



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

December 4, 2007

Joseph R. Gardiner  
23 Meadowbrook Road  
Wyoming, RI 02898

**Re:** Application No. 07-0407 in reference to the property and proposed project located:

Approximately 45 feet south of Whispering Pines Road, and approximately 100 feet east of the intersection of Spring Brook Road and Whispering Pines Road, Utility Pole No. 8, Assessor's Plat 6B, Lot 5-49, Richmond, RI

Dear Mr. Gardiner:

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 three (3) bedroom dwelling with associated garage, driveway, septic system, well, and landscaping as illustrated and detailed on site plans submitted with your application. These site plans were received on October 4, 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 at least 50-foot perimeter wetland and 100-foot riverbank wetland will result from this proposed project.

The proposed alterations affecting freshwater wetlands include clearing, filling, grading, soil disturbances, and construction related disturbances 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 appears to be random, unnecessary, and undesirable;
- b. does not satisfactorily avoid, minimize or mitigate impacts to the freshwater wetlands;
- c. does not comply with the Review Criteria set forth in Rule 10.05(C) including but not limited to Rule 10.05(C)(6);
- d. and falls within one or more of the general categories of Significant Alterations as outlined in Rule 9.03(B), and specifically B (1), (2), (3b) and (3c).

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:

- Reduce the dwelling footprint and/or eliminate the garage to reduce encroachment into the subject wetlands;
- Reduce the construction envelope to a minimum of 10-feet around all work within jurisdictional wetland;
- Consider further reducing the front setback to the maximum extent allowable with a variance;
- Relocate the proposed well closer to the roadway

In addition please be sure to address the following comments in any future application:

- Revise the Limit of Disturbance to fully enclose the entire project, including any plantings;
- Submit additional information concerning the floodplain associated with the unnamed river (i.e. elevation of floodplain or documented evidence that the project site is above any probable floodplain).
- Depict all proposed grading on site, including for the driveway
- Clearly demarcate (i.e. shading) the extent of the area of temporary disturbance for the proposed well
- Document all attempts made to avoid alterations to freshwater wetland by overcoming or removing constraints imposed by zoning, infrastructure, parcel size, or the like

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.

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 Shawna Holdredge of my staff (telephone: 401-222-6820 ext. 7427).

Sincerely,



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

Enclosure: Application Package

xc: Loren Gengarella, Richmond Building Official  
Kevin Fetzer, Ecotones, Inc.  
Michael McCormick, Alpha Associates, LTD.