



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street
Providence, Rhode Island 02908

CERTIFIED MAIL

July 24, 2017

Peter Fiore
254 Pine Orchard Road
Chepachet, RI 02814

Permit to Alter Freshwater Wetlands

Re: Application No. 16-0269 in reference to the location below:

Approximately 800 feet northeast of Pine Orchard Road and approximately 2,300 feet north/northwest of its intersection with Joe Sweet Road, Utility Pole No. 22, Assessor's Plat 10, Lot 33, Glocester, RI

Dear Mr. Fiore:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application to Alter a Freshwater Wetland** regarding the proposed installation of an earthen dam with (4) four, 12-inch outlet culverts to create an approximately 36,000 square foot pond and proposed 8-foot wide mowed access path to maintain the dam and outlet culverts, as well as proposed restoration activities within previously unauthorized disturbed portions of perimeter as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on March 27, 2017. These site plans describing the project were made available for public comment as part of the forty-five (45) day public notice period required in accordance with the Freshwater Wetlands Act (R.I. General Laws (R.I.G.L.) Section 2-1-18 et seq.) and the procedures set forth in Rule 10.00 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules).

This Program received one letter relating to your application, which was submitted during the public notice period. This letter expressed concern regarding your project's impacts to freshwater wetland values. This Program reviewed the letter together with any supporting documents and evaluated the potential impacts from the project upon the values mentioned in the letter. The Program has determined that the comments contained within the letter does not constitute an objection of a substantive nature as defined in Rule 10.04(C)(3). Therefore, a public hearing pursuant to R.I.G.L. Section 2-1-22 is not required.

Pursuant to the Program's review and evaluation of your application including all supporting information and material, as well as the record to date, the Program has determined that this project does not represent a random, unnecessary or undesirable alteration of freshwater wetlands. Therefore, this Program hereby issues this permit to alter freshwater wetlands **subject to all controlling Rules and the Terms and Conditions set forth herein.**

Permit Terms and Conditions for Application No. 16-0269:

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 March 27, 2017. 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 restoration activities and again upon completion of the project, including all required restoration.
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 Glocester 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 one (1) year from the effective date unless renewed pursuant to Rule 11.02. **Notwithstanding the expiration date**, other conditions concerning time-for-performance requirements related to restoration activities are included herein that are to be complied with.
8. Any material utilized in this project must be clean and free of matter which could pollute any freshwater wetland.
9. You are responsible for the proper operation, maintenance and stability of the dam to prevent harm to adjacent wetlands until such time that documentation is provided that assigns this responsibility to another person or entity.
10. 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 or as otherwise necessary to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.
11. 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. Specifically, the perimeter wetland has been hash marked in red to indicate the following area to be restored in accordance with the following requirements:
 - With the exception of the actual dam structure and the grass path to remain for maintenance access, the entirety of the cleared perimeter wetland will be required to be replanted with trees and shrubs.
 - Trees (balled and burlapped or transplanted) consisting of at least two of the following species, are to be planted 25-feet apart on-center throughout the perimeter wetland, at least 5-7 feet in height after planting: red maple (*Acer rubrum*), tulip tree (*Liriodendron tulipifera*), white pine (*Pinus Strobus*), Eastern hemlock (*Tsuga canadensis*), with an even 50-50 mix and distribution of deciduous and evergreen species.

- Shrubs, consisting of at least two of the following species, are to be planted 10 feet apart on-center throughout the perimeter wetland, at least 2-4 feet in height after planting: high-bush blueberry (*Vaccinium corymbosum*), arrowwood (*Viburnum dentatum*), mountain laurel (*Kalmia latifolia*), sweet pepperbush (*Clethra alnifolia*) or shadbush (*Amelanchier canadensis*).
12. All required plantings of shrubs and trees must be installed **no later than June 1, 2018**. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.
 13. The area of buffer zone plantings of trees and/or shrubs required herein, except for necessary replacement, must be allowed to develop naturally without being subjected to future cutting, mowing or manicuring.
 14. All fencing currently located within wetland or within 50-foot perimeter wetland is to be removed and relocated and/or repaired as necessary to exclude all access by livestock, including but not limited to horses, easterly of the depicted perimeter wetland and southerly of the proposed electric fence line located along the "existing tree line" on the southern portion of the property. No access is authorized on any existing trails within regulated wetlands, both currently depicted on the site plan and that have not been depicted, including across the wetland near the southerly treeline up to the depicted existing trail, as well as a trail located along the property line east of the easterly end of the dam. All trails are to be abandoned and allowed to revegetate naturally, free from any future mowing or other maintenance. Any proposals for continued use or reestablishment of trails east or south of the pond will require a separate application to obtain a permit.
 15. A small pile of manure located within perimeter wetland located beyond the existing fence near the southern tree line is to be removed and relocated to a suitable upland location. Enclosed is a fact sheet on proper livestock waste management. Other fact sheets can be found at web.uri.edu/safewater.

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.

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.

In permitting the proposed alterations, the Program 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.

If you are aggrieved by this decision you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), One Capitol Hill, Second Floor, Providence, RI 02903. A copy of the request should also be forwarded to both this Program and to the DEM Office of Legal Services, at 235 Promenade St., Providence, RI 02908. Your written request for an adjudicatory hearing must be timely filed and should conform to the requirements of Rule 7.00(b) of the "Administrative Rules of Practice and Procedure for the Department of Environmental Management Administrative Adjudication Division for Environmental Matters", (AAD Rules).

AAD Rule 7.00(b) provides:

"The request for hearing shall state clearly and concisely the specific issues which are in dispute and the facts in support thereof, the relief sought if any, the license or permit sought or involved and any additional information required by applicable statues and regulations."

The written request must be accompanied by a fee of two thousand dollars (\$2,000.00); in the form of a certified bank check or money order made payable to the Rhode Island General Treasurer; however, in the event that the cost of the hearing exceeds the fee paid, the Program through the AAD will require an additional fee which the applicant must submit prior to the DEM's issuance of any final decision regarding this application. The adjudicatory hearing will be held before a Hearing Officer from the AAD. Such hearing will be held in compliance with the AAD Rules, Chapter 42-35-1 et seq. of the R.I.G.L., and other governing laws, rules, and regulations adopted by the DEM. Please note that you have the right to be represented by legal counsel in any proceeding which may be held in this matter.

If you have any questions regarding this matter, you may contact me or Nancy Freeman of my staff at this office (telephone: 401-222-6820).

Sincerely,



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

Enclosures: Approved Site Plans
 Fact Sheet: "Livestock Yards and Manure Storage Areas on Small Acreages"

ec: Bonnie Stewart, Administrative Adjudication Division
 Eric Beck, P.E., Chief of Groundwater & Wetland Protection
 Mary Kay, Executive Counsel, DEM Office of Legal Services
 Ken Johnson, Building Official, Town of Glocester
 Topher Hamblett, Director of Advocacy, Save the Bay
 Scott P. Rabideau, Natural Resource Services, Inc.
 Scott F. Moorehead, P.E., SFM Engineering Asssociates