



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

March 9, 2011

Madeline Sousa
81 Cherry Hill Road
Johnston, RI 02919

Re: Application No. 05-0180 in reference to the location below:

Approximately 40 feet north of Cherry Hill Road, near Utility Pole No. 16-S, and approximately 80 feet north of its intersection with Columbus Avenue, Assessor's Plat 47-2, Lot 189, Johnston, RI.

Dear Mrs. Sousa:

Thank you for your letter of March 3, 2011 with respect to your Application for Renewal for the above-referenced application. Based on the documentation you provided, and further follow-up of our own records, it does appear that DEM received your application back in August of 2008. Evidently, it was lost somewhere between the main mail room and this Office, and was never processed. While there is no way at this time for me to determine exactly how that happened, I think it is reasonable to assume that we would have renewed your permit, making it valid until May 26, 2011. I have therefore updated our records to reflect this.

Pursuant to Rule 9.04(E) of the Rules & Regulations Governing the Administration and Enforcement of the RI Freshwater Wetlands Act ("Rules"), you are permitted only one (1) renewal of a permit granted under a Request for Preliminary Determination, good for two (2) additional years. However, since your permit would have been valid on November 9, 2009 had we renewed it (and for purposes of your case, we are assuming it was in fact renewed), the permit would be eligible for "tolling" under R.I. Gen. Laws § 42-17.1- 2.5, which was enacted in 2010. Pursuant to that legislation, your permit is automatically extended, and will now be set to expire on **January 13, 2013**. If you do not complete your project by that date, the permit will expire for good, and you will need to submit a completely new application that satisfies current the Rules in order to obtain a new permit.

I hope this is helpful. Feel free to contact me call me at (401) 222-6820, extension 7402 if you have any questions about this letter.

Sincerely,

A handwritten signature in black ink that reads "Charles A. Horbert".

Charles A. Horbert, Permitting Supervisor
Freshwater Wetlands Program
Office of Water Resources
CAH/cah





RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

May 26, 2005

John Sousa
Madeline Sousa
81 Cherry Hill Road
Johnston, RI 02919

Insignificant Alteration - Permit

Re: Application No. 05-0180 in reference to the location below:

Approximately 40 feet north of Cherry Hill Road, near Utility Pole No. 16-S, and approximately 80 feet north of its intersection with Columbus Avenue, Assessor's Plat 47-2, Lot 189, Johnston, RI.

Dear Mr. & Mrs. Sousa:

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 two (2) family dwelling with associated driveway, landscaping, and connections to municipal sewer and water as illustrated and detailed on site plans submitted with your application. These site plans were received on April 27, 2005.

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. 05-0180:

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 and received by the DEM on April 27, 2005. 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 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 Johnston 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 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.
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 fencing, if used, 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. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
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 a revision to the approved site plans. Specifically, the limits of disturbance and erosion and sedimentation controls were extended to the west to allow for a minimum ten (10) foot clearance around the residence to provide a realistic area for construction & future maintenance. This revision is clearly marked in red on the approved plans. This project must take place in compliance with this revision.

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 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.

Kindly be advised that this permit is not equivalent to a verification of the kind and extent of freshwater wetlands on-site. Should you wish to obtain such a verification, an application may be submitted in accordance with Rule 9.02.

Please contact Kate McPherson of this office (telephone: 401-222-6820, ext. 7732) should you have any questions regarding this letter.

Sincerely,



Charles A. Horbert, Permitting Supervisor
Freshwater Wetlands Program
Office of Water Resources
CAH/KHM/khm

Enclosure: Approved site plans

xc: Steven M. Cabral, P.E., Crossman Engineering, Inc.
Victor Caetano, Johnston Building Official