



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

CERTIFIED MAIL

March 22, 2016

William F. Ryan, Joann C. Ryan,
and Beth A. Ryan
c/o William Ryan
134 Maple Avenue
Little Compton, RI 02837

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Application No. 11-0182 in reference to the location below:

Approximately 100 feet west of Long Highway near Utility Pole No. 142 and approximately 820 feet north/northwest of its intersection with John Sisson Road, Assessor's Plat 31, Lot 55-1, Little Compton, RI.

Dear Mr. Ryan et. al:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application to Alter a Freshwater Wetland** regarding the proposed pervious driveway through freshwater wetlands to access a proposed single-family dwelling with associated culvert installation, underground utilities, on-site wastewater treatment system ("OWTS"), private well, designated stormwater treatment areas, and associated landscaping as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on December 14, 2015. These site plans describing the project were made available for public comment as part of the forty-five (45) day public notice period required in accordance with the Freshwater Wetlands Act (R.I. General Laws (R.I.G.L.) Section 2-1-18 et seq.) and the procedures set forth in Rule 10.00 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules).

This Program did not receive any letters relating to your application submitted during the public notice period. Therefore, a public hearing pursuant to R.I.G.L. Section 2-1-22 is not required.

Pursuant to the Program's review and evaluation of your application including all supporting information and material, as well as the record to date, the Program has determined that this project, as proposed, does not represent a random, unnecessary or undesirable alteration of freshwater wetlands. Therefore, this Program 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. 11-0182:

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 December 14, 2015. A copy of the site plans 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 again upon completion of the project.
5. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Little Compton and supply this Program with written documentation obtained from the Town showing this permit was recorded.
6. 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, 2017 unless renewed pursuant to the Rules.
7. Any material utilized in this project must be clean and free of matter which could pollute any freshwater wetland.
8. 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 or the DEM issues a Notice of Completion of Work for the project.
9. 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. **Strawbales or straw/mulch-filled wattles are to be substituted for the use of haybales** (which are no longer an accepted E & S practice per the Rhode Island Soil Erosion and Sediment Control Handbook).
11. Prior to initiating construction on the driveway and installing culverts, a diversion system must be put in place that isolates the proposed work area from river flows. This may consist of a temporary upstream dam with a pump and piping system sized to pump river flow through the work area to discharge immediately south of the approved limits of disturbance; or a temporary sand bag coffer dam upstream and downstream of the work area with a temporary culvert conveying flow between the two dams through the work area.
12. Temporary construction swamp mats are to be used to facilitate access across the wetland and stream areas prior to installation of the culverts. All temporary construction access and staging areas are to remain entirely within the approved limits of disturbance.
13. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of silt fence must be removed.

14. 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. All areas designated on the approved site plans as qualified pervious areas (i.e. "QPA") are to remain in a natural vegetated condition in order to adequately treat stormwater runoff.
15. 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.
16. 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.
17. 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.
18. Artificial lighting is not authorized along the driveway where it crosses freshwater wetlands. Reflective markers are acceptable.

Pursuant to the provisions in Rule 7.09 and Rule 11.04 of the current Rules, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

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), (RI GP). You can view this permit at:

<http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/RIGP.pdf>.

You are, therefore, not required to file a separate application with the Corps.

Please note that the General Conditions within the RI GP apply to all activities authorized under the RI GP. 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 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.

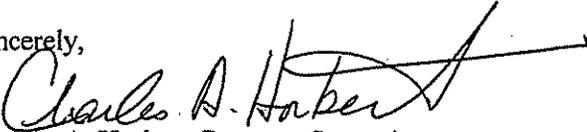
If you are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), One Capitol Hill, Second Floor, Providence, RI 02903. Copies of the request should each also be forwarded to this Program and to the Office of Legal Services at 235 Promenade Street, Providence, RI 02908. Your written request for an adjudicatory hearing must be timely filed and should conform to the requirements of Rule 7.00(b) of the "Administrative Rules of Practice and Procedure for the Department of Environmental Management Administrative Adjudication Division for Environmental Matters", (AAD Rules). AAD Rule 7.00(b) provides:

"The request for hearing shall state clearly and concisely the specific issues which are in dispute and the facts in support thereof, the relief sought if any, the license or permit sought or involved and any additional information required by applicable statutes and regulations."

The written request must be accompanied by an adjudicatory hearing fee of two thousand dollars (\$2,000.00); in the form of a certified bank check or money order made payable to the Rhode Island General Treasurer; however, in the event that the cost of the hearing exceeds the fee paid, the Program through the AAD will require an additional fee which the applicant must submit prior to the DEM's issuance of any final decision regarding this application. The adjudicatory hearing will be held before a Hearing Officer from the AAD. Such hearing will be held in compliance with the AAD Rules, Chapter 42-35-1 et seq. of the R.I.G.L., and other governing laws, rules, and regulations adopted by the DEM. Please note that you have the right to be represented by legal counsel in any proceeding which may be held in this matter.

If you have any questions regarding this matter, you may contact me or Nancy Freeman of my staff at this office (telephone: 401-222-6820).

Sincerely,



Charles A. Horbert, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/NLF/nlf

Enclosure: Approved Site Plans

cc: Brian Moore, Chief of Groundwater & Wetlands Protection
 Bonnie Stewart, Administrative Adjudication Division
 Mary Kay, Esq., Executive Counsel, DEM Office of Legal Services
 Mohamed Freij, DEM OWTS Program
 Michael Elliott, U.S. Army Corps of Engineers, New England Division
 William L. Moore, Little Compton Building Official & Director of Public Works
 William F. Smith, P.E., Civil Engineering Concepts, Inc.
 Scott P. Rabideau, Natural Resource Services, Inc.