



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

January 20, 2010

Alan-Brian Realty Co.  
c/o Brian Friedman, President  
33 College Hill Road, Suite 29D  
Warwick, RI 02886

**Corrected Insignificant Alteration – Permit**

RE: Application No. 09-0069 in reference to the property and proposed project located:

Approximately 300 feet west of King Arthur Drive, approximately 600 feet southwest of the intersection of King Arthur Drive and Round Table Court, Assessor's Plat 3E, Lot 12, Richmond, RI.

Dear Mr. Friedman:

Based on comments from the Town of Richmond and a revised plan sheet from the original set of plans furnished by the applicant, kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed a second review of your **Request for Preliminary Determination** application. This review included an evaluation of the proposed repairs to an existing dam and more specifically, construction of a fish ladder as illustrated and detailed on the revised site plan (sheet 4 of 4), bearing the latest revision date of December 28, 2009, received by this Program on January 5, 2010.

Our review of this revised site plan and evaluation of the proposed project reveals that alterations of freshwater wetlands are proposed. Based on comments from the Town and on the most recently revised site plan reflecting the correction, permit condition number 15(d) of the original permit dated October 2, 2009 must be revised to adequately allow for passage of fish. 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 still be permitted as a **corrected insignificant alteration to freshwater wetlands only under the following terms and conditions:**

Terms and Conditions for Application No. 09-0069:

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, modified, and corrected on the site plans submitted with your application and received by the DEM on July 7, 2009 (sheets 1,2 and 3 of 4), and received on January 5, 2010, (sheet 4 of 4). A copy of sheet 4 of 4 of the site plan set stamped approved by the DEM is enclosed. Changes or revisions to the project that 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.
5. A copy of these 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.
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 Richmond 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 original date this letter was issued (October 2, 2009). This permit expires four (4) years from that date of issue unless renewed pursuant to the Rules.
8. Any material utilized in this project must be clean and free of matter that 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 hay bales and/or silt fence must be removed.
12. You are responsible for the proper installation, 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 until such time that you document that this responsibility has been assumed by another person or organization.
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 construction activities involving soil disturbances within watercourses must be limited to the low flow period (*i.e.*, the period from July 1 to October 31 of any calendar year). Soil disturbance in these watercourses must temporarily cease in the event of any abnormally high stormwater runoff event during the low flow period.
15. 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) a note has been added to the approved site plan stating that the elevation of the 100-year floodplain is 83.67' Mean Sea Level ("MSL"); b) a 1 foot deep staging pool at elevation 79' MSL must be created in the water course at the base of weir number 8 for the fish ladder; c) the flash board elevation for the Glen Rock Brook Pond ("Pond") must NOT be raised as proposed above the existing flash board elevation of 84.47' MSL. Weather permitting, the elevation of the Pond must be maintained at the existing flashboard elevation of approximately 84.47; d) the proposed elevations of each weir and their associated notches have been correctly illustrated on sheet 4 of 4 which shall maintain the existing pool elevation in the Pond and adequately allow for fish passage; e) the eastern dewatering basin and its associated LOD must be shifted five feet (5') westerly to avoid specific trees as described in condition 17 below.
16. In order to maintain critical brook trout habitat in the Pond through continued shading of the Pond surface, the area depicted on sheet 2 of 4 of the approved plans beyond the "New Limit of Disturbance" for the proposed dam rehabilitation/ fish ladder, and the area beyond the "Old Limit of Disturbance" associated with the work approved under Wetland Application Number 01-0215, **MUST NOT BE CLEARED OF TREES POSSESSING A DIAMETER BREST HEIGHT SIX INCHES OR MORE.** For clarity, this area has been cross-hatched in red on the approved site plan and includes a red maple (*Acer rubrum*), with a diameter breast height measurement of approximately 11 ½ inches (situated in the southwest portion of this area), a second red maple (possessing several smaller multiple trunks) with a DBH of approximately 16 ¼ inches (situated easterly of the center portion of this area), and a birch (*Betula sp.*) with a DBH of approximately 8 ¾ inches (situated in the northeast corner of this area). These trees must be protected with tree armament (in accordance with the detail of the tree protection device on sheet 3 of 4 of the approved plans) to prevent potential injury during on-site activities. **Clearing any of these trees as noted in this condition will null and void this permit and result in enforcement proceedings.**
17. The two oak trees (*Quercus sp.*) situated approximately 20 and 30 feet respectively east-northeast of wetland flag C5, and approximately 24 and 27 feet respectively southeast of wetland flag C6 with diameter breast heights of approximately 12 ¾ inches, and approximately 15 ½ inches respectively, must be preserved and protected with tree armament (in accordance with the detail of the tree protection device on sheet 3 of 4 of the approved plans) to prevent potential injury during on-site activities. **Clearing any of these trees as noted in this condition will null and void this permit and result in enforcement proceedings.**

Pursuant to the provisions in Rule 7.09 and 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.

This Permit also constitutes your authorization from the U.S. Army Corps of Engineers ("Corps") under Section 404 of the Clean Water Act for the work proposed. Your project qualifies as a Category 1 activity under the Rhode Island Programmatic General Permit (General Permit No. NAE-2006-2711). You are, therefore, not required to file a separate application with the Corps.

Please note that the RI PGP General Conditions apply to all activities authorized under the RI PGP. Please review them carefully to thoroughly familiarize yourself with their contents. You may wish to discuss all permit conditions with your contractor to ensure that the work can be accomplished in a manner, which conforms to all requirements.

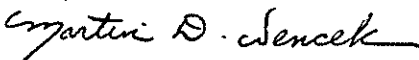
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department and/or subject you to the enforcement provisions of the Corps' regulations.

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 at (telephone: 401-222-6820, Ext. 7412) should you have any questions regarding this letter.

Sincerely,



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

MDW/jc

Enclosure: Approved site plan sheet 4 of 4  
RI Programmatic General Permit

xc: Tracy Hay, Richmond Town Clerk  
Denise Stetson, Richmond Town Planner  
Joseph Arsenault, Town of Richmond, EMA  
Karen Beck, Commonwealth Engineers & Consultants, Inc.  
Robert DeSista, U.S. Army Corps of Engineers