



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 16, 2008

Martin Hughes
113 Log Road
Smithfield, RI 02917

RE: Application No. 04-0379 Application for Renewal for the site located:

Approximately 200 feet east of Log Road, 3,000 feet north of the intersection of Log Road and Pleasant View Avenue, Assessor's Plat 46, Lot 42, Smithfield, RI.

Dear Mr. Hughes:

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 September 3, 2008.

It is our understanding that you are requesting renewal of the permit issued for Application No. 04-0379. The original permit was issued to you on September 22, 2004 for alterations to freshwater wetlands at the above-referenced location.

This Program has completed an inspection of the site and has found that work on your project has not been completed and you are in conformance with the terms and conditions of the original permit. It is our determination, therefore, that the permit may be renewed. This renewal is valid until September 22, 2010.

A copy of the original permit letter of September 22, 2004 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.

Please contact Jane Kelly of this office (telephone: 401-222-6820 x7420) should you have any questions.

Sincerely,

Martin D. Wencek, Permitting Supervisor
Freshwater Wetlands Program
Office of Water Resources
MDW/JEK/jek

Enclosure: Copy of Permit Letter dated September 22, 2004

xc: Alfred T. DeCorte, Smithfield Building Official

Joseph Dias, Chief, RIDEM Planning and Development

Office of Water Resources/ Tel.401-222-4700/FAX:401-222-6177



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

September 22, 2004

Martin Hughes
113 Log Road
Esmond, RI 02917

Insignificant Alteration - Permit

RE: Application No. 04-0379 in reference to the property and proposed project located:

Approximately 200 feet east of Log Road, 3,000 feet north of the intersection of Log Road and Pleasant View Avenue, Assessor's Plat 46, Lot 42, Smithfield, RI.

Dear Mr. Hughes:

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 proposed poured concrete retaining wall as illustrated and detailed on site plans submitted with your application. These site plans were received on July 28, 2004.

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of freshwater wetlands are proposed. However, pursuant to Rule 9.03 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. 04-0379:

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 plans submitted with your application dated July 21, 2004 and received by the DEM on July 28, 2004. 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 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 Smithfield 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 four (4) years from the date of issue.
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.
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 silt fence must be removed.
12. 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.
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. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically,
 - a) vegetation clearing for access to the pond from the landward side of the pond must be limited to a maximum of 10 feet in width;
 - b) upon project completion, the vegetated perimeter wetland that will be disturbed for access must be seeded with a wildlife conservation ground cover plant seed mixture, and planted with a mix of shrubs consisting of highbush blueberry (*Vaccinium corymbosum*) and arrow-wood (*Viburnum dentatum*). This area must then be mulched with loose hay. The shrubs must be at least three (3) feet tall after planting and installed eight (8) feet on center throughout the disturbed perimeter wetland as soon as possible after completion of the project, weather permitting. After planting, the disturbed perimeter wetland must be allowed to revert to a natural, wild state; and

c) upon completion of the project, the backfilled zone between the existing embankment and constructed wall must be seeded with a wildlife conservation ground cover seed mixture, mulched with loose hay and allowed to revert to a natural wild state, without being subjected to mowing or manicuring. This project must take place in compliance with these revisions.

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.

Kindly be advised that this permit is not equivalent to a verification of the type or extent of freshwater wetlands on-site. Should you wish to verify this wetland or any other freshwater wetland edges on-site, you may submit the appropriate application in accordance with Rule 9.02.

This Permit also constitutes your authorization from the U.S. Army Corps of Engineers ("Corps") under Section 404 of the Clean Water Act for the work proposed. Your project qualifies as a Category 1 activity under the Rhode Island Programmatic General Permit (RI PGP, Permit No. 57). **You are, therefore, not required to file a separate application with the Corps.**

Please note that the attached RI PGP conditions apply to all activities authorized under the RI PGP. Please review them carefully to thoroughly familiarize yourself with their contents. You may wish to discuss all permit conditions with your contractor to ensure that the work can be accomplished in a manner that conforms to all requirements.

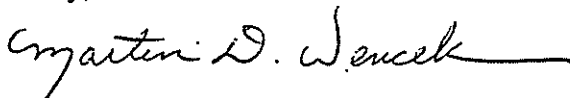
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department and/or subject you to the enforcement provisions of the Corps' regulations.

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 Jane Kelly of this office (telephone: 401-222-6820 x 7420) should you have any questions regarding this letter.

Sincerely,



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

MDW/JEK/jek

Enclosure: Approved site plans
PGP permit conditions

xc: Alfred T. Delcorte, Smithfield Building Official
Robert W. Sutton Jr., Chief, Planning and Development, DEM