



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 20, 2008

William & Marilyn Frank
c/o Skadden, Arps, Slate, Meagher & Flom
Four Times Square, Room 45-300, 4B
New York, NY 10036-6522

Permit Renewal

Re: Application No. 04-0530 in reference to the location below:

Approximately 250 feet south of Windemere Road, opposite Utility Pole No. 5, approximately 850 feet west of the intersection of Windemere Road and Ocean Road, Assessor's Plat Z-1, Lot 2-1, 2-2, 2-3 (all combined), Narragansett, RI

Dear Mr. & Mrs. Frank:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Renewal** received on October 16, 2008.

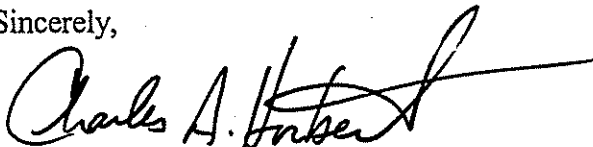
It is our understanding that you are requesting renewal of the permit issued for Application No. 04-0530. The original permit was issued on January 5, 2005 to you for alterations to freshwater wetlands at the above-referenced location.

This Program has completed review of the application and has found that your project has not yet commenced. In all other respects, at this time, it is in conformance with those conditions set forth in the original permit as well as the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules). It is our determination, therefore, that the permit may be renewed. This renewal is valid until January 5, 2011 and expires on that date. No further renewals are available for this project after that date.

It is your responsibility to maintain compliance with the conditions of the original permit (copy enclosed) and to carry out this project in compliance with the Rules at all times. This renewal does not relieve you of any obligations to obtain any local, state, or federal approvals or permits as required by ordinance or law. Any modifications to the project not illustrated on the approved site plans would require approval of, at least, an Application for Permit Modification prior to the expiration of the permit.

Please contact me directly (telephone: 401-222-6820, ext. 7402) should you have any questions regarding this renewal.

Sincerely,



Charles A. Horbert, Permitting Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/cah

Enclosure: Letter dated January 5, 2005

Kevin C. Morin, P.E., DiPrete Engineering Associates, Inc.



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

January 5, 2005

William P. Frank and Marilyn Mainelli Frank
c/o Skadden, Arps, Slate, Meagher, and Flom, L.L.P.
Four Times Square
New York, NY 10036-6522

Insignificant Alteration – Permit

RE: Application No. 04-0530 in reference to the property and proposed project located:

Approximately 250 feet south of Windemere Road, opposite Utility Pole No. 5, approximately 850 feet west of the intersection of Windemere Road and Ocean Road, Assessor's Plat Z-1, Lots 2-1, 2-2, and 2-3 (all combined), Narragansett, RI.

Dear Mr. And Mrs. Frank:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Request for Preliminary Determination** application. This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed single family residence and gravel driveway construction with utility installation as illustrated and detailed on site plans submitted with your application. These site plans were received on October 18, 2004.

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of freshwater wetlands are proposed. However, pursuant to Rule 9.03 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act (Rules), this project may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Application No: 04-0530

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on October 18, 2004. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.

4. You must notify this Program in writing immediately prior to the commencement of site alterations and upon completion of the project.
5. A copy of the stamped approved site plans and a copy of this permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this permit and the stamped approved plans must be made available for review by any DEM representative upon request.
6. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Narragansett and supply this Program with written documentation obtained from the Town showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the date of issue.
8. Any material utilized in this project must be clean and free of matter which could pollute any freshwater wetland.
9. Prior to commencement of site alterations, you shall erect or post a sign resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which boldly identifies the initials "DEM" and the application number of this permit. This sign must be maintained at the site in a conspicuous location until such time that the project is complete.
10. Temporary erosion and sediment controls detailed or described on the approved site plans shall be properly installed at the site prior to or commensurate with site alterations. Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the life of this project to minimize soil erosion and to prevent sediment from being deposited in any wetlands not subject to disturbance under this permit.
11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of hay bales or silt fence must be removed.
12. You are responsible for the proper operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands.
13. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plans in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.
14. All construction activities involving soil disturbances within watercourses must be limited to the low flow period (i.e., the period from July 1 to October 31 of any calendar year). Soil disturbance in these watercourses must temporarily cease in the event of any abnormally high stormwater runoff event during the low flow period.

15. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plans, or detailed in this permit, must be installed as soon as possible after completion of final grading; weather and season permitting. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.
16. Buffer zone plantings of trees and/or shrubs proposed between the project and any adjacent freshwater wetland areas, except for necessary replacement, must be allowed to develop naturally without being subjected to mowing or manicuring.
17. Artificial lighting along the driveway/roadway where it crosses freshwater wetlands is not authorized in this permit.
18. This Program has made a specific revision to the approved site plans. This revision is clearly marked in red on the approved plans. This project must take place in compliance with this revision. Specifically, erosion controls consisting of staked hay bales or silt fence must be installed along both sides of the Area Subject to Storm Flowage (ASSF) immediately west of the proposed dwelling. These erosion controls shall represent the approved Limits of Disturbance.
19. This permit supersedes a previous permit issued by the DEM for the subject property under Application No.04-0076.

This permit is valid for the original applicant only and is not transferable to another person unless the new owner completes and submits an **Application for Permit Transfer** in accordance with Rule 9.08.

This Permit also constitutes your authorization from the U.S. Army Corps of Engineers ("Corps") under Section 404 of the Clean Water Act for the work proposed. Your project qualifies as a Category 1 activity under the Rhode Island Programmatic General Permit (RI PGP, Permit No. 57). You are, therefore, not required to file a separate application with the Corps.

Please note that the attached RI PGP conditions apply to all activities authorized under the RI PGP. Please review them carefully to thoroughly familiarize yourself with their contents. You may wish to discuss all permit conditions with your contractor to ensure that the work can be accomplished in a manner which conforms to all requirements.

You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department and/or subject you to the enforcement provisions of the Corps' regulations.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

Application No. 04-0530

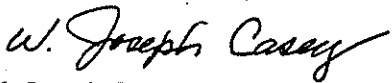
Page 4

Kindly be advised that this Permit is not equivalent to a verification of the types and extent of freshwater wetlands on site. Should you wish to have the types and extent of freshwater wetlands verified, you may submit the appropriate application in accordance with Rule 9.02.

This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Please contact me at (telephone: 401-222-6820 Ext. 7412) should you have any questions regarding this letter.

Sincerely,



W. Joseph Casey, Senior Environmental Scientist
Freshwater Wetlands Program
Office of Water Resources

JC/jc

Enclosure: Approved site plans
PGP permit conditions

xc: Anthony L. Santilli, Jr., Narragansett Building Official
Kevin C. Morin, P.E., DiPrete Engineering Associates, Inc.
Clarkson Collins, Narragansett Community Development