



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

March 8, 2012

Lewis Gaffett  
P.O. Box 805, Block Island  
New Shoreham, Rhode Island

**Insignificant Alteration – Permit**

**Re:** Application No. 11-0061 in reference to the property and proposed project located:

Approximately 130 feet east of Upper High Street (R.O.W.) near Utility Pole 5 and approximately 600 feet northwest of its intersection with Sunset Road, Assessor's Plat 10, Lot 68-6, New Shoreham, RI.

Dear Mr. Gaffett:

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 construction of a single-family dwelling with two decks, crushed stone driveway, retaining wall and utilities with clearing, grading and landscaping. Municipal sewer and water lines are proposed. These site plans were received on February 14, 2012.

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. 11-0061:

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 February 14, 2012. 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.
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 New Shoreham 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. The permit expires July 1, 2017 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 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. Any additional grading or earthwork must be conducted within the approved limit of disturbance.

Kindly be advised, that if utilities (e.g. a sewer line) are not currently present and available within the road in front of the subject lot and the sewer line needs to be extended to the site, it must be done so in accordance with Rule 6.10 or an application must be submitted by the appropriate owner if there is encroachment into freshwater wetlands.

Kindly refer to new Rhode Island Stormwater Management Guidance for Individual Single-family Residential Lot Development on the RIDEM website for guidance on the design and installation of rain gardens. Any revisions to the rain garden must be within the approved limit of disturbance. To obtain more information and to download a copy of the Guide, please visit <http://www.dem.ri.gov/programs/benviron/water/permits/ripdes/stwater/t4guide/desman.htm>. Please be advised the since your project was submitted prior to the above-mentioned guidance, roof runoff does not need to be addressed. Therefore, the rain garden is not required for this project.

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 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 General Permit (General Permit No.: NAE-2011-2402). You are, therefore, not required to file a separate application with the Corps.**

Please note that the RI GP General Conditions apply to all activities authorized under the RI GP. Please review them carefully at the following link ([http://www.nae.usace.army.mil/Regulatory/SGP/RI\\_PGP.pdf](http://www.nae.usace.army.mil/Regulatory/SGP/RI_PGP.pdf)) 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 (telephone: 401-222-6820, ext. 7408) should you have any questions regarding this letter.

Sincerely,

*Nancy L. Freeman*

Nancy L. Freeman, Senior Environmental Scientist  
Office of Water Resources  
Freshwater Wetlands Program  
NLF/nlf

Enclosure: Approved site plans

xc: Scott P. Rabideau, Natural Resource Services, Inc.  
Marc Tillson, Block Island Building Inspector  
David Hilbern, PLS, Hilbern Land Surveying  
Michael Elliott, Army Corps of Engineers, NE District, Regulatory Division