



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

December 6, 2012

Terrapin Development, LLC
James McKee, Member
8 Davis Street
Cumberland, RI 02864

Insignificant Alteration – Permit

Re: Application No. 12-0193 in reference to the property and proposed project located:

Extending between approximately 220 feet north of the intersection of Hereford Drive and Fairhaven Road and approximately 100 feet west/southwest of the terminus of the Tower Flag Drive cul de sac, Assessor's Plat 24, Lots 90, 333 and 334, Cumberland, RI.

Dear Mr. McKee:

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 directional drilling sewer line installation (to service the Tower Flag Drive Subdivision) and associated site alterations as illustrated and detailed on site plans submitted with your application. These site plans were received on November 30, 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. 12-0193:

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 November 30, 2102. 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 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 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. All disturbed soils must be properly stabilized over the winter months during the dormant season when vegetative cover cannot be established.
11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of silt fencing must be removed.
12. 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.
13. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans.
 - All construction activities within the existing basin must be scheduled during a period when no precipitation is forecast for at least four days to ensure that work is completed when no stormwater is expected to flow into the basin.
 - Upon completion of the sewer line installation, the existing basin must be restored to pre-construction depth and dimensions. Changes in basin dimensions were not proposed and are not authorized, and will require a separate permit.
 - Areas within riverbank wetland disturbed to access the staging area west of the Tower Flag Road cul de sac and any areas initially cleared or disturbed for the former sewer line route within riverbank wetland must be allowed to revegetate to a natural state without further disturbance.

This project must take place in compliance with these revisions.

14. With regards to the Tower Flag Subdivision permit issued under Application No. 06-0360 for which this sewer line will service, the following concerns have been identified based on site inspection. Based on overlaying the submitted site plan with the approved subdivision, it appears that the house formerly approved on proposed Lot 4 cannot be constructed as approved within the approved limits of disturbance due to the new location of the sewer line, and setbacks from the relocated cul-de-sac. Therefore, the approval of this sewer line route requires you to either submit a new separate application to obtain a new permit for construction on Lot 4 or to re-align the lot lines and/or lot development features to ensure that all construction is accomplished without resulting in either an increase in the number of lots or any further encroachment beyond the approved limits of disturbance into regulated freshwater wetlands. In any case, the development of proposed lot 4 as depicted on the approved site plans for Application No. 06-0360 is no longer approved.

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 the Rules.

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.

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: Michael R. Darveau, PLS, Darveau Land Surveying, Inc.
Alan Brodd, Cumberland Public Works Director
Neil J. Hall, Cumberland Building Official
Application No. 06-0360