



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

May 4, 2007

John Mulhearn  
55 Indian Hill Road  
Warwick, RI 02886

**Determination of Non-Jurisdiction**

Re: Application No. 07-0110 in reference to the location below:

Approximately 160 feet north of Bayberry Road, immediately northwest of the intersection of Bayberry Road and Log Road, Utility Pole No. 97, AP 50 Lot 69, Smithfield, RI.

Dear Mr. Mulhearn:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program, ("Program") has completed its review of your proposed single-family home with attached garage and associated driveway, ISDS, retaining walls, utility lines, site grading, and landscaped yard for the above referenced property ("subject property") as illustrated and detailed on site plans submitted with your application. The site plans referenced by this letter and on file with this Program were received on March 13, 2007.

Our inspection reveals that freshwater wetlands regulated by the DEM are present on or in close proximity to the subject property. Review of your proposed project, however, reveals that this project does not represent an alteration to these freshwater wetlands. It is our determination therefore that a permit for this project pursuant to the Freshwater Wetland Act (Rhode Island General Law Section 2-1-18 *et seq.*) or the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act is not required. This Determination of Non-Jurisdiction is specific to the proposed site alterations illustrated and detailed on site plans on file with this Program and is further predicated on the following:

1. Adequate measures are employed during and after site alterations to control soil erosion and to prevent any sediment from such erosion being deposited in any freshwater wetlands. You should consult the Rhode Island Soil Erosion and Sediment Control Handbook for appropriate methods to control erosion and prevent sediment from leaving your project site.
2. This determination does not authorize you to modify your project in such a way as to result in the following:
  - a. An increase in the rate and/or volume of surface water runoff flowing into, or draining or diverting from these wetlands; or
  - b. A diversion of groundwater into or away from these wetlands; or



- c. A modification to the quality of water reaching these wetlands that could change their natural character.
3. This Program has made specific revisions to the site plans reviewed. These revisions are clearly marked in red on the reviewed plans. This project must take place in compliance with these revisions. Specifically, the location of the silt fence is to be the Limit of Disturbance (LOD).

Please note that this Determination of Non-Jurisdiction is specific to this proposed project, is valid for a limited period of four (4) years from the date of issue, and does not remove your obligation to obtain any local, state or federal approvals or permits required by ordinance or law.

Modification to your project that would result in an alteration or allowing your project to result in an alteration to freshwater wetlands requires a permit from this Program. Unauthorized alterations to freshwater wetlands are subject to enforcement action.

**Kindly be advised that this determination is not equivalent to a verification of the type or extent of freshwater wetlands on site. Should you wish to have the types and extent of freshwater wetlands verified, you may submit the appropriate application in accordance with Rule 9.02.**

Enclosed please find one (1) copy of your site plans stamped REVIEWED by this Program. Please contact Claire Swift (telephone: 401-222-6820x 7418) should you have any questions.

Sincerely,



W. Joseph Casey, Senior Environmental Scientist  
Office of Water Resources  
Freshwater Wetland Program

WJC/CVS/cvs

Enclosure: Reviewed Site Plan

xc: Alfred T. DeCorte, Smithfield Building Official  
Scott P. Rabideau, Natural Resource Services, Inc.  
Richard T. Bzdyra, PLS, Ocean State Planners  
William M. Anderson, P.E., Anderson Engineering