



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

September 7, 2011

William Pickles
23 Tally Ho Road
Cumberland, RI 02864

Insignificant Alteration – Permit

RE: Application No. 10-0069 in reference to the property and proposed project located:

Approximately 60 feet west of Morris Street; opposite utility pole nos. 17 & 18; approximately 160 feet north-northwest of the intersection of Mowry Avenue and Morris Street; Assessor's Plat 10, Lot 111; Cumberland, RI.

Dear Mr. Pickles:

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 a three lot residential subdivision containing a proposed flood plain compensation area, a proposed wetland restoration area with plantings, two proposed houses, each with driveways, utilities, and yards, and other proposed plantings, as illustrated and detailed on site plans submitted with your application. These site plans were received on July 22, 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. 10-0069:

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 on the site plan submitted with your application and received by the DEM on July 22, 2011. A copy of the site plan 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 plan, these terms and conditions shall be deemed to supersede the site plan.
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 plan 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 plan 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 on July 1, 2017.
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 plan 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, all mesh socks (filtration socks) must be removed, unless biodegradable.
12. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plan 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.
13. You are responsible for the proper operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control, including the grassed swale and the water quality recharge system, which are installed or used in compliance with this permit to prevent harm to adjacent wetlands.
14. Excavation to compensate for loss in flood storage as provided on the approved site plan is mandatory and must be completed prior to any filling or construction alterations within flood plain. Written certification must be provided to this Program by a registered land surveyor that such excavation and grading has been accomplished as permitted. Such certification shall be submitted within twenty (20) days of completion of the required excavation and grading.
15. This Program has deleted an item from the approved site plan "LEGEND". Specifically, the symbol used for the Northern White Cedar in the "LEGEND" does not match the symbol depicted on the plan, so the symbol depicted in the 'LEGEND' is not applicable. Northern White Cedar (*Thuja occidentalis*) trees MUST be installed as depicted and as described on the approved site plan at the "LIMIT OF DISTURBANCE" immediately west of the two proposed dwellings. These plants must be installed PRIOR to on-site occupancy of each dwelling as currently proposed.

16. The proposed **Riverbank Wetland Restoration Area** must contain a mixture of Red Maple (*Acer rubrum*) and Grey Birch (*Betula populifolia*) saplings and a mixture of Arrow wood (*Viburnum dentatum*), Silky dogwood (*Cornus amomum*), and Highbush blueberry (*Vaccinium corymbosum*) shrubs (see proposed planting scheme depicted on the approved site plan). All proposed Red Maple and Grey Birch saplings within the **Riverbank Wetland Restoration Area** must be at least one and one half inch in diameter at breast height and planted fifteen feet on center. All proposed Arrow wood, Silky dogwood, and Highbush blueberry shrubs within the **Riverbank Wetland Restoration Area** must be between two and three feet in height and planted no greater than eight feet on center. All proposed saplings and shrubs must be planted among any existing trees, saplings, or shrubs within the proposed **Riverbank Wetland Restoration Area**. No existing trees, saplings or shrubs are to be cut in order to install the proposed saplings and shrubs. Deviation from the proposed planting density, proposed planting quantity, and the proposed planting scheme depicted on the approved site plan is allowed solely to accommodate any existing trees, saplings, and shrubs. All existing vegetation and all proposed saplings and shrubs installed within the proposed **Riverbank Wetland Restoration Area** must be allowed to develop naturally without being subjected to mowing or manicuring, except for necessary replacement.
17. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plan, 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 plantings for a compliance inspection by a Program representative.
18. Also prior to commencement of any site alterations, permanent buffer zone markers must be installed along the limit of disturbance at the locations indicated in red ink 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. No alterations of any kind are permitted beyond these markers without first obtaining the necessary permit from this Program. Placement of these markers are noted in red on the approved site plan.

Please note that this Department has not verified the wetland edges that are illustrated on the approved site plan, as part of this application. **Therefore, you must strictly adhere to the limit of disturbance depicted on the approved site plan.**

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.

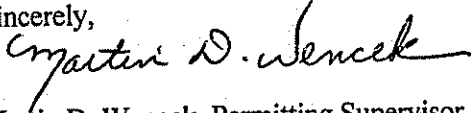
This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

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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 plan

xc: Neil J. Hall, Cumberland Building Official
Marc N. Nyberg, PLS, Marc N. Nyberg Associates, Inc.
Scott Rabideau, Natural Resource Services, Inc.