



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
235 Promenade Street, Providence, RI 02908-5767 TDD 401-222-4462

June 1, 2011

CERTIFIED MAIL

New Castle Realty Co.
William Lampe, President
30 Oak Street/PO Box 1728
Westerly, RI 02891

"Appendix A"

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Application No. 09-0199 - Notice of Permit - Terms and Conditions - in reference to the location below:

Approximately 150 feet east of Richmond Townhouse Road (Route 112), near Utility Pole No. 61, and approximately 5,300 feet north of its intersection with Pine Hill Road, Assessor's Plat 7C, Lots 1-10 and 1-11, Richmond, RI

Dear Mr. Lampe:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has reevaluated your Application to Alter a Freshwater Wetland regarding the project proposed at the above referenced property ("subject property"/"site"). This reevaluation is in response to settlement negotiations involving the original decision issued by this Office on February 17, 2011 for Application No. 09-0199 and has been accomplished in accordance with Rule 10.10 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules"). That decision was contested by you in your appeal to the DEM Administrative Adjudication Division for Environmental Matters ("AAD"). As a result of your appeal, settlement negotiations were entered into to seek resolution of the contested issues and a Consent Agreement has been executed between you and the DEM. This Consent Agreement was executed on June 1, 2011 and is enclosed herein as a matter of record.

In accordance with the fully executed consent agreement, this Office has agreed to issue a permit to alter freshwater wetlands subject to all controlling Rules and the Terms and Conditions set forth herein.

As a result of settlement negotiations, the Program has reviewed and evaluated a revised project proposed by you and as described by revised site plans received by the Program on April 13, 2011. The revised site plans are noted as Appendix B in the above mentioned consent agreement. The Program has determined that the revised project does not represent a random, unnecessary, or undesirable alteration of freshwater wetlands. Therefore, the Program, in response to our evaluation and the fully executed consent agreement, hereby issues this permit to alter freshwater wetlands, subject to all controlling Rules and the Terms and Conditions set forth herein.

Permit Terms and Conditions for Application No. 09-0199:

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 April 13, 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. 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 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.
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 date this letter was issued. Pursuant to R.I. Gen. Laws § 42-17.1- 2.5 this permit is subject to tolling and shall be valid until July 1, 2015 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 and the DEM issues a Notice of Completion of Work for the project.~~
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. Also prior to commencement of any site alterations, permanent buffer zone markers must be installed along the limit of disturbance at the locations indicated on the approved site plans, in order to provide permanent reference points on site that are clear to present and future property owners. Acceptable permanent type markers include 4" x 4" pressure treated timber posts, galvanized fence posts with cap, or granite or concrete bounds. Markers must extend a minimum 24" above grade. A permanent-type tag or sign labeled "RIDEM Buffer Zone" must be placed on each marker. A permanent-type fence at least 24" tall placed along the limits of disturbance and similarly labeled may be substituted where desired. **No alterations of any kind are permitted beyond these markers without first obtaining the necessary permit from this Program.**
12. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of silt fencing, if used, must be removed.
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 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.
15. 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.
16. Artificial lighting is not authorized to be installed along the driveway where it crosses freshwater wetlands by 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. Pursuant to the provisions in Rule 7.09 (C), within ten (10) days of any property transfer, the subsequent transferee must notify the Department by forwarding a certified copy of the deed of transfer.

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 against you by the DEM.

In permitting the proposed alterations, the Program 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.

If you have any questions regarding this matter, you may contact me or Kate McPherson of my staff at this Office (telephone: 401-222-6820 x7732).

Sincerely,



Charles A. Horbert, Permitting Supervisor
Office of Water Resources
Freshwater Wetlands Program

Enclosure: Approved Site Plans
 Consent Agreement

xc: Bonnie Stewart, Administrative Adjudication Division
 Russell Chateauf, Chief, Groundwater and Wetlands Protection
 Brian Moore, OWTS
 Marisa Desautel, Esq., DEM Office of Legal Services
 Loren R. Gengarella, Richmond Building Official
 Anthony A. Nenna, P.E., On Site Engineering, Inc.
 Thomas McGuire, Richard A. Greene & Associates, Inc.