



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

November 9, 2015

Terrapin Development, LLC  
Attn: James McKee  
16 Hillside Road  
Cumberland, RI 02864

**REVISED PERMIT**

**Re:** Application No. 06-0162 and RIPDES # RIR101329 in reference to the location below:

Approximately 700 feet west of Abbott Run Valley Road, near Utility Pole No. 83, and approximately 300 feet southeast of the intersection of Fairhaven Road and Hereford Drive, Assessor's Plat 24, Lots 84 and 96, Cumberland, RI

Dear Mr. McKee:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed addition of two additional single family residences with driveways, connections to municipal sewer and water, and stormwater management, for a total of 20 residences as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on October 23, 2015.

Based upon the Program's evaluation of the revised project and pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules), it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq. Please also be advised that the Program has also reviewed this project in accordance with the standards of the RIPDES General Permit for Stormwater Discharge Associated with Construction Activity ("CGP").
2. This revised 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. 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 revised permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the stamped approved site plans and a copy of all revised permits must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plans must be made available for review by any DEM or Town representative upon request.
5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of Cumberland and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.

Application No. 06-0162

6. Pursuant to R.I. Gen. Laws § 42-17.1-2.5 this permit is subject to tolling and shall be valid until July 18, 2017 unless renewed pursuant to the Rules. **Note however that, as you were notified in an earlier Revised Permit issued on October 2, 2015, you are still obligated to complete certain work in an earlier timeframe to resolve non-conformance issues related to meeting stormwater runoff standards. Refer to Condition No. 8 of that revised permit (enclosed).**

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's permit dated November 27, 2006 and previous revised permit dated October 2, 2015 (copies enclosed) remain in effect.

Additionally, the Program has reviewed this project in accordance with the standards of the RIPDES General Permit for Storm Water Discharge Associated with Construction Activity ("CGP"). Construction Activities which disturb one (1) or more acres of land and where storm water runoff is directed, via a point source, into a separate storm sewer system or into the waters of the State, are required to seek coverage under the Rhode Island Pollutant Discharge Elimination System (RIPDES) storm water permit. Our review has determined that the project has been designed to meet the requirements of the 2013 GP. This determination therefore includes your final authorization to discharge storm water associated with construction activity under the CGP. For future references and inquiry, your permit authorization number is RIPDES No. **RIR101329**.

Both the owner and the contractor retained to undertake the construction activity are required to comply with all terms and conditions of the CGP. This includes maintaining the Soil Erosion and Sediment Control (SESC) Plan, performing the required inspections and maintenance of the selected Best Management Practices (BMPs), and retaining inspection records. Further information on the requirements of the CGP is available at: <http://www.dem.ri.gov/pubs/regs/regs/water/ripdesca.pdf>.

Please be aware that the RIDEM's Rules and Regulations Governing the Establishment of Various Fees require that RIPDES CGP permit holders to pay an Annual Fee of \$100.00. An invoice will be sent to the owner on record in May/June of each year if the construction was still active as of December 31<sup>st</sup> of the previous year. The owner will be responsible for the Annual Fee until the construction activity has been completed, the site has been properly stabilized, and a completed Notice of Termination (NOT) has been received by the RIPDES Program. A copy of the NOT can be found attached to the CGP on the web page referenced above.

Pursuant to the provisions in Rule 7.09 and Rule 11.04, 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 is not equivalent to a determination of the type or extent of freshwater wetlands on the subject property. Should you wish to obtain such verification, you may submit an application in accordance with the Rules.

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.

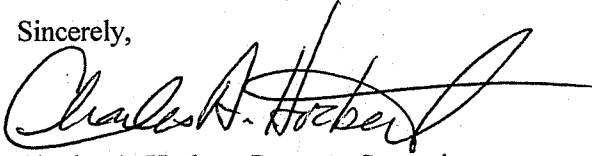
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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.

Application No. 06-0162

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, Program Supervisor  
Freshwater Wetlands Program  
Office of Water Resources  
CAH/KHM/khm

Enclosure:    Approved revised site plans

- ec:   Brian Moore, Chief of Groundwater & Wetland Protection
- Stephen Tyrrell, RIDEM Office of Compliance & Inspection
- Traci Pena, RIDEM RIPDES Program
- Mary Kay, Esq., RIDEM Office of Legal Services
- Peter Scorpio, Cumberland Building Official
- Kelly Morris, Cumberland Planning Director
- Robert Anderson, Cumberland Public Works Director
- Nicholas J. Piampiano, P.E., Advanced Civil Design, Inc.
- Scott P. Rabideau, Natural Resource Services, Inc.
- Michael Kelly, Esq., Kelly & Mancini, PC (via Andrea Nadeau)



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 2, 2015

Terrapin Development, LLC  
Attn: James McKee  
16 Hillside Road  
Cumberland, RI 02864

**REVISED PERMIT**

**Re:** Application No. 06-0162 & RIPDES # RIR101329 in reference to the location below:

Approximately 700 feet west of Abbott Run Valley Road, near Utility Pole No. 83, and approximately 300 feet southeast of the intersection of Fairhaven Road and Hereford Drive, Assessor's Plat 24, Lots 84 and 96, Cumberland, RI

Dear Mr. McKee:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed modifications to the roadway & drainage system associated with the permitted eighteen (18) lot residential subdivision known as "Lanesville Commons, Phase II & III" as illustrated and detailed on revised site plans submitted with your application. These after-the-fact proposed revisions are intended to modify the drainage system from the originally approved design as well as correct construction errors that occurred. The most recently revised site plans were received on September 8, 2015.

Based upon the Program's evaluation of the revised project and pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules), it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq. Please also be advised that the Program has also reviewed this project in accordance with the standards of the RIPDES General Permit for Storm Water Discharge Associated with Construction Activity ("CGP").
2. This revised 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. 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 revised permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the stamped approved site plans and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plans must be made available for review by any DEM representative upon request.

5. Within ten (10) days of the receipt of this revised permit, you must record this revised permit in the land evidence records of the Town of Cumberland and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. Pursuant to R.I. Gen. Laws § 42-17.1- 2.5 this permit is subject to tolling and shall be valid until July 18, 2017 unless renewed pursuant to the Rules. **Note however that certain work is to be completed in an earlier timeframe to resolve non-conformance issues related to meeting stormwater runoff standards. Refer to Condition No. 8 below.**
7. The long term operation and maintenance plan, found on sheet 2 of 2 of the approved plans dated received September 8, 2015 shall be strictly followed.
8. As you are aware, the existing infiltration basin ("Drainage Pond #2) has not been constructed to the proper dimensions or proper elevations, which is directly affecting its performance. Time is of the essence to correct this deficiency. Work to correct this basin as depicted on the approved site plans is to take precedence over all other work on this project site. Work on this basin is to be completed **no later than November 15.**
9. You must strictly adhere to your soil erosion and sediment control plan throughout the life of the project. Large areas of unstable soil were observed on the construction site during the most recent inspection. It is your responsibility to follow the soil erosion and sediment control plan to prevent this material from leaving the site or flowing downslope thereby affecting wetlands and stormwater management structures. Enclosed is a recent notice issued by the Office of Water Resources that is directly relevant to this project.

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's permit dated November 27, 2006 (copy enclosed) remain in effect.

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

As already noted herein, please also be advised that the Program has also reviewed this project in accordance with the standards of the RIPDES General Permit for Storm Water Discharge Associated with Construction Activity ("CGP"). Construction Activities which disturb one (1) or more acres of land and where storm water runoff is directed, via a point source, into a separate storm sewer system or into the waters of the State, are required to seek coverage under the Rhode Island Pollutant Discharge Elimination System (RIPDES) storm water permit. Our review has determined that the project has been designed to meet the requirements of the 2013 GP. This determination therefore includes your final authorization to discharge storm water associated with construction activity under the CGP. For future references and inquiry, your permit authorization number is RIPDES No. RIR101329.

Both the owner and the contractor retained to undertake the construction activity are required to comply with all terms and conditions of the CGP. This includes maintaining the Soil Erosion and Sediment Control (SESC) Plan, performing the required inspections and maintenance of the selected Best Management Practices (BMPs), and retaining inspection records. Further information on the requirements of the CGP are available at:

<http://www.dem.ri.gov/pubs/regs/regs/water/ripdesca.pdf>.

Please be aware that the RIDEM's Rules and Regulations Governing the Establishment of Various Fees require that RIPDES CGP permit holders to pay an Annual Fee of \$100.00. An invoice will be sent to the owner on record in May/June of each year if the construction was still active as of December 31<sup>st</sup> of the previous year. The owner will be responsible for the Annual Fee until the construction activity has been completed, the site has been properly stabilized, and a completed Notice of

Termination (NOT) has been received by the RIPDES Program. A copy of the NOT can be found attached to the CGP on the web page referenced above.

You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands until such time that you document that this responsibility has been assumed by another person or organization. You are also responsible for ensuring that your project complies at all times with the RIPDES Construction GP.

Kindly be advised that this permit is not equivalent to a determination of the type or extent of freshwater wetlands on the subject property. Should you wish to obtain such verification, you may submit an application in accordance with the Rules.

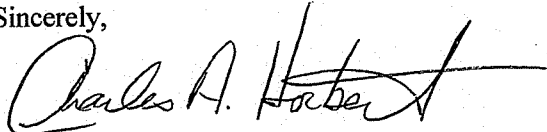
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

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.

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, Program Supervisor  
Freshwater Wetlands Program  
Office of Water Resources  
CAH/KHM/khm

Enclosures: Approved revised site plans  
Letter dated November 27, 2006  
Soil Stabilization Notice

ec: Brian Moore, Chief of Groundwater & Wetland Protection  
Stephen Tyrrell, RIDEM Office of Compliance & Inspection  
Traci Pena, RIDEM RIPDES Program  
Mary Kay, Esq., RIDEM Office of Legal Services  
Peter Scorpio, Cumberland Building Official  
Kelly Morris, Cumberland Planning Director  
Robert Anderson, Cumberland Public Works Director  
Nicholas J. Piampiano P.E., Advanced Civil Design, Inc.  
Scott P. Rabideau, Natural Resources Services, Inc.  
Michael Kelly, Esq., Kelly & Mancini, PC (via Andrea Nadeau)



RI  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

November 27, 2006

North Branch Co., LLC  
Edward & Winifred Hicks  
c/o Garafalo & Associates, Inc.  
PO Box 6145 - 85 Corliss Street  
Providence, RI 02940

**Insignificant Alteration - Permit**

**Re:** Application No. 06-0162 in reference to the location below:

Approximately 700 feet west of Abbott Run Valley Road, near Utility Pole No. 83, and approximately 300 feet northeast of the intersection of Fairhaven Road and Hereford Drive, Assessor's Plat 24, Lots 84 and 96, Cumberland, RI

Dear Mr. and Mrs. Hicks:

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 twenty-two (22) lot residential subdivision with associated roadways, utilities, drainage system, landscaping and lot development as illustrated and detailed on site plans submitted with your application. These site plans were received on September 5, 2006.

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. 06-0162:

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 September 5, 2006. 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 Cumberland 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. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands until such time that you document that this responsibility has been assumed by another person or organization.
14. You must provide written certification from a registered land surveyor or registered professional engineer that the stormwater drainage system including any and all basins, piping systems, catch basins, culverts, swales and any other stormwater management control features have been constructed/installed in accordance with the site plans approved by this permit. This written certification must be submitted to this Program within twenty (20) days of its request or upon completion of the project.
15. This Program has made a specific revision to the approved site plans. Specifically, the limit of disturbance has been clearly shown in red at the proposed erosion and sedimentation controls to avoid any ambiguity in this regards. 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.

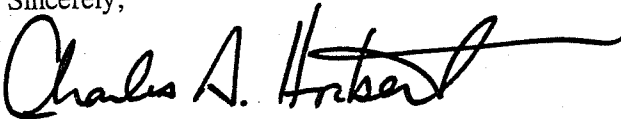
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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 type 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 M<sup>c</sup>Pherson 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: Samuel S. Hemenway, P.E., Garofalo & Associates, Inc.  
Mark Favreau, Cumberland Building Official  
Merrick A. Cook, Cumberland Planning Director