



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 1, 2007

Richard Zelano  
Keagan, LLC  
P.O. Box 311  
Smithfield, RI 02828

**Insignificant Alteration – Permit**

**RE:** Application No. 07-0142 in reference to the property and proposed project located:

Approximately 1,200 feet north of Stillwater Road, approximately 1,000 feet west of the intersection of Stillwater Road and Meadow View Drive, Assessor's Plat 46, Lots 83 and 83A, Smithfield, RI.

Dear Mr. Zelano:

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 twelve (12)-lot residential subdivision with associated roadways, dwellings, driveways, private wells, utilities and landscaping as illustrated and detailed on site plans submitted with your application. These site plans were received on September 14, 2007.

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. 07-0142:

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 14, 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 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 Smithfield 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, which 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 staked hay bales and/or silt fencing must be removed.
12. You are responsible for the proper operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control that are installed or used in compliance with this permit to prevent harm to adjacent wetlands.
13. 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.
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 specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically, a) with regard to the Stillwater Road drainage easement and outfall to Harris Brook, all trees at least twelve (12)-inches DBH (Diameter at Breast Height) located within Riverbank Wetland shall be preserved and protected. In addition, b) General Note # 11 is modified so that the drainage outfall adjacent to Harris Brook must be inspected at least semi-annually and after rainstorms of greater than three (3) inches. If erosion greater than six (6)-inches in depth occurs after final grading, a new application must be submitted to this Program for installation of a continuous riprap channel from the flared end section to the top of the existing boulders at the edge of Harris Brook. If erosion to a depth of six (6)-inches or less occurs, original grades must be restored and the area must be seeded with a wildlife conservation grass seed mix and allowed to revegetate naturally. This project must take place in compliance with these revisions.

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.

Kindly be advised that this permit is not equivalent to a verification of the type or extent of freshwater wetlands on-site. Should you wish to verify this wetland or any other freshwater wetland edges on-site, you may submit the appropriate application in accordance with Rule 9.02.

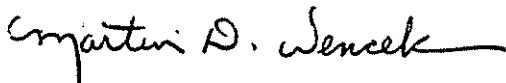
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

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 Jane Kelly of this office (telephone: 401-222-6820 x 7420) should you have any questions regarding this letter.

Sincerely,



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

MDW/JEK/jek

Enclosure: Approved site plans

xc: B. James Suzman, Smithfield Director of Public Works  
Alfred T. DeCorte, Smithfield Building Official  
Carl Adamo, P.E., Garofalo & Associates, Inc.