



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

January 15, 2013

Lee G. & Heidi V. Holland  
140 Gideon Lawton Lane  
Portsmouth, RI 02871

**Insignificant Alteration – Permit**

RE: Application No. 12-0134 in reference to the property and proposed project located:

Approximately 265 feet west of Berkeley Road, opposite utility pole no. 18; approximately 900 feet north-northwest of the intersection of Wyndham Hill and Berkeley Roads; Assessor's Plat 119, Lot 19, Middletown, RI.

Dear Mr. & Mrs. Holland:

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 12 foot wide crushed stone and gravel driveway with utility pole and overhead utility line installations, and evergreen plantings to access a new single family residence which includes a dwelling, garage, private well, pool & patio, infiltration basins and other stormwater management structures, leaching fields, and a future barn with gravel access, as illustrated and detailed on site plans submitted with your application. These site plans were received on January 7, 2013.

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. 12-0134:

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 January 7, 2013. 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 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 Middletown 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 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 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.
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. The existing tree canopy within wetland areas must be preserved to the maximum extent possible.
15. In lieu of bank run gravel, the proposed driveway throughout the subject site must be constructed with crushed stone of ¾ inch to 1 ½ inch diameter consisting of washed, angular crushed stone and must be installed to a minimum depth of 3 inches.
16. The grade of the proposed driveway shall not be higher than the adjacent ground elevation.
17. The proposed evergreen plantings along the proposed driveway must be a tree species such as Northern White Cedar (*Thuja occidentalis*), White Spruce (*Picea glauca*), or Red Cedar (*Juniperus virginiana*). A similar evergreen tree species may be used in lieu of these particular trees.

18. 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.
19. 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.
20. You must provide written certification from a registered land surveyor or registered professional engineer that the stormwater drainage system including any and all basins, piping systems, catch basins, culverts, swales and any other stormwater management control features have been constructed/installed in accordance with the site plans approved by this permit. This written certification must be submitted to this Program within twenty (20) days of its request or upon completion of the project.

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

**Kindly be advised that this permit is not equivalent to a verification of the type or extent of freshwater wetlands on site. Should you wish to have the types and extent of freshwater wetlands verified, you may submit the appropriate application in accordance with Rule 8.03.**

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 against you by this Department.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction. Additionally, 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 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 plans

xc: John Kane, Jr., Middletown Building Official  
Amy N. Sonder, PLS, Easterbrooks & Associates  
Kathleen P. Mangan