



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
Tower Hill Road
Wakefield, R.I. 02879

August 13, 1991

Water Street Realty Trust
c/o Hall Garnick, Trustee
CGI Companies
637 Washington Street
Brookline, MA 02146

RE: CRMC Assent B90-10-40

Dear Sir:

CRMC Assent B90-10-40 is hereby amended to include the community access and stairway as per detail plan entitled "Water Street Condos, Portsmouth, Gauchat Architects, 1348 Cambridge Street, Cambridge, MA 02139", dated 6/9/88.

As required by additional stipulation "H" of CRMC Assent B90-10-40, NO additional shoreline access paths or structures shall be allowed for this subdivision (that is on lots "H", "G", "F"). This requirement has been placed on the CRMC Assent for this subdivision to protect the stipulated buffer zone (per "additional stipulation D") and the coastal bank from excess disturbance and development.

As per the submitted access easement agreement dated May 23, 1991, all lots in this residential subdivision (that is lots "162", "163", "164", "D", "E", "F", "G", and "H") shall have access to the shore by this established easement on lot "E."

Sincerely,

Grover J. Fugate, Executive Director
Coastal Resources Management Council

DR/lam

cc: David Wolicki
K. Anderson
D. Reis
File



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
Tower Hill Road
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CORRECTED

ASSENT

CORRECTED

File Number: 90-10-40

Assent Number: B90-10-40

Meeting Date: 2/12/91

Whereas, Water Street Realty Trust
637 Washington Street
of Brookline, MA 02146

has applied to the Coastal Resources Management Council for assent to:

construct an eight (8) lot single family residential subdivision which consists of a new 800' long roadway that will extend from Johnny Cake Lane to Water Street. It is proposed to construct four (4) residential homes along Water Street. The remaining four (4) will be constructed on the lots which border the Sakonnet River. All of the aforementioned lots will be serviced by on-site septic systems. The Water Street lots will be serviced by municipal water while the Sakonnet River lots will utilize private wells;

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 an eight (8) lot single family residential subdivision which consists of a new 800' long roadway that will extend from Johnny Cake Lane to Water Street. It is proposed to construct four (4) residential homes along Water Street. The remaining four (4) will be constructed on the lots which border the Sakonnet River. All of the aforementioned lots will be serviced by on-site septic systems. The Water Street lots will be serviced by municipal water while the Sakonnet River lots will utilize private wells; located at Water Street, Portsmouth, RI; plat 31, lot 37; in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before June 11, 1994, 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).

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 applicants property to make on-site inspections to insure compliance with the assent.

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 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.

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

This assent is granted subject to the following stipulations:

(Stipulations set forth below):

(A), (B), (C), (D)

Non-compliance with this assent shall result in legal action.

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this eleventh day of June in the year nineteen hundred ninety-one.



Grover J. Fugate, Executive Director
Coastal Resources Management Council

ASSENT SUBJECT TO STIPULATIONS CIRCLED:

A. 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.

B. In accordance with a decision of the Coastal Resources Management Council on October 9, 1973, this Assent is granted with the proviso that it is subject to the imposition of a usage fee to be established by the Coastal Resources Management Council.

C. No work shall be done under this Assent until the required Federal Permit has been obtained.

D. Additional Stipulations, Standards, Prohibitions, and Policies. (See attached sheets).

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;
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.

ADDITIONAL STIPULATIONS

A. The approved site plans shall be those plans titled "Definitive Subdivision entitled Sakonnet Estates in Portsmouth, R.I. prepared for Water Street Realty Trust," in five sheets, dated April 2, 1990, Revision 1 dated 12/14/90, stamped by L. P. Silva, PE. All work shall strictly adhere to these approved plans and specifications thereon.

B. The approved individual sewage disposal system and well location plan shall be that plan titled "Disposal Field and Well Location for Sakonnet Estates in Portsmouth, R.I.," in one sheet, dated May 17, 1990, Revision 2 dated 12/14/90, stamped by L. P. Silva, PE. Any modification to the approved locations shall require approval from the CRMC prior to initiation of construction.

C. The approved soil erosion control plan shall be that plan titled "Erosion and Sedimentation Control Plan for Sakonnet Estates in Portsmouth, R.I., in one sheet, stamped by L. P. Silva, PE. All specifications shall be strictly adhered to.

D. Lots "H", "G", and "F" of the proposed subdivision shall be subject to a 100' setback (ref: section 140 RICRMP) and a 75' buffer zone (ref: section 150 RICRMP). Lot "E" of the proposed subdivision shall be subject to a 75' setback and 50' buffer zone. These setback and buffer zone requirement shall be recorded in the land evidence records in the Town of Portsmouth within 30 days of CRMC Assent issuance. The setback and buffer zone requirements noted in this CRMC assent shall also be clearly stated in the deeds for the subject properties.

E. In order to help prevent erosion of the coastal bank and associated sedimentation impacts, installation of the drainage outfall shall be allowed only during the period between May 15th and August 15th of the calender year. This will allow for proper revegetation of the coastal bank and buffer zone shall be completed by August 15.

F. The area of disturbance for installation of the drainage outfall on the coastal bank shall not exceed 20 feet in width. The entire area of disturbance on the coastal bank shall be restored per the following requirements:

a. The "construction notes" noted on sheet 2 of 5 of the approved plans and sheet 1 of 1 (Erosion and Sedimentation Control Plan) shall be strictly adhered to.

b. The disturbed area of the coastal bank shall be broadcast seeded with a conservation grass seed mixture and then covered completely with erosion control blankets and planted to native shrubs spaced four (4) feet on center. Native shrubs shall consist of species which presently occur on the coastal bank or other species approved by a CRMC biologist. These shrubs shall be at lest 2-3 feet tall at the time of planting.

G. The area of disturbance for installation of the drainage outfall in the 50' buffer zone required in the area shall not exceed 20 feet in width. The entire area of disturbance shall be broadcast seeded with a conservation grass seed misture and planted to shrubs as described above. However, the spacing in this area may be 10 feet on center. A line of haybales shall be installed in the top of bank.

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H. No individual access paths to the shore shall be allowed for shorefront lot "H", "G", "F", and "E". Shorefront access shall only be allowed through a community access path in the vicinity of the drainage easement. A separate CRMC assent shall be required for this access (as requested.)

I. Catch basin sumps shall be cleaned bi-annually, at a minimum.

J. The maximum lawn fertilizer (urea) application rate within the subdivision shall not exceed 2 lb / 1,000 s.f./year to minimize the leaching of excess nitrogen to groundwater and the Sakonnet River.

GENERAL STIPULATIONS

K. As of the date of assent issuance, all vegetation in the buffer zone is to remain in a permanently undisturbed condition; any and all activities or alterations within the buffer zone including mowing, pruning, trimming, thinning, etc. are not permitted.

L. 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..

M. Vegetation on the coastal bank shall remain in an undisturbed condition.

N. All driveway and parking areas shall have a permeable pavement and subbase consisting of gravel, crushed stone, shells, or similar highly permeable material.

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
INTER-OFFICE MEMO

TO: Grover Fugate, Executive Director
DEPT: Coastal Resources Management Council

DATE: 28 May 1991

FROM: *Edward S. Szymanski*
Edward S. Szymanski, P.E., Chief
DEPT: Division of Water Resources
Environmental Management

File No.: 90-10-40
Town: Portsmouth

SUBJECT: The request of Water Street Realty Trust c/o Hal Garnick, Trustee; CGI Companies, 637 Washington Street, Brookline, MA to construct and maintain an eight (8) lot single family subdivision and extension of Johnny Cake Lane to Water Street. The subject work is to take place at Plat 31, Lot 37.

We have reviewed the subject application and plans entitled, "... Sakonnet Estates in Portsmouth, RI..." eight sheets, Sheet 1 (Disposal Field & Well Locations) dated revised December 14, 1990; Sheet 1 (Erosion and Sedimentation Control Plan) dated revised December 13, 1990; Sheet 1 (Definitive Subdivision) dated revised May 14, 1991; Sheet 2 (Existing & Proposed Topography) dated revised December 14, 1990; Sheet 3 (Roadway & Drainage Profiles) dated revised October 9, 1990; Sheet 4 (Roadway Cross Sections) dated April 2, 1990; Sheet 5 (Detail Sheet) dated April 2, 1990; Sheet 1 (Stair Details) dated December 17, 1990. The waters in the area are classified SA. A preliminary subdivision suitability permit has been issued by the Division of Groundwater and Freshwater Wetlands, Department of Environmental Management, for this project.

It is our opinion that said project will not violate applicable water quality criteria for the area provided that:

1. Material used for fill is clean, free of matter which could cause pollution of the waters of the State.
2. Erosion controls are installed prior to construction and maintained in functional condition until all disturbed soil is permanently stabilized to prevent erosion and sedimentation of Sakonnet River.
3. No sewage, refuse or waste of any kind shall be discharged into the waters of the State.
4. No connections are made between buildings and stormdrains and/or sewage systems which could lead to the introduction of sewage into the drain.
5. This Water Quality Certification shall expire three years from the date of issuance, if construction of said project is not completed in that time.

This is the State's water quality certification for this project. The Director, RI Department of Environmental Management, may, upon notice to the Executive Director of the RI Coastal Resources Management Council, and the affected party, automatically suspend or revoke the water quality certification if the parties violate any term or condition of the certification.

ESS/SCA/abb
ow901040.abb

cc: Ms. Karen Kirk Adams, Section Chief, ACOE
Rhode Island Regulatory Reporter
Larry Silva, Silva Engineering & Associates

Rhode Island Regulatory Reporter