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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

RESIDENTIAL DOCK ASSENT

File Number: 95-7-194 Assent Number: A95-7-194Date Issued: July 18, 1995

Whereas,

Lowell V. Berry

11 East Pond Road

of

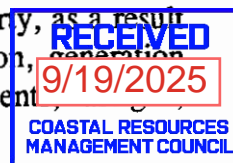
Narragansett, RI 02882

has applied to the Coastal Resources Management Council for assent to: maintain a private residential recreational boating facility, and hereby represents that he is the possessor's of an interest in 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 authorized 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: **maintain a private residential boating facility, located at plat U, lot 44; 11 East Pond Road, Narragansett, RI** in accordance with said plans submitted to this Council and approved by this Council.

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.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution 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, agent, sublicensees, contractors, subcontractors, permittees, or invitees.



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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.

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. This assent will terminate in (50) fifty years from the date, thereof, after which time this permission shall terminate necessitating either complete removal or a new application.

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.

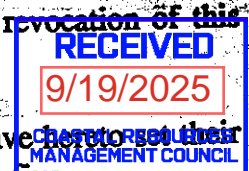
Please be advised that as a further condition of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discharge 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 hereunto set their hands and seal this 18th day of July in the year nineteen hundred ninety-five.


 Grover J. Fugate, Executive Director
 Coastal Resources Management Council



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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 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. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.

SPECIFIC STIPULATIONS OF APPROVAL:

A. The applicant shall record this assent in its entirety (all pages of it) in the Land Evidence Records of the Town of Narragansett within thirty (30) days of the date of issuance. All pages of this assent must be certified by the Town Clerk's office that this stipulation in fact has been complied with. Coastal Resources Management Council shall be furnished with, by the applicant, a full copy (all pages) of the Assent stamped by the Town Clerk's office within fifteen (15) days thereafter. Failure to comply with this provision will render this Assent Null and Void.

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- B. The description of the facility is 96'L x 4'W fixed timber pier, 14' x 21' ramp and 8' x 12' float.
- C. CRMC's authorization of this pre-existing residential boating facility allows the dock owner to undertake minor repairs without further CRMC review, where such repairs will not alter the authorized dimensions, design, capacity, purpose or use of the facility. For the purposes of the assent, minor repairs shall include the repair or replacement of dock decking or planks, hand railings and supports, and other activities of similar and non-substantive nature. Minor repairs do not include alterations to the approved design of the facility, or work requiring the use of heavy machinery (such as a pile driver); these activities require that a certification of maintenance be obtained from the Council.
- D. Where major repairs are proposed to a CRMC authorized pre-existing residential boating facility, the CRMC may require that the facility be re-built to current RICRMP standards. For purposes of this assent, major repairs shall include the replacement of 50% or more of the support pilings, stringers, or other structural components (cribs, etc.). In addition, all floats which are to be abandoned and replaced should meet current RICRMP standards (i.e. currently, pier floats may not exceed 4' in width and the total area of terminal floats may not exceed 150 sq. feet).
- E. All floatation devices must be securely contained. If the existing floatation is not properly contained, appropriate repairs (installation of strapping, billet boards, etc.) shall be made.
- F. Pre-existing boating facility owners are required to maintain their facilities in good working condition. Facilities may not be abandoned. The owner shall remove from tidal waters and coastal features any structure or portions of structures destroyed or displaced by any natural or man induced manner.
- G. Floats, ramps, boats and other marine appurtenances or equipment shall not be stored on shoreline features (coastal wetlands, coastal beaches, coastal banks, rocky shores, etc.) or in any area designated as a coastal buffer zone unless prior CRMC approval is obtained.
- H. No more than four (4) recreational boats shall be maintained at this recreational boating facility.
- I. No sewage, refuse, or waste of any kind may be discharged from this facility or from any vessel utilizing it.

J. U.S. Army Corps of Engineers approval may be required.



RECEIVED FOR RECORD

7-27-95 AT 10:09 AM
 WITNESS: Mary M. Beck, CMC/AAE
 Narragansett Town Clerk