



State of Rhode Island and Providence Plantations  
**Coastal Resources Management Council**  
Oliver H. Stedman Government Center  
4808 Tower Hill Road, Suite 116  
Wakefield, RI 02879-1900

(401) 783-3370  
Fax (401) 783-2069

**BUFFER ZONE MANAGEMENT ASSENT**

CRMC File No.: 2017-06-061 CRMC Assent No.: A2017-06-061

Whereas, Town of Jamestown  
of 93 Narragansett Avenue  
Jamestown, RI 02835

has applied to the Coastal Resources Management Council for assent to: perform invasive shrub and vine species management by mechanical means and replanting of native species and hereby represents that they are the owner(s) of 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 authorize 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: **perform invasive shrub and vine species management by mechanical means and replanting of native species**; located at plat 7, lots 1; 1 & 5 Freebody Drive, Jamestown, RI; in accordance with said plans submitted to this Council and approved by this Council. All Buffer Zone Management Activities authorized by this CRMC Assent may be implemented over a period of five (5) years. **This Assent shall expire if the work is not initiated within three years of the date of this CRMC Assent.** Upon expiration of the Assent, a new application may be submitted seeking authorization.

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 applicant's 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 or 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, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

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.

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns.

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.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

A copy of this Assent shall be kept on site during construction.

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 conditions 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 discarding 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.

### 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 this assent or what was detailed on the CRMC approved plans will require a separate application and review. Additionally, 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.**

Permits, licenses or easements issued by the Council are valid only with the conditions and stipulation under which they are granted and imply no guarantee of renewal. The initial application or an application for renewal may be subject to denial or modification. If an application is granted, said permit, license and easement may be subject to revocation and/or modification for failure to comply with the conditions and stipulations under which the same was issued or for other good cause.

ATTENTION: ALL STRUCTURES AND FILLED AREAS IN THE 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

##### General Stipulations

**A. The applicant shall record this assent in its entirety in the land evidence records of the Town of Jamestown within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.**

B. The approved restoration plan shall be that entitled "2017 CRMC BUFFER ZONE MANAGEMENT PERMIT APPLICATION" dated received by CRMC June 21, 2017. Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.

C. Native vegetation shall remain in an undisturbed condition, except for the selective removal of native vines (greenbriar and poison ivy) where they are impeding public access or native tree or shrub growth.

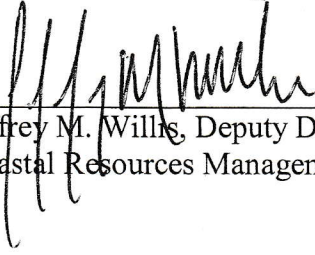
D. No earthwork is authorized by this permit.

E. Removal of mature trees (specifically the proposed removal of English oak, sycamore maple or black cherry trees) whether native or invasive, is not authorized by this permit.

F. As indicated in the approved plan, management of invasive vegetation shall be conducted by mechanical means only. Use of herbicides will require additional authorization from CRMC as well as appropriate authorization from the RI Dept. of Environmental Management's Division of Agriculture. The applicant is responsible for obtaining these authorizations before using herbicides at the site.

- G. Invasive vegetation management is authorized in the beach and upland areas of the site only. Any vegetation management within the areas of the site identified as wetlands will require additional authorization from CRMC.
- H. All debris shall be disposed of at a suitable and legal upland location.
- I. The applicant shall notify the CRMC 48 hours prior to commencing management activities.

In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this 5<sup>th</sup> day of September in the year two-thousand-seventeen.

  
\_\_\_\_\_  
Jeffrey M. Willis, Deputy Director  
Coastal Resources Management Council

/ajt

State of Rhode Island and Providence Plantations  
**COASTAL RESOURCES MANAGEMENT COUNCIL**

NOTICE OF

**ASSENT**

CRMC Assent No.: A2017-06-061 Date: September 5, 2017

This certifies that Town of Jamestown  
has permission to perform invasive shrub and vine species management by mechanical means and replanting of native species.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

situated at 1 & 5 Freebody Drive Lot No. 1  
Plat No. 7

Said construction operations to be done in accordance with an approved assent on file in the Offices of the Coastal Resources Management Council and subject further to all the provisions of the building ordinances of the :

City/Town of Jamestown

and to all the applicable State, Local and Federal provisions. This assent shall expire five (5) years from the date of this assent.

*Amanda Turco*  
Official Designee  
Coastal Resources Management Council

**THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES.  
FAILURE TO DISPLAY WILL RESULT IN LEGAL ACTION.**