



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

January 6, 2009

CERTIFIED MAIL

Paul McIntyre
2 Woodsia Trail
Wakefield, RI 02879

Re: Application No. 06-0347 in reference to the location below:

The proposed project is located approximately 150 feet north of Woodsia Trail by utility pole number 1, approximately 200 feet north of the intersection of Woodsia Trail and Shadbush Road, Tax Assessor's Map 59-2, Lot 45, South Kingstown, Rhode Island.

"Appendix A"

PERMIT TO ALTER FRESHWATER WETLANDS

Dear Mr. McIntyre:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has reevaluated your Application to Alter a Freshwater Wetland regarding the project proposed at the above referenced property ("subject property"/"site"). This reevaluation is in response to settlement negotiations involving the original decision issued by this Office on August 24, 2007 for Application No. 06-0347 and has been accomplished in accordance with Rule 9.06 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules"). That decision was contested by you in your appeal to the DEM Administrative Adjudication Division for Environmental Matters (AAD). As a result of your appeal, settlement negotiations were entered to seek resolution of the contested issues and a Consent Agreement has been entered between you and the DEM. This consent agreement was executed by you on December 9, 2008 and is enclosed herein for recording purposes.

As a result of settlement negotiations, the Program has reviewed and evaluated a revised project proposed by you and as described by revised site plans received by the Program on August 1, 2008. The revised site plans are noted as Appendix B in the above mentioned consent agreement. The Program has determined that the revised project does not represent a random, unnecessary, or undesirable alteration of freshwater wetlands. Therefore, the Program, in response to our evaluation and the fully executed consent agreement, hereby issues this permit to alter freshwater wetlands, subject to all controlling Rules and the Terms and Conditions set forth herein.

Permit Terms and Conditions for Application No. 06-0347:

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 plan submitted with your application and received by the DEM on August 1, 2008. A copy of the site plan 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 plan, these terms and conditions shall be deemed to supersede the site plan.
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 South Kingstown and supply this Program with a copy of the original recorded document 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 one (1) year from the effective date unless renewed pursuant to Rule 9.07.
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 or the DEM issues a Notice of Completion of Work for the project.
10. No portion of the "Aluminum Dock Section" (fixed sections) of the dock is permitted to exceed a width of five (5) feet. No portion of the "Floating Block Section of the dock is permitted to exceed a width of eight (8) feet, four (4) inches. The overall length of the dock must not exceed fifty (50) feet, four (4) inches into Worden Pond from the existing stone and masonry retaining wall at the edge of Worden Pond on the subject property. No extensions of the dock now or in the future are permissible due to the unique characteristics of the subject wetlands.

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.

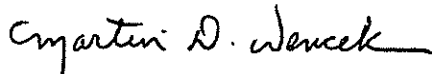
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action against you by the DEM.

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

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.

If you have any questions regarding this matter, you may contact me at this Office (telephone: 401-222-6820).

Sincerely,



Martin D. Wencek, Permitting Supervisor
Office of Water Resources/Permitting Section
Freshwater Wetlands Program

Enclosure: Approved Site Plans (Appendix B)
Consent Agreement

xc: David Karins, Acting Chief, Administrative Adjudication Division
Marisa Desautel, Legal Counsel, DEM
Donald J. Packer, Legal Counsel, Applicant
Russell Brown, South Kingstown Building Official
Harold Ellis, DEM, Office of Compliance and Inspection
Michael Scanlon, DEM Boating Safety Coordinator
Linda Steere, Applied Bio-Systems, Inc.