



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 22, 2009

Berkeley Realty Company
C/o Thomas E. McNulty
573 Mendon Road
Cumberland, RI 02864

Insignificant Alteration – Permit

RE: Application No. 08-0308 in reference to the property and proposed project located:

Approximately 200 feet southwest of the intersection of Streamview and Riverview Drives; Assessor's Plat 15, Lots 67, 68, 71, 72, 73, and 74, Cumberland, RI.

Dear Mr. McNulty:

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 and has evaluated the proposed construction of two dwellings (one with garage) with driveways, utilities; and for related road demolition and road construction with utilities, drainage structures, a retaining wall, a vehicle turnaround, and a water quality basin, as illustrated and detailed on site plans submitted with your application. These site plans were received on September 4, 2009.

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. 08-0308:

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 September 4, 2009. 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. You must notify this Program in writing immediately prior to the commencement of site alterations and upon completion of the project.



30% post-consumer fiber

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 Town of Cumberland and supply this Program with written documentation obtained from the Town showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the date of issue.
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.
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 silt fence must be removed.
12. You are responsible for the proper operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands.
13. 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.
14. All northern white cedar saplings (*Thuja occidentalis*) located on the road shoulders of Streamview Drive within the 100 foot riverbank wetlands that are currently dead must be replaced as soon as possible, weather permitting.
15. 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. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.

16. 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.
17. R.I. Standard Detail 51.1.0 (Tree Protection Device) must be utilized when the limit of disturbance depicted on the approved site plans occurs inside the tree drip line.
18. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. This project must take place in compliance with these revisions. Specifically a) the proposed twenty eastern red cedar (*Juniperus virginiana*) saplings to be installed within the road shoulders of Streamview Drive are not required (see sheet 2 of 7) since that location already contains northern white cedar saplings (see condition number 14 above), and b) an opaque visual barrier no less than five (5) feet tall must be installed on and along the top of the proposed retaining wall (see sheet 2 of 7). This feature shall constitute the protective barrier (guard) as noted on sheet 2 of 7 of the approved site plans and shall adhere to all additional local zoning and building code structural requirements.
19. Note 10 under "STORM DRAINAGE SYSTEM MAINTENANCE PLAN" on sheet 6 of 7 of the approved site plans has been modified. The text "(A.K.A. HOLDING POND)" has been changed to "(A.K.A. WATER QUALITY BASIN)." This modification has been marked in red on approved site plan sheet 6 of 7.
20. You must provide written certification from a registered land surveyor or registered professional engineer that the stormwater drainage system including any and all basins, piping systems, catch basins, culverts, swales and any other stormwater management control features have been constructed/installed in accordance with the site plans approved by this permit. This written certification must be submitted to this Program within twenty (20) days of its request or upon completion of the project.

Please note that this Department has not verified the wetland edges that are illustrated on the approved site plans, as part of this application. Therefore, you must strictly adhere to the LIMIT OF DISTURBANCE depicted on the approved site plans.

This permit is valid for the applicant and is automatically transferred upon the sale of the property to the new owner in accordance with Rule 11.04.

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.

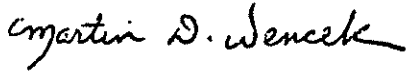
This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Application No. 08-0308

Page 4 of 4

Please contact Daniel Kowal of this office (telephone: 401-222-4700, ext. 7416) should you have any questions regarding this letter.

Sincerely,



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

MDW/DMK/dmk

Enclosure: Approved site plans

xc: Raymond Madden, Cumberland Building Official
John P. Caito, P.E., John P. Caito Corporation