



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 23, 2013

430 Mendon Road LLC
c/o Charles A. Lombardi, Jr.
1400 Diamond Hill Road
Cumberland, RI 02864

Insignificant Alteration – Permit

RE: Wetland Application No. 13-0135; RIPDES No. RI 101802; UIC No. 001571 in reference to the property and proposed project located:

West of Mendon Road, Utility Pole No. 453-84, southwest of its intersection with Marshall Avenue, Assessors Plat 13, Lots 110 and 111, Cumberland, RI.

Dear Mr. Lombardi:

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 demolition of an existing structure and construction of an auto repair facility with associated parking areas, utilities, landscaping and stormwater control system as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on August 8, 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. 13-0135:

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 August 8, 2013. 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 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 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, 2019.
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 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 hay bales and/or 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 that 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. 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.
15. 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.
16. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.

17. 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.

18. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically, all unauthorized fill material (in the form of at least wood debris, concrete, tires, metal and plastic) that has been deposited within freshwater wetlands, approximately between wetland flags A8 and A9, must be carefully removed. Prior to removal, erosion controls must also be installed around the edges of the fill material to prevent loosened material from further entering the wetlands. Trees shall not be cut or cleared to remove the fill and shall be protected as necessary with armoring to prevent damage. You must notify this Program in writing upon completion of the fill removal for a compliance inspection by a Program representative. **Removal of the unauthorized fill material shall be completed and confirmed by DEM prior to any site preparation or construction activities within freshwater wetlands.** This project must take place in compliance with these revisions.

Construction Activities which disturb one (1) or more acres of land and where storm water runoff is directed, via a point source, into a separate storm sewer system or into the waters of the State, are required to seek coverage under the Rhode Island Pollutant Discharge Elimination System (RIPDES) storm water permit. In accordance with Part I.D.3.c. of the *RIPDES General Permit for Stormwater Discharges Associated with Construction Activity (effective September 2013 (CGP))*, point source discharges of storm water associated with construction activity that disturb greater than 1 acre are automatically authorized upon the applicant's receipt of a Freshwater Wetlands Permit. The owner/operator is required to comply with all terms and conditions of the CGP to maintain authorization. This includes but is not limited to developing and maintaining a Soil Erosion and Sediment Control (SESC) Plan, performing the required inspections and maintenance of the selected Best Management Practices (BMPs), and record keeping and retention. Further information on the requirements, or terms and conditions, of the CGP are available at: <http://www.dem.ri.gov/pubs/regs/regs/water/ripdesca.pdf>.

RIDEM strongly recommends that you obtain written assurances from contractors or subcontractors retained to undertake construction activity that they will comply with all applicable requirements of the RIPDES CGP.

This application review has also included review of any subsurface disposal of stormwater subject to the RI DEM Underground Injection Control (UIC) Program. This freshwater wetlands Permit will also serve as the UIC Program permit for this project, which has been assigned the UIC file number 001571 for any subsurface disposal of stormwater on the site. The following conditions are specific to this UIC Program Permit:

- 1) Any alterations or modifications to the disposal system from that approved herein, including permanent closure, must be reviewed and approved by the UIC Program prior to being effected.
- 2) Any inadvertent or deliberate discharge of waste oil or any other pollutant to the subsurface disposal system requires the immediate notification of the UIC Program.
- 3) The UIC Program must be provided the name and address of any new property owner in writing within thirty (30) days upon any future transfer of the property.

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.

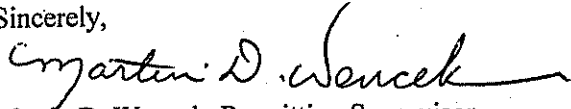
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

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 Jane Kelly of this office (telephone: 401-222-6820 x 7420) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Permitting Supervisor
Office of Water Resources
Freshwater Wetlands Program

MDW/JEK/jek

Enclosure: Approved site plans

xc: Neil J. Hall, Cumberland Building Official
David M. D'Amico, D'Amico Engineering Technology, Inc.
Brandon Faneuf, Ecosystems Solutions, Inc.
Ernie Panciera, UIC Program
Eric Beck, RIPDES Program