



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

July 2, 2010

**CERTIFIED MAIL**

Arthur D'Ercole  
11 D'Ercole Drive  
Cranston, RI 02920

RE: Application No. 07-0182; Notice of Denial in reference to the property and proposed project located approximately 80 feet east of D'Ercole Drive, approximately 400 feet northeast of the intersection of D'Ercole Drive and Freehold Avenue, Assessor's Plat 16, Lot 308, Cranston, RI.

**"Appendix A"**

**PERMIT TO ALTER FRESHWATER WETLANDS**

Dear Mr. D'Ercole:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has reevaluated your Application to Alter a Freshwater Wetland regarding the project proposed at the above referenced property ("subject property"/"site"). This reevaluation is in response to settlement negotiations involving the original decision issued by this Office on March 11, 2009 for Application No. 07-0182 and has been accomplished in accordance with Rule 9.06 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules") that were in effect at the time your original application was submitted. That decision was contested by you in your appeal to the DEM Administrative Adjudication Division for Environmental Matters (AAD). As a result of your appeal, settlement negotiations were entered to seek resolution of the contested issues and a Consent Agreement has been entered between you and the DEM. This consent agreement was executed by you on June 28, 2010 and is enclosed herein as a matter of record.

As a result of settlement negotiations, the Program has reviewed and evaluated a revised project proposed by you and as described by revised site plans received by the Program on April 28, 2010. The revised site plans are noted as Appendix B in the above mentioned consent agreement. The Program has determined that the revised project does not represent a random, unnecessary, or undesirable alteration of freshwater wetlands. Therefore, the Program, in response to our evaluation and the fully executed consent agreement, hereby issues this permit to alter freshwater wetlands, subject to all controlling Rules and the Terms and Conditions set forth herein.

Permit Terms and Conditions for Application No. 07-0182:

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 plan submitted with your application and received by the DEM on April 28, 2010. A copy of the site plan stamped approved by the DEM and referenced as Appendix B 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 plan, these terms and conditions shall be deemed to supersede the site plan.
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 City of Cranston and supply this Program with written documentation obtained from the City showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires one (1) year from the effective date unless renewed pursuant to Rule 9.07.
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 or the DEM issues a Notice of Completion of Work for the project.
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 or silt fence must be removed.

12. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plans, or detailed in this permit, must be installed as soon as possible after completion of final grading; weather and season permitting. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.
13. Plantings of trees and/or shrubs as proposed, except for necessary replacement, must be allowed to develop naturally without being subjected to mowing or manicuring.

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.

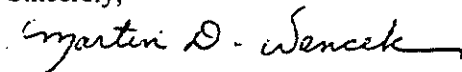
**This Permit also constitutes your authorization from the U.S. Army Corps of Engineers ("Corps") under Section 404 of the Clean Water Act for the work proposed. Your project qualifies as a Category I activity under the Rhode Island Programmatic General Permit (RI PGP, Permit No. NAE-2006-2711). You are, therefore, not required to file a separate application with the Corps.**

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 against you by the DEM and/or subject you to the enforcement provisions of the Corps' regulations.

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.

If you have any questions regarding this matter, you may contact me or Joseph Casey of my staff at this Office (telephone: 401-222-6820).

Sincerely,



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

Enclosure: Approved Site Plans (Appendix B)  
Consent Agreement  
PGP Permit Conditions

xc: David Kerns, Esq., Chief, Administrative Adjudication Division  
Richard Bianculli, Esq., DEM Office of Legal Services  
Stanley Pikul, Cranston Building Official  
Scott P. Rabideau, Natural Resource Services, Inc.  
Peter Alviti, Jr., P.E., Hudson Place Associates