



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street
Providence, Rhode Island 02908

January 23, 2025

James Durkin
815 Point Judith Road
Narragansett, RI 02882

RE: Application No. 22-0220 **Application for Renewal** for the site located:

Approximately 25 feet south of Pennsylvania Avenue and approximately 315 feet west of its intersection with Newport Row, near Utility Pole No. 10, Assessor's Plat T, Lot 280, Narragansett, RI.

Dear Mr. Durkin:

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 December 12, 2024.

Please see the attached Renewal Permit Decision on Page 2 of the submitted Freshwater Wetlands Application for Permit Renewal for all pertinent information.

Your permit expires on January 30, 2026, unless renewed pursuant to the Rules.

Please contact Jessica Lord (telephone: 401-537-4249) should you have any questions regarding this letter.

Sincerely,

Martin D. Wencek, Environmental Scientist IV, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
MDW/JAL/jal

cc: Wayne Pimental, Town of Narragansett Building Official



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 OFFICE OF WATER RESOURCES - Groundwater and Freshwater Wetlands Protection
FRESHWATER WETLANDS PROGRAM
 235 Promenade Street, Providence, RI 02908
 Telephone: 401-222-6820; Rhode Island Relay: 711
www.dem.ri.gov/wetlands

FOR RIDEM USE ONLY
 Complete Application Received Date:
 DEC 12 2024
 reviewer:

FRESHWATER WETLANDS APPLICATION FOR PERMIT RENEWAL Permit Application Center

INSTRUCTIONS: Use this form to request a **Permit Renewal** of a Significant Alteration or Freshwater Wetlands Permit [250-RICR-150-15-3(3.14.2)] or a Permit issued as a result of an Application to Alter or a Request for Preliminary Determination [250-RICR-150-15-1(1.11(B))]

Submit completed Application for Permit Renewal forms with fee no later than sixty (60) days before Permit expiration to:

Permit Application Center (PAC), RIDEM, 235 Promenade Street, Providence, RI 02908

(Check or money order must be made payable to the Rhode Island General Treasurer.)

Note: An Application for Renewal of a permit shall be limited to requests to continue or complete the originally permitted alterations. Any modifications to the original proposal, other than permitted modifications, shall require a new application, or an Application for Permit Modification.

PAYMENT INFORMATION

Fee Payment Amount: \$200. Check #: 35598 Check Issued By: Durkin Cottage Realty

PERMIT INFORMATION and HISTORY

Note: View historical permit information and status, or download a copy of approved FWW decisions and approved plans from DEM's Wetlands Online Permit Search at: www.ri.gov/DEM/wetlands/

Select Original Permit Type to be Renewed:

- Freshwater Wetlands Permit [250-RICR-150-15-3(3.11)]
- Significant Alteration [250-RICR-150-15-3(3.12)]
- Permit resulted from Request for Preliminary Determination [250-RICR-150-15-1(1.9)]
- Permit resulted from Application to Alter [250-RICR-150-15-1(1.10)]

Provide all file numbers associated with this site:

Freshwater Wetlands: _____
 Groundwater Discharge/UIC: _____
 RIPDES Construction General Permit: _____
 App. # 22-0220

Note: Joint OWTS/Freshwater Wetlands Permits shall not be renewed. New application required.

Provide Original or Subsequent Permit Information:

Original Permit Issue Date: 1/30/24 Subsequent Renewal Issue Date(s): _____
 Original Permit Expiration Date: 1/30/25 Subsequent Renewal Expiration Date(s): _____

Have all original and subsequent permits for the project for which the renewal is requested been recorded in the municipal land evidence records, as required by the permits' terms and conditions of approval? (if applicable) YES NO N/A

If yes, has written documentation confirming the recording been received by DEM? YES NO N/A

If no, submit written documentation confirming the original and subsequent permits have been recorded with this form. (if applicable)

Note: Confirm by viewing permit information from the Wetlands Online Permit Search at: www.ri.gov/DEM/wetlands/

PROPERTY, SITE and PROJECT INFORMATION

Note: An Application for Renewal of a permit will not be granted, if, in the opinion of the Department, work has taken place in non-compliance with the original permit or any renewal thereof, is in non-compliance with the Fresh Water Wetlands Act or any of the Rules, or if the applicant revises the project such that there is a change in proposed alterations of freshwater wetlands, buffers, floodplains, areas subject to flooding or areas subject to storm flowage.

Project Name: Pole #1, PLAT T, Lot 280 RIDOT PTSID # (if applicable): _____
 Primary City/Town: Narragansett Street Abutting Site: Pennsylvania Avenue
 Previous enforcement action for this site? YES NO If yes, provide Enforcement File(s) #: _____
 Has actual site work commenced on the project for which renewal is requested? YES NO
 If no, provide anticipated date for start of construction: Pending septic Permit
 Provide anticipated date for project completion: NA

APPLICANT INFORMATION

Note: Only the original permittee or subsequent transferee may request renewal of the permit. If required, please submit an [Application for Permit Transfer](#) in addition to this form.

Applicant's Name (Required): James Durkin Title: Owner

The applicant must be the owner of the property or easement which is the subject of this application or must be the government agency or entity with power of condemnation over such property or easement.

Name of Representative (if Applicant is an Agency or Entity): _____

Email: Jim@durkingcottages.com Phone: 401-265-8211

Mailing Address: 815 Point Judith Road

City/Town: Narragansett State: RI Zip Code: 02882

Note: Permit Renewals being submitted for a project with more than one applicant may provide the [Supplemental Document: Additional Applicant Information and Certification](#) in addition to this form.

Supplemental Form attached? YES NO

APPLICANT CERTIFICATION

Select **both** Certifications for Permit Renewal to be granted by RIDEM (required):

- I hereby state that I am requesting renewal of the original or subsequently modified permitted project under the Freshwater Wetlands Permit specified above. I fully understand the permit limitations and will comply with any and all conditions of the permit.
- I hereby certify that I have requested and authorized the investigation, compilation, and submission of all the information, in whatever form, contained in this Application; that I have personally examined and am familiar with the information submitted herein; and that such information is true, accurate and complete to the best of my knowledge. I hereby authorize RIDEM personnel access to the property for purposes of observing conditions pertinent to this application and assessing compliance with any permit or determination resulting from this application, including any sampling, monitoring or surveying that may be deemed appropriate, consistent with [RIDEM's Administrative Inspection Guidelines. \(250-RICR-20-00-3\)](#)

Note any special conditions for access:

Applicant's Signature: _____

Date of Signature: _____

12/3/24

RENEWAL PERMIT DECISION (FOR RIDEM USE ONLY)

In accordance with the [Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act \[250-RICR-150-15-3.14.2 "Rules"\]](#), DEM issues the following determination concerning your proposed project based on reliance on the above information and accompanying attachments to your application. Any change in your project, or the existence of property characteristics that differ from descriptions that were provided to the DEM, may invalidate this determination.

Freshwater Wetlands Permit #: 22-0220

DEM Compliance Inspection Conducted on: 12/23/24

- Project is generally 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 [250-RICR-150-15-3]
- Unauthorized wetland alterations have occurred, cease all Wetland disturbance on site.

Permit Renewal Granted [PERMRENEW]

- See original Permit for all applicable terms and conditions of approval, available for download at: www.ri.gov/DEM/wetlands/
- Additional Terms and Conditional of Approval:
 - This renewal is valid until the Renewal Expiration Date provided below.
 - It is the Applicant's responsibility to maintain compliance with the conditions of the permit and to carry out this project in compliance with the Rules at all times.
 - This renewal does not relieve the Applicant of any obligations to obtain any local, state or federal approvals or permits as required by ordinance or law.

Permit Renewal Not Granted [NOTRENEWED]

- Original Permit Type not eligible for Renewal.
- Original Permit has expired.
- DEM Compliance Inspection found activities onsite are not in compliance with the original or subsequently modified permit.
- For details, findings and instructions for further required actions, see enclosed letter dated: _____

Please contact the Freshwater Wetlands Program by email at DEM.FWW@dem.ri.gov or call (401) 222-6820, option #3, if you have questions regarding this decision.

Signature of DEM Official: *Cristina D. Wencek*

Decision Date: 1/23/2025

Renewal Expiration Date: 1/30/2026
(if applicable)



RHODE ISLAND Department of ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street
Providence, Rhode Island 02908

CERTIFIED MAIL

January 30, 2024

James Durkin
815 Point Judith Road
Narragansett, RI 02882

PERMIT TO ALTER FRESHWATER WETLANDS

RE: Wetlands Application No. 22-0220 in reference to the location below:

Approximately 25 feet south of Pennsylvania Avenue and approximately 315 feet west of its intersection with Newport Row, near Utility Pole No. 10, Assessor's Plat T, Lot 280, Narragansett, RI.

Dear Mr. Durkin:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application to Alter a Freshwater Wetland** regarding the proposed construction of a single-family dwelling with associated crushed stone driveway, on-site wastewater treatment system (OWTS), connection to town waterline, electrical utility connection, drywell, retaining walls, screen plantings and a landscaped yard with clearing, grading, and soil disturbance as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on February 13, 2023. These site plans describing the project were made available for public comment as part of the forty-five (45) day public notice period required in accordance with the Freshwater Wetlands Act (R.I. Gen. Laws § 2-1-18 et seq.) and the procedures set forth in the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1, specifically in 250-RICR-150-15-1.10.

This Program received four (4) letters relating to your application which were submitted during the public notice period. These letters expressed concern regarding your project's impacts to freshwater wetland values. This Program reviewed these letters together with any supporting documents and evaluated the potential impacts from the project upon the values mentioned in the letters. The Program has determined that the comments contained within these letters do not constitute an objection of a substantive nature as defined in 250-RICR-150-15-1.10(D)(3)(c). Therefore, a public hearing pursuant to R.I. Gen. Laws § 2-1-22 is not required.

Pursuant to the Program's review and evaluation of your application including all supporting information and material, as well as the record to date, the Program has determined that this project does not represent a random, unnecessary, or undesirable alteration of freshwater wetlands. Therefore, this Program 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 Wetlands Application No. 22-0220:

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, R.I. Gen. Laws § 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 February 13, 2023. 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 of the anticipated start date, and of your contractor's contact information, by submitting the Notice of Start of Construction Form prior to commencement of any permitted site alterations or construction activity. You must also notify this Program in writing upon completion of the project. The Start of Construction Form can be found on the webpage: dem.ri.gov/stormwaterconstruction
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 or town 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 one (1) year from the date of this letter unless renewed pursuant to 250-RICR-150-15-1.10(G)(6).
8. Any material utilized in this project must be clean and free of matter that 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 and the DEM issues a Notice of Completion of Work for the project.
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 must be removed.

12. You are obligated to install, utilize, maintain, 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.
13. 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. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.
14. 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.
15. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.

Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9) and 250-RICR-150-15-1.11(D) of the Rules, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property. Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9)(c), within ten (10) days of any property transfer, the subsequent transferee must notify the Department by forwarding a certified copy of the deed of transfer.

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 Department 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 are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), 235 Promenade Street, Suite 350, Providence, RI 02908. A copy of the request should also be forwarded to this Program and to the Office of Legal Services, at the same address. Your written request for an adjudicatory hearing must be timely filed and should conform to the requirements of 250-RICR-10-00-1.7(B) of the DEM Rules and Regulations for the Administrative Adjudication Division, 250-RICR-10-00-1. Section 250-RICR-10-00-1.7(B) provides:

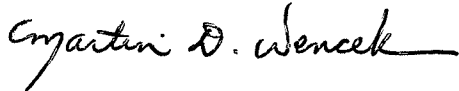
"The request for a hearing shall state clearly and concisely the specific issues which are in dispute, and the facts in support thereof, the relief sought, if any, the license or permit sought or involved, and any additional information required by applicable statutes and regulations."

The written request must be accompanied by an adjudicatory hearing fee of two thousand dollars (\$2,000.00); in the form of a certified bank check or money order made payable to the Rhode Island General Treasurer; however, in the event that the cost of the hearing exceeds the fee paid, the Program through the AAD will require an additional fee which the applicant must submit prior to the DEM's issuance of any final decision regarding this application. The adjudicatory hearing will be held before a Hearing Officer from the AAD. Such hearing will be held in compliance with 250-RICR-10-00-1, R.I. Gen. Laws Chapter

42-35-1 et seq., and other governing laws, rules, and regulations adopted by the DEM. Please note that you have the right to be represented by legal counsel in any proceeding which may be held in this matter.

If you have any questions regarding this matter, you may contact me or Jessica Lord of my staff at this office (telephone: 401-357-4249).

Sincerely,



Martin D. Wencek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
MDW/JAL/jal

Enclosure: Approved Site Plans

ec: Mary Dalton, Administrative Adjudication Division
Mohamed Freij, PE, PLS, Sanitary Engineer, DEM OWTS Program
Wayne Pimental, Town of Narragansett Building Official
Marcus Channell, PLS, Atlas Land Surveying, LLC
Scott Rabideau, PWS, Natural Resource Services, Inc.
Timothy Behan, PE, Commonwealth Engineers & Consultants, Inc.
Jill Sabo, AICP, CFM, Town of Narragansett
Norma Nelson
Patricia Macioci
Margaret Plunkett
Stephen Beauchemin