



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 5, 2007

PCD Realty, LLC
J. Robert Pesce
835 Taunton Avenue
East Providence, RI 02914

Re: Application No. 07-0120 in reference to the location below:

Approximately 240 feet northeast of J. Medeiros Way, between the intersections of J. Medeiros Way and Commercial Way, and J. Medeiros Way and Almeida Avenue, Utility Pole No. 3, AP 506, Block 3, Lots 11, 11.1, and 11.2, East Providence, RI.

Dear Mr. Pesce:

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 parking lot with site grading and stormwater management system as illustrated and detailed on site plans submitted with your application. These site plans were received on August 17, 2007.

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of freshwater wetlands including 200-foot Riverbank Wetland will result from this proposed project.

The proposed alterations affecting freshwater wetlands include at least vegetative clearing, excavation, soil disturbance, grading, and filling.

It is the Program's determination pursuant to the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules) that the proposed project:

- Appears to represent more than a minimal change or modification to the natural characteristics, functions and/or values of the freshwater wetlands noted herein; may be detrimental to the basic natural capabilities or values associated with the freshwater wetlands to be altered; and/or appears to be random, unnecessary, and undesirable; and
- Does not satisfactorily avoid, minimize or mitigate impacts to the freshwater wetlands; and
- Does not comply with the Review Criteria set forth in Rule 11.02 including but not limited to Rule 11.02 (1), (3), and (6); and
- Falls within one or more of the general categories of Significant Alterations as outlined in Appendix 2, C and specifically C (2), C(3), and C(4c).

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Therefore, as proposed, this project represents a **significant alteration** to freshwater wetlands and may proceed only following submission of an **Application to Alter a Freshwater Wetland and receipt of a permit from this Program**. Upon receipt of your application, this Program will proceed with its processing pursuant to the Rules.

You should be aware that alternatives appear available which, without guarantee, could avoid your filing of an Application to Alter a Freshwater Wetland provided that an alternative proposal is developed and submitted under a **new Request for Preliminary Determination**. This alternative proposal must be developed to prevent a significant alteration pursuant to the Rules and must incorporate at least the following considerations, modifications, or recommendations:

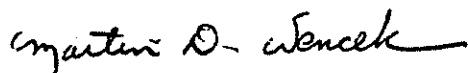
- 1) Substantially reduce proposed alterations to the riverbank wetland with particular emphasis on avoiding woody vegetation.

You should be aware that freshwater wetlands are present on this property that may be regulated under Section 404 of the Clean Water Act (Federal Water Pollution Control Act, as amended, 33 U.S.C.1344). Accordingly, a permit to alter these wetlands may be required from the U.S. Army Corps of Engineers. Any federal permit required is separate and distinct from any state permit issued from the DEM Freshwater Wetlands Program.

Additionally, please be advised that unauthorized wetland alterations have taken place within the river and riverbank wetland in the north corner of the property, including at least vegetative clearing and soil disturbance. The approval of this department is required for such alterations, and these activities must therefore immediately cease.

If you are interested in further details relative to the review of this project by this Program, you are welcome to review this file at our office. Please call in advance to arrange an appointment. If you have any questions relative to this determination, you may contact either me or Claire Swift of my staff (telephone: 401-222-6820, ext. 7418).

Sincerely,



Martin D. Wencek, Permitting Supervisor
Office of Water Resources
Freshwater Wetlands Program

MDW/CVS/cvs

Enclosure: Application Package

xc: Carl Adams, Vice President, Garofalo & Associates, Inc.
Scott P. Rabideau, Natural Resource Services, Inc.