



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-831-5508

March 11, 2009

Ronald Davis
33 Highland Ave.
Johnston, RI 02919

RE: Application No. 04-0179 -Application for Renewal for the site located:

Approximately 130 feet east of Brayton Road, opposite utility pole no. 59, approximately 500 feet north of the intersection of Brayton Road and Maple Drive, Assessor's Plat3-7, Block 132 Lot 14E, Tiverton, RI.

Dear Mr. Davis:

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 March 3, 2009.

It is our understanding that you are requesting renewal of the permit issued for Application No. 04-0179. The original permit was issued on May 25, 2006 to Ron Davis for alterations to freshwater wetlands at the above referenced location.

This Program has found that your project, at this time, is in conformance with those conditions set forth in the permit letter 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 May 25, 2009 and expires on that date unless an additional renewal is allowed and authorized in accordance with the Rules (See Rule 11.02). A copy of the original permit letter of May 25, 2006 is enclosed for your convenience.

It is your 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 you of any obligations to obtain any local, state, or federal approvals or permits as required by ordinance or law.

If you have any questions regarding this matter, you may contact me or Jane Kelly of this Program (telephone: 401-222-4700, ext. 7420).

Sincerely,

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

MDW/mdw

Enclosure: Copy of original permit letter of May 25, 2006



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

May 25, 2006

CERTIFIED MAIL

Ron Davis
33 Highland Avenue
Johnston, RI 02919

Re: Application No. 04-0179 in reference to the location below:
Approximately 130 feet east of Brayton Road, opposite utility pole no. 59, approximately 500 feet north of the intersection of Brayton Road and Maple Drive, Assessor's Plat 3-7, Block 132, Lot 14E, Tiverton, RI.

"Appendix A"

PERMIT TO ALTER FRESHWATER WETLANDS

Dear Mr. Davis:

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 June 13, 2005 for Application No. 04-0179 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 May 18, 2006 and by the DEM on May 24, 2006 and is enclosed herein as a matter of record.

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 September 8, 2005. The revised site plan is 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. 04-0179:

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 September 8, 2005. 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 Tiverton 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 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. 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 staked hay bales or silt fence must be removed.
12. 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.
13. 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. If any or all of the required plantings fail to survive at least one full growing season from the time they have been planted, the owner shall replant the dead and dying plant species and maintain the new plantings until such time that survival has occurred over one full growing season.
14. A copy of this permit and a copy of the approved site plan must be forwarded to the I.S.D.S. Program of the DEM's office of Water Resources. A permit is needed from the I.S.D.S. Program prior to commencing any work on this project.

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.

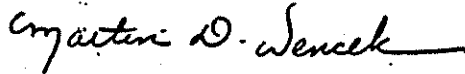
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction. This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Application No. 04-0179

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If you have any questions regarding this matter, you may contact me or Jane Kelly of my staff 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
 Consent Agreement

xc: Kathleen Lanphear, Chief, Administrative Adjudication Division
 Gareth Eames, Tiverton Building Official
 Thomas Ramotowski, Chair, Tiverton Conservation Commission
 Brian Moore, ISDS Section, DEM
 Gregory Schultz, Legal Counsel, DEM
 Ralph Cataldo, Cataldo Associates, Inc.
 Scott Rabideau, Natural Resource Services, Inc.