



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

June 10, 2016

Town of West Warwick
Attn: Frederick J. Presley, Town Manager
1170 Main Street
West Warwick, RI 02893-4829

Insignificant Alteration – Permit

Re: Application No. 15-0251 in reference to the location below:

Approximately 150 feet west of Manchester Street and approximately 365 feet northwest of its southern intersection with Main Street, Assessor's Plat 9, Lot 42, West Warwick, RI

Dear Mr. Presley:

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 canoe/kayak access and fishing pier with associated parking lot, stormwater management BMP's and landscaping as illustrated and detailed on site plans submitted with your application. The most recently revised site plans were received by the DEM on April 21, 2016.

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. 15-0251:

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 April 21, 2016. 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 West Warwick 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, 2020 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 responsible for the proper installation, 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. Long term operation and maintenance of the stormwater BMP's shall conform to the "Long Term Operation and Maintenance Plan, Crompton Fishing Pier & Kayak Access" prepared by Fuss & O'Neill and dated April 26, 2016.
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. The use of jetting for the proposed pier pilings installation is not authorized by this permit.

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 (and/or subject you to the enforcement provisions of the Corps' regulations.)

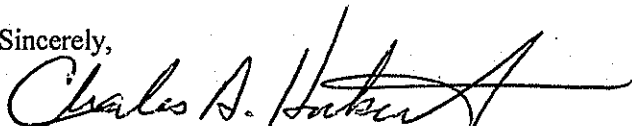
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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.

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 Kate McPherson of this office (telephone: 401-222-6820 x7732) should you have any questions regarding this letter.

Sincerely,



Charles A. Horbert, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/KHM/khm

Enclosure: Approved site plans

cc: Cynthia Gianfrancesco, RIDEM OWM
Dean Audet, P.E., Fuss & O'Neill



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 25, 2016

Town of West Warwick
Frederick J. Presley, Town Manager
1170 Main Street
West Warwick, RI 02893-4829

Revised Permit

Re: Application No. 15-0251 in reference to the location below:

Approximately 150 feet west of Manchester Street and approximately 365 feet northwest of its southern intersection with Main Street, Assessor's Plat 9, Lot 42, West Warwick, RI

Dear Mr. Presley:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") met at the above-referenced property with Mark Carruolo, the Town Planner, and other representatives and contractors, to go over work that had been required in a letter of Non-Conformance dated October 13, 2016. This site inspection and meeting took place October 24, 2016. Based on our observations the site condition now appears to generally conform to the plans approved by this Department and the conditions of approval issued in our permit letter of May 26, 2010. A couple minor items were discussed as outstanding but that are either (by now) taken care of or otherwise do not prevent the Program from proceeding with review of your Application for Permit Modification. They are as follows:

1. A couple large boulders that were evidently removed from the pond still remained in perimeter wetland outside of the limits of disturbance. It was suggested that they be relocated to the edge of the pond in line with the proposed dock (i.e. they would be under the dock) to provide some protection against erosion of the exposed shoreline. This work may have already been done.
2. There appeared to still be some minor discrepancies between the approved limit of disturbance and the placement of the wattles at the proposed canoe & kayak ramp. Since all of these areas were expected to be replanted (and this would include any areas that may have been disturbed beyond the approved limit of disturbance) and then fenced off to exclude access to areas of contaminated soils, it was agreed to keep the wattles in place and proceed with work. Nevertheless, it was recommended that the Town re-check the survey and placement of the wattles since identification of the approved limit of disturbance would factor into placement of the fencing required by the DEM's Office of Waste Management.

With that understanding, the Department considers all issues of non-conformance communicated in our October 13, 2016 letter to be adequately addressed and has resumed its review of your **Application for Permit Modification**. This review has evaluated your proposed modifications to the permitted fishing dock as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on September 30, 2016.

Based upon the Program's evaluation of the revised project and pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules), it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised 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 revised 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 September 30, 2016. A copy of the site plans stamped approved by the DEM is enclosed. Further 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 revised permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the stamped approved site plans and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plans must be made available for review by any DEM representative upon request.
5. This revised permit expires four (4) years from the date of issue of the original letter.

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's permit dated June 10, 2016 remain in effect.

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 revised 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 the Program.

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

This revised 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: 401-222-4700 x7402) should you have any questions regarding this letter.

Sincerely,



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

Enclosure: Letter dated
Approved Site Plans

cc: Stephen Tyrrell, DEM Office of Compliance & Inspection
Cory DiPietro, DEM Office of Waste Management
Mark Carruolo, West Warwick Town Planner
Patrick Dowling, Fuss & O'Neill
Domenic Rucco, DAR Construction