



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

September 25, 2007

Timothy Scanlon
4 Whipple Lane
Greenville, RI 02828

Re: Application No. 07-0331 in reference to the location below:

Approximately 120 feet north of Staples Road, near Utility Pole Nos. 30 and 31, and approximately 3,100 feet northwest of the eastern intersection of Staples Road and Nate Whipple Highway, Assessor's Plat 43, Lot 13, Cumberland, RI

Dear Mr. Scanlon:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program, ("Program") has completed its review of your proposed two (2) lot residential subdivision and construction of two single family 4-bedroom residences with associated driveways, ISDSs, wells, and areas of landscaping 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 August 16, 2007.

Our inspection reveals that freshwater wetlands regulated by the DEM are present on 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 is specific to the proposed site alterations illustrated and detailed on site plans on file with this Program not on proposed site alterations staked onsite 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, which could change their natural character.

3. You are advised of the following with regards to this determination:
- a. Site inspection of the property revealed that field staking of proposed work (limits of disturbance, etc.) does *not match* what is depicted on the site plans. Limit of disturbance stakes were present in the wetland. This determination of nonjurisdiction applies only to what is proposed on the site plans, not what is staked in the field. You must remove and correct all erroneous field staking prior to site alterations.
 - b. The area labeled " area subject to flooding" has been determined by this Program to be forested wetland.

Please note that this Determination is specific to this proposed project as illustrated on the reviewed site plans, 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.

Kindly be advised that this determination is not equivalent to a verification of the type or extent of freshwater wetlands on the subject property. Should you wish to obtain such verification, you may submit an application in accordance with Rule 8.03.

Modification to your project, which 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.

Enclosed please find one (1) copy of your site plans stamped REVIEWED by this Program. Please contact Kate McPherson of this Office (telephone: 401-222-6820, ext. 7732) should you have any questions.

Sincerely,



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

Enclosure: Reviewed Site Plan

xc: Samuel S. Hemenway, P.E. Garofalo & Associates, Inc.