



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

June 20, 2014

Kevin Rogers
299 Narrow Avenue
Westport, MA 02710

Insignificant Alteration – Permit

Re: Application No. 14-0097 in reference to the property and proposed project located:

At the terminus of the existing right of way (R.O.W.) located approximately 1,500 feet south of Narrow Avenue near Utility Pole No. 1 and approximately 2,800 feet southeast of the intersection of Narrow Avenue and Crandall Road (Rt. 81), Tax Assessor's Plat 605, Lot 119, Tiverton, RI.

Dear Mr. Rogers:

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 three (3) bedroom dwelling, onsite wastewater treatment system (OWTS), utilities, pervious driveway, rain garden and associated site alterations as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on May 13, 2014.

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. Additionally, we observed that some areas of wetland have been altered on this property without the proper permit. 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, and portions of the unauthorized wetland alterations as designated herein, may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Application No: 14-0097

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 May 13, 2014. 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 Tiverton **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. Pursuant to R.I. Gen. Laws § 42-17.1- 2.5 this permit is subject to tolling and shall be valid until July 1, 2019 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 hay bales and/or silt fence 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. 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.

14. 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.
15. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
16. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. This project must take place in compliance with these revisions, which include the following:

a) As noted above, the Department has observed and documented unauthorized alterations within freshwater wetlands (including at least various structures and property accessories stockpiled within perimeter wetland, one shed within the swamp, clearing of vegetation and expansion of lawn areas). However, some of the alterations observed are of a nature that no further enforcement action will be pursued by the Department **provided** you adhere to the following: the limit of disturbance (LOD) has been redlined to include portions of the previously installed and maintained lawn. Any unauthorized structures or stockpiled items between the approved LOD and the swamp edge (Flags A-5 through A-20) must be relocated to within the approved LOD or removed to a suitable upland location. Unauthorized disturbed areas between the approved LOD and the swamp edge are to be allowed to revegetate naturally without further mowing or manicuring.

b) In addition, a line of plantings (balled and burlapped or transplanted) must be installed along the revised LOD where indicated in red to demarcate the LOD and to help screen out disturbance. Plantings may be comprised of one or more of the following species (1) White Pine (*Pinus strobus*); (2) Northern White Cedar (*Thuja occidentalis*); (3) Eastern Red Cedar (*Juniperus virginiana*) or (4) Rosebay Rhododendron (*Rhododendron maximum*), 10 feet on center and at least three feet in height after planting.

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.

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 the Rules.

Kindly be advised that a permit is needed from the Onsite Wastewater Treatment System (OWTS) Program prior to commencing any work on this project.

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 Nancy Freeman of this office (telephone: 401-222-6820 x7408) should you have any questions regarding this letter.

Sincerely,



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

Enclosure: Approved site plans

xc: Brian Moore, Chief Groundwater and Wetlands Protection
Gareth Eames, Tiverton Building Official
William Smith, P.E., Civil Engineering Concepts, Inc.
Scott P. Rabideau, National Resource Services, Inc.