



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

March 30, 2011

William A. Machala
28 Bayberry Road
Smithfield, RI 02828

Insignificant Alteration – Permit

Re: Application No. 08-0094 in reference to the property and proposed project located:

Approximately 200 feet west of Bayberry Road and approximately 400 feet southwest of its intersection with Log Road, near Utility Pole No. 3, Assessor's Plat 50, Lot 24, Smithfield, RI.

Dear Mr. Machala:

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 "after the fact" two, twelve-inch steel culverts to conduct An Area Subject to Storm Flowage underneath your driveway as illustrated and detailed on site plans submitted with your application and pursuant to the signed Consent Order issued under Complaint File No. C04-0163. These site plans were received on February 28, 2011.

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 9.00 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. 08-0094:

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 February 28, 2011. 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. 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.



5. The effective date of this permit is the date this letter was issued. This permit expires on July 1, 2015 unless renewed pursuant to the Rules.
6. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
7. 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.
8. This approval is limited to the installation of the two, 12-inch steel pipes to conduct the Area Subject to Storm Flowage (ASSF) underneath the driveway as labeled "proposed" and depicted on the approved site plans. No other work is approved on-site under this permit.

Pursuant to the provisions in Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property

Kindly be advised that this permit is not equivalent to a determination 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.

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 me (telephone: 401-222-6820, ext. 7408) should you have any questions regarding this letter.

Sincerely,

Nancy L. Freeman

Nancy L. Freeman, Senior Environmental Scientist
Office of Water Resources
Freshwater Wetlands Program
NLF/nlf

Enclosure: Approved site plans

xc: Harold Ellis, Office of Compliance & Inspection
Marisa Desautel, Esq., RIDEM Legal Services
Peter R. Scorpio, Smithfield Building Official
Scott P. Rabideau, Natural Resource Services, Inc.