



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

June 19, 2009

Deer Brook Development Corp.
Michael V. D'Ambra, Vice President
2258 Post Road
Warwick, RI 02886

Insignificant Alteration – Permit

Re: Application No. 08-0212 in reference to the location below:

Within Deer Brook subdivision, approximately 180 feet north of Deer Brook Lane (the subdivision entrance road), Utility Pole VZ-10, and approximately 900 feet west of the intersection of Deer Brook Lane and South County Trail (Route 2) Assessor's Plat 66, Block 4, Lots 15 & 16; Assessor's Plat 67, Block 1, Lots 1 & 5; and Assessor's Plat 72, Block 7, Lot 1, Exeter, RI

Dear Mr. D'Ambra:

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 drinking-water treatment building, underground water storage tank, overhead electric line and associated plantings as illustrated and detailed on site plans submitted with your application. This is an after-the-fact proposal to obtain approval for construction that was performed in non-conformance with the approval issued under Application No. 06-0071. These site plans were received on June 30, 2008.

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. 08-0212:

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 has been received by the DEM on June 30, 2008. 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. 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 or Town representative upon request.
5. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the date of issue 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. 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.
8. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of hay bales and/or silt fence must be removed.
9. 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.
10. Previous site inspections within the associated subdivision revealed clearing of vegetation beyond the approved limit of disturbance immediately north of the retaining wall at Station 30+50 of "Road B". This clearing extended approximately twenty (20) feet into perimeter wetland and is presently enclosed within silt fence. This area must be planted with a staggered row of seven (7) White Pines (*Pinus strobus*), planted 10 feet on center and 3-4 feet in height after planting.
11. 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.
12. Buffer zone plantings of trees and/or shrubs proposed between the project and any adjacent freshwater wetland areas, except for necessary replacement, must be allowed to develop naturally without being subjected to mowing or manicuring.

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 the Rules.

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 Andrew Charpentier of this office (telephone: 401-222-6820, ext. 7414) should you have any questions regarding this letter.

Sincerely,



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

Enclosure: Approved site plans

xc: Russell J. Chateauf, Chief of Groundwater & Wetlands Protection
 Harold K. Ellis, Enforcement Supervisor, Office of Compliance & Inspection
 Ronald A. De Francesco, Exeter Building Official
 Leonard R. Bradley, Jr., P.E., DiPrete Engineering Associates, Inc.