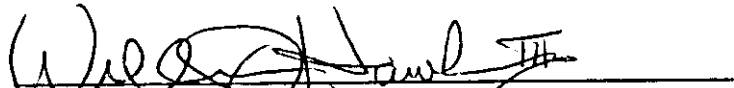
All local, state or federal ordinances and regulations must be complied with.

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States, shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit.

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this 30th day of December in the year nineteen hundred ninety-four.


William J. Hawkins, III
Acting Executive Director
Coastal Resources Management Council

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.

ATTENTION: ALL STRUCTURES IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;

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3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT S SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.

ADDITIONAL STIPULATIONS

General Stipulations

- A. The applicant shall record this assent in its entirety in the land evidence records of the Town of PORTSMOUTH within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.
- B. For the purpose of this permit, the coastal feature shall be the coastal bank; and the inland edge of the coastal feature shall be the top (crest) of coastal.
- C. The approved plans shall be those entitled "Construction Plans for Weaver Cove Boat Ramp...", dated October, 1994, rev'd Nov. 21, 1994, in ten sheets, by J. P. Caito, PE (including all specifications/notes thereon). Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.
- D. The approved concrete boat ramp detail shall be that entitled "Concrete Plank Typ" dated 12-20-94 by Caito Corp.
- E. Boat ramp construction sequencing, as noted on approved plans (sheet 2), shall be strictly adhered to.
- F. The stockpiled dredge material shall be adequately stabilized to prevent erosion/sedimentation. Stabilization methods shall be maintained continuously.
- G. The stockpiled dredge material shall be removed to a suitable and legal upland location, and the site permanently stabilized, within three (3) years of the date of this assent.
- H. The applicant shall notify CRMC staff at least 48 hours in advance of the approximate date of the start of construction.

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I. Prior to initiation of construction, the applicant is required to schedule a meeting between the contractor and the CRMC staff. This meeting will be held to clarify and stress the terms of the permit, and to discuss details of erosion and sedimentation controls, methods of construction, construction timing, dewatering, etc.

J. The setback line (Ref. CRMP Section 140) shall be delineated by the CRMC staff prior to any activities on the site.

Earthwork Stipulations

K. The standards and specifications set forth in the most recent RI Soil Erosion and Sediment Control Handbook (RISESCH) shall be strictly adhered to.

L. Prior to initiation of any grading, construction, or earthwork activity, a line of staked haybales and/or silt fence in accordance with RISESCH Standard "ST" shall be placed along the downslope perimeter of the proposed area of construction. This line shall not be located on a coastal feature nor within a stipulated buffer zone. Bales and/or silt fence shall be "toed in" 4 inches to prevent the underwash of sediments. This line shall be maintained by the replacement of bales as needed and by the proper upland disposal of accumulated sediments until permanent site revegetation is established. No soils nor any other materials shall be allowed to enter beyond this line, neither temporarily nor permanently.

M. Upon successful stabilization of exposed soils all haybales and stakes shall be removed from site and disposed of at a suitable, legal upland location.

N. All excess excavated materials, excess soils, excess construction materials, and debris shall be removed from the site and disposed of at an inland landfill or a suitable and legal upland location.

O. All fill materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.

P. All areas of exposed soil which are disturbed by construction and related activities shall be revegetated as immediately as is physically possible so as to minimize erosion and sedimentation. If the season is not conducive to immediate revegetation, all exposed soils shall be temporarily stabilized with hay mulch, jute mat netting or similar erosion control materials. Soil stabilization methods shall be employed during, as well as after, the construction phase to the maximum extent possible.

Q. Excavation and grading shall be limited to the area approved. Excess earthwork beyond that authorized by this assent is not permitted.