



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

May 22, 2007

Louis J. Spremulli
32 Ann Drive
Johnston, RI 02919

Re: Application No. 07-0128 in reference to the location below:

Approximately 70 feet west of Ann Drive (House #32), and approximately 550 feet southwest of the intersection of Ann Drive and White Drive, Utility Pole No. 1-5, Assessor's Plat 23, Lot 186, Johnston, RI

Dear Mr. Spremulli:

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 yard expansion as illustrated and detailed on site plans submitted with your application. These site plans were received on March 21, 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 the 50-foot perimeter wetland associated with swamp have already occurred on the property, and further alterations will result from this proposed project.

The proposed alterations affecting freshwater wetlands include at least vegetative clearing, soil disturbance, and other construction-related disturbance within the above-noted freshwater wetlands.

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:


- a) 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 and unnecessary and undesirable;
- b) does not satisfactorily avoid, minimize or mitigate impacts to the freshwater wetlands and;
- c) does not comply with the Review Criteria set forth in Rule 11.02 including but not limited to Rule 11.02 (6) and;
- d) falls within one or more of the general categories of Significant Alterations as outlined in Appendix 2(C) and specifically C (1), (2), (3), (4b) & (4c).

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 also be aware that the existing shed and associated vegetative clearing within the perimeter wetland appears to be located beyond the limits of disturbance approved under related Application No. 96-0108 and represent unauthorized alterations of freshwater wetlands. In this case, since the resulting alterations do not appear to be significant, this Department will not pursue further enforcement action in this matter **provided** that no further clearing or alterations occur within regulated freshwater wetlands (i.e. beyond the limits of the existing yard). Failure to abide by this restriction will result referral of this matter to DEM' s Office of Compliance & Inspection for appropriate enforcement action, including orders to restore and assessment of penalties.

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 Andrew Charpentier of my staff (telephone: 401-222-6820 ext. 7414).

Sincerely,



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

Enclosure: Application Package

xc: Stephen Tyrrell, Office of Compliance and Inspection
Bernard Nascenzi, Johnston Building Official