



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

August 16, 2010

Henry Rosciti
PO Box 19120
Johnston, RI 02919

Re: Notice of Completion of Work – Application No. 06-0102 for property located:

Approximately 220 feet south of Maria Avenue and approximately 220 feet east of the intersection of Maria Avenue and Carl Street, Assessor's Plat 114, Lots 29,46, 48 and 49 Providence, RI

Dear Mr. Rosciti:

In response to your phone call indicating the completion of the required actions listed in this Program's February 10, 2010 letter, the Freshwater Wetlands Program has re-inspected the property subject to the Application mentioned above. This inspection took place on August 3, 2010. This inspection revealed that the work carried out on said property has been completed in compliance with the plans approved by this Department and the conditions of approval issued in our permit letter of April 22, 2008 (copy enclosed). Accordingly, it now appears that your project has been completed pursuant to the permit issued on April 22, 2008 and in accordance with the approved site plans.

This letter represents a "Notice of Completion of Work" as described in Section 2-1-22 (f) of the Fresh Water Wetlands Act. In accordance with said Section, this letter is to be recorded in the land evidence records of the city where the property subject to this permit is located.

Please note that per condition 11 of the permit letter erosion controls are to be permanently maintained at the site to protect wetlands from sedimentation. You should also note that no further improvements to the property may be made without a new Permit from this Program.

Thank you for your cooperation in this matter. Please contact Andrew Charpentier of the Freshwater Wetlands Program (telephone: 222-6820 ext. 7414) should you have any questions.

Sincerely,

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

xc: Harold Ellis, Enforcement Supervisor, Office of Compliance & Inspection





RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

APR 22 2008

CERTIFIED MAIL

Henry Rosciti
PO Box 19120
Johnston, RI 02919

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Application No. 06-0102 in reference to the location below:

Approximately 220 feet south of Maria Avenue and approximately 220 feet east of the intersection of Maria Avenue and Carl Street, Assessor's Plat 114, Lots 29,46, 48 and 49 Providence, RI

Dear Mr. Rosciti:

The Department of Environmental Management's ("DEM") Office of Water Resources Freshwater Wetlands Program ("Program") has completed its review of your **Application to Alter a Freshwater Wetland** regarding the proposed construction of two construction /storage yards as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on December 10, 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 Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules).

This Program received one letter relating to your application that was submitted during the public notice period. This letter expressed concern regarding your project's impacts to freshwater wetland values. This Program reviewed this 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 in 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. 06-0102:

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 December 10, 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 city 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 City of Providence and supply this Program with written documentation obtained from the City 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. 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. Perimeter erosion controls, in the form of silt fence, hay bales, coconut fiber berms or other appropriate measures, are to be permanently maintained at the site to protect downstream wetlands from sedimentation impacts associated with the frequently-disturbed nature of construction yards.

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. In consideration of the character of this lot as floodplain, the approved construction yard is to be utilized only for intermittent parking of equipment and vehicles and the storage of plastic pipe. Use of the yard to store other materials is not allowed without the proper permit.
14. No grade changes are permitted other than as necessary for removal of existing debris piles. Placement of the proposed 6-inch gravel base is to be preceded by appropriate scarification and removal of an equivalent amount of existing soil or material. Any removed material is to be tested and appropriately disposed of at an off-site approved facility in accordance with relevant state and federal regulations.
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.
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.

Pursuant to the provisions in Rule 7.09 and Rule 11.04 of the current Rules, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

Kindly be advised that this Permit does not relieve you of any obligations with respect to remediation of lead contamination on the subject property, with reference to the DEM Office of Waste Management's Case No. 2002-076. You are further advised that any remediation of this site requiring work other than what is herein permitted, with particular emphasis on any changes to the existing grades, will first require an additional new application to this Program for review and approval.

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 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 should 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).

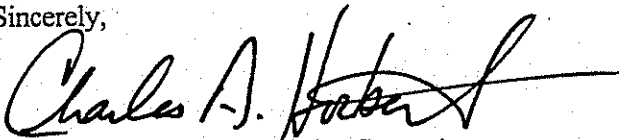
AAD Rule 7.00(b) provides:

"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 statues 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 Andrew Charpentier of my staff at this office (telephone: 401-222-4700 ext. 7414).

Sincerely,



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

Enclosure: Approved Site Plans

xc: Kathleen Lanphear, Chief, Administrative Adjudication Division
Russell Chateauf, Chief of Groundwater & Wetlands Protection
Harold K. Ellis, Enforcement Supervisor, Office of Compliance and Inspection
Jeffery Crawford, Principal Environmental Scientist, Office of Waste Management
Joseph P. McCue, Natural Resource Services, Inc.
David E. Provonsil, P.E.
James & Gloria Maron