



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

August 27, 2014

Robert Thistle
29 Lakeside Drive
Johnston, RI 02919

Insignificant Alteration – Permit

Re: Application No. 14-0105 in reference to the property and proposed project located:

At the terminus of Lakeside Drive, approximately 1200 feet north of its intersection with Winsor Road, Utility Pole No. 3, Assessor's Plat 59, Lot 92, Johnston, RI

Dear Mr. Thistle:

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 after-the-fact proposal for a seasonal, floating, "U"-shaped dock as illustrated and detailed on site plans submitted with your application. These site plans were received on June 4, 2014.

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of freshwater wetlands have occurred. However, pursuant to Rule 9.00 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. 14-0105:

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 installation of the existing u-shaped dock as detailed on the site plans submitted with your application and received by the DEM on June 4, 2014. No other work of any kind is authorized other than restoration work ordered by DEM as identified in the Consent Agreement signed by you under Complain File C06-0060 ("Consent Agreement"). 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. A copy of the stamped approved site plans and a copy of this permit must be made available for review by any DEM or Town representative upon request.
5. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Johnston and supply this Program with written documentation obtained from the Town showing this permit was recorded.
6. The effective date of this permit is the date this letter was issued. This permit expires July 1, 2019 unless renewed pursuant to the Rules.
7. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
8. 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.

Please be advised that, as of our inspection date of August 20, 2014, the subject dock remained in place, despite a requirement in the Consent Agreement (as later extended) that it be removed no later than August 15, 2014. This represents non-compliance with the executed Consent Agreement (CA). This matter has been discussed with DEM's Office of Compliance and Inspection and, at this time, the Department will not pursue penalties provided that you continue to adhere to and complete all other restoration requirements outlined in the CA within the required deadlines and provided that you do not conduct any further unauthorized alterations to freshwater wetlands.

Pursuant to the provisions in Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property

Kindly be advised that this permit is not equivalent to a determination of the type or extent of freshwater wetlands on the subject property. Should you wish to obtain such verification, you may submit an application in accordance with the Rules.

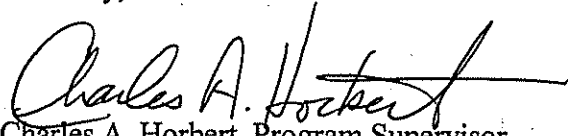
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

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.

Please contact Nancy Freeman of this office (telephone: 401-222-6820, ext. 7408) should you have any questions regarding this letter.

Sincerely,



Charles A. Horbert, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/NLF/nlf

Enclosure: Approved site plans

cc: David Chopy, Chief, Office of Compliance & Inspection
Brian Moore, Chief of Groundwater & Wetlands Protection
Susan Forcier, Esq., DEM Office of Legal Services
Timothy Robenhymer, Esq.
Scott P. Rabideau, President, Natural Resource Services, Inc.

xc: Bernard J. Nascenzi, Johnston Building Official
Nicholas Veltri, PLS, N. Veltri Surveying, Inc.