



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 28, 2016

Peter Del Ponte
115 Winsor Avenue
Johnston, RI 02919

Insignificant Alteration -- Permit

RE: Application No. 16-0240 in reference to the property and proposed project located:

Approximately 200 feet east of Barden Lane at Utility Pole No. 3 and approximately 500 feet north/northwest of its intersection with Winsor Avenue, Assessor's Plat 59, Lot 128, Johnston, RI.

Dear Mr. Del Ponte:

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 four (4) lot subdivision with residential lot development on (3) three of the lots with driveways, utilities, private wells, onsite wastewater treatment systems ("OWTS") with clearing, grading, landscaping and associated site alterations as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on September 16, 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: 16-0240

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 September 16, 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 Johnston 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 four years from the date issued 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 straw 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. You may substitute either Eastern Red Cedar, Northern White Cedar or Rosebay Rhododendron for the White Pines if you choose, 10 feet on center, at least 4 feet tall after planting for the trees and at least 3 feet tall for the Rhododendrons.
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 and include the following:
 - For crushed stone driveway construction on Parcel C, the crushed stone must be $\frac{3}{4}$ inch to $\frac{1}{2}$ inch diameter, washed, angular crushed stone installed to a minimum depth of 3 inches.

The grade of the finished driveway shall not be higher than the adjacent ground level per the Rhode Island Stormwater Management Guidance for Individual Single-Family Residential Lot Development. The driveway detail on Sheet 2 of 2 has been revised accordingly.

- All electrical utility connections (poles, overhead wires or underground connections) on Parcel "C" must be installed within the approved Limit of Disturbance (LOD) or if from Utility Pole 3, outside of all vegetated freshwater wetlands to avoid unnecessary clearing.
- The planting detail on Sheet 2 of 2 has been revised to provide additional alternatives plant species and to allow for larger spacing (10 feet on center) between plants-see also Condition No. 13 above.

This project must take place in compliance with these revisions.

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 Rule 8.03.

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 x 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: Ben Nascenzi, Johnston Building Official

ec: William M. Anderson, P.E. Anderson Engineering, LLC
Scott P. Rabideau, Natural Resource Services, Inc.
Mohamed Freij, RIDEM OWTS Program