



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

February 24, 2011

Manuel Cabral  
188 Hornbine Road  
Swansea, MA 02777

**Permit Renewal**

Re: Application No. 06-0069 in reference to the location below:

Approximately 250 feet north of Bridle Way opposite Utility Pole No. 2 and approximately 350 feet northeast of its intersection with Stafford Road, Assessor's Map 4-11, Block 215, Card 1A, Tiverton, RI.

Dear Mr. Cabral:

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 November 8, 2010.

It is our understanding that you are requesting renewal of the permit issued for Application No. 06-0069. The original permit was issued on October 1, 2007 to you for alterations to freshwater wetlands at the above-referenced location.

This Program has completed a review of your application and has noted that your project has not yet started at this time. In all other respects, it is 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 (Rules). It is our determination, therefore, that the permit may be renewed. This renewal is valid until **October 1, 2011** and expires on that date.

Please be advised that **this is the final renewal** allowed pursuant to Rule 10.07 (F). Therefore, no further renewal may be granted unless you or a subsequent transferee can satisfactorily demonstrate that the permitted alteration is being carried out in strict accordance with the permit and the Rules and the alteration will be completed in a period of one (1) additional year or less.

It is your responsibility to maintain compliance with the conditions of the original 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. Any modifications to the project not illustrated on the approved site plans would require approval of, at least, an Application for Permit Modification prior to the expiration of the permit.



Please contact me directly (telephone: 401-222-6820, ext. 7402) should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Charles A. Horbert". The signature is written in black ink and includes a long horizontal flourish extending to the right.

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



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

**CERTIFIED MAIL**

October 1, 2007

Manual Cabral  
188 Bridle Way  
Tiverton, RI 02878

**PERMIT TO ALTER FRESHWATER WETLANDS**

Re: Application No. 06-0069 in reference to the location below:

Approximately 250 feet north of Bridle Way opposite Utility Pole No. 2 and approximately 350 feet northeast of its intersection with Stafford Road, Assessor's Map 4-11, Block 21 5, Card 1A, Tiverton, RI

Dear Mr. Cabral:

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 two (2) bedroom dwelling with associated gravel driveway, Individual Sewage Disposal System ("ISDS"), underground utilities, retaining wall and landscaping as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on April 9, 2007. 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. General Laws (R.I.G.L.) Section 2-1-18 et seq.) and the procedures set forth in Rule 9.05 of the applicable Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules").

This Program received one letter relating to your application, which was submitted during the public notice period. The letter expressed concern regarding your project's impacts to freshwater wetland values. This Program reviewed the letter together with any supporting documents and evaluated the potential impacts from the project upon the values mentioned in the letter. The Program has determined that the comments contained within this letter do not constitute an objection of a substantive nature as defined by Rule 5.53. Therefore, a public hearing pursuant to R.I.G.L. Section 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 Application No. 06-0069:**

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 9, 2007. 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 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 the Rules.
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. Also prior to commencement of any site alterations, permanent buffer zone markers must be installed along the limit of disturbance at the locations indicated on the approved site plans, in order to provide permanent reference points on site that are clear to present and future property owners. Acceptable permanent type markers include 4" x 4" pressure treated timber posts, galvanized fence posts with cap, or granite or concrete bounds. Markers must extend a minimum 24" above grade. A permanent-type tag or sign labeled "RIDEM Buffer Zone" must be placed on each marker. A permanent-type fence at least 24" tall placed along the limits of disturbance and similarly labeled may be substituted where desired. **No alterations of any kind are permitted beyond these markers without first obtaining the necessary permit from this Program.**
11. Immediately upon installation of the buffer zone markers, this Program must be contacted to arrange an on-site inspection. Work may be initiated on the project as herein approved only once proper installation has been confirmed by this Program.

12. 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.
13. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of silt fence must be removed.
14. 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.
15. 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.
16. 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.
17. Artificial lighting along the driveway/roadway where it crosses freshwater wetlands is not authorized in this permit.

This permit is valid for the original applicant only unless transferred pursuant to the Rules..

**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. NAE-2006-2711). You are, therefore, not required to file a separate application with the Corps.**

Please note that the General Conditions within the attached RI PGP 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 against you by the DEM and/or subject you to the enforcement provisions of the Corps' regulations.

In permitting the proposed alterations, the Program 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, Providence, RI 02908. A copy of the request must 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 Rule 7.00(b) of the "Administrative Rules of Practice and Procedure for the Department of Environmental Management Administrative Adjudication Division for Environmental Matters", (AAD Rules). AAD Rule 7.00(b) provides:

"The request for 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 the AAD Rules, Chapter 42-35-1 et seq. of the R.I.G.L., 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 Nancy Freeman of my staff at this office (telephone: 401-222-6820).

Sincerely,



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

Enclosure:      Approved Site Plans  
                     RI Programmatic General Permit

xc: Kathleen Lanphear, Chief, Administrative Adjudication Division  
Russell Chateaneuf, Chief of Groundwater & Wetlands Protection  
Harold K. Ellis, Enforcement Supervisor, Office of Compliance and Inspection  
Neal Personeus, DEM Water Quality Certification Program  
Michael Elliott, U.S. Army Corps of Engineers, New England Division  
David Webster, Tiverton Public Works Director  
Gareth Eames, Tiverton Building Official  
Doug Harris, Narragansett Indian Tribal Historic Preservation Office  
Stuart B. Hardy, Vice Chair, Tiverton Conservation Commission  
William F. Smith, Civil Engineering Concepts, Inc.  
Scott P. Rabideau, Natural Resource Services, Inc.