



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

August 30, 2021

Clarke, LLC  
Jonathan Hierl, Manager  
P.O. Box 2340  
Stamford, CT 06906

**Permit Transfer & Permit Renewal**

**Re:** Application No. 17-0174 in reference to the location below:

North of Clarke Road, near Utility Pole No. 12, and approximately 1900 feet northwest of its intersection with Ocean Road, Assessor's Plat V, Lot 27, Jakes Way, 300 feet West, Narragansett, RI

Dear Mr. Hierl:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Applications for Renewal and Permit Transfer in accordance with Rules 1.11(B) and 1.11(D) of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1 ("Rules"), received on August 23, 2021.

It is our understanding that you are requesting renewal of the permit issued for Application No.17-0174. The original permit was issued on September 11, 2017 to John O. Pastore, MD for a proposed five (5)-lot residential subdivision at the above-referenced location. This permit is due to expire on September 11, 2021.

This Program has completed a review of the project and has confirmed that your project has not yet commenced. In all other respects, you are in conformance with those conditions set forth in the original permit as well as the Rules. It is our determination, therefore, that the permit may be renewed. **This renewal is valid until September 11, 2023 and expires on that date.**

Please be advised that this is the final renewal allowed pursuant to Rule 1.9(D)(5)(c). Therefore, no further renewal may be granted, and you must be completed with the project by that date.

Pursuant to the provisions in Rule 1.7(A)(9) and Rule 1.11(D), as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property. Since this permit was recorded in land evidence records, you assumed responsibility of the permit upon purchase of the property. Our database has been updated to reflect that you are the new owner/permittee.

It is your responsibility to maintain compliance with the conditions of the permit and to carry out this project in compliance with the Rules at all times. **In particular**, you are directed to Permit Conditions No. 21 of the permit with respect to installation, and conformation by DEM, of permanent buffer markers prior to the commencement of construction.

This renewal does not relieve you of any obligations to obtain any local, state, or federal approvals or permits as required by ordinance or law.

Application No. 17-0174

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**Please note that you will need to separately transfer the RIPDES authorization. There is no fee associated with it, and instructions on how to submit the form are included on the form itself. Here is the link:**

<http://dem.ri.gov/programs/benviron/water/permits/swcoord/stwtransfer.pdf>

Please feel free to call me at (401) 222-6820, extension 2777408 if you have any questions about this letter.

Sincerely,

*Nancy L. Freeman*

Nancy L. Freeman, Principal Environmental Scientist  
Freshwater Wetlands Program  
Office of Water Resources  
NLF/nlf

Enclosures: Letter dated September 11, 2017

c: Neal Personeus, DEM Stormwater Program (RIPDES No. RIR101556)



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

September 11, 2017

John O. Pastore, MD  
2 Calumet Road  
Winchester, MA 01890

**Insignificant Alteration – Permit**

**Re:** Application No. 17-0174 & RIDPES No. RIR101556 in reference to the location below:

North of Clarke Road, near Utility Pole No. 12, and approximately 1900 feet northwest of its intersection with Ocean Road, Assessor's Plat V, Lot 27, Jakes Way, 300 feet West, Narragansett, RI

Dear Dr. Pastore:

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 five (5) lot residential subdivision with construction of a new road, stormwater management system, and five new single family residences with associated garages, driveways, access to utilities including sewer, water, and electrical, and landscaping as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on July 26, 2017.

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. 17-0174; RIPDES No. RIR1015556:**

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. This application review has also included review related to the RIPDES "General Permit for Storm Water Discharge Associated with Construction Activity.
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 July 26, 2017. 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 again 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 Narragansett 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 of issuance.
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. Also prior to commencement of any site alterations, permanent buffer zone markers must be installed along the limit of disturbance at the locations indicated in red ink on the approved site plans, in order to provide permanent reference points on site that are clear to present and future property owners. Acceptable permanent type markers include 4" x 4" pressure treated timber posts, galvanized fence posts with cap, or granite or concrete bounds. Markers must extend a minimum 24" above grade. A permanent-type tag or sign labeled "RIDEM Buffer Zone" must be placed on each marker. A permanent-type fence at least 24" tall placed along the limits of disturbance may be substituted where desired. No alterations of any kind are permitted beyond these markers without first obtaining the necessary permit from this Program.
11. 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.
12. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
13. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, stormwater treatment facilities, and systems of treatment and control that are installed or used in compliance with this permit to prevent harm to adjacent wetlands until such time that documentation is provided that this responsibility has been assigned to another entity. Long term operation and maintenance of stormwater facilities shall be in accordance with the plan entitled "Clark Road Subdivision, Assessor's Plat V, Lot 27...Operation & Maintenance Plan, Pollution Prevention Plan, Prepared for SkyCap, LLC" revised July 19, 2017 as prepared by Millstone Engineering, P.C. and received by the Program on July 26, 2017.
14. 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.

15. All construction activities involving soil disturbances within watercourses must be limited to the low flow period (i.e., the period from July 1 to October 31 of any calendar year). Soil disturbance in these watercourses must temporarily cease in the event of any abnormally high stormwater runoff event during the low flow period.
16. 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 must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.
17. 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.
18. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
19. Artificial lighting along the driveway/roadway where it crosses freshwater wetlands is not authorized in this permit.
20. 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.
21. This Program has made specific revisions to the approved site plans. Specifically, proposed buffer zone marker locations have been highlighted for visibility, and additional buffer zone markers have been added where required on lots 1, 3, and 5; and the limit of disturbance has been expanded on lot 1 to accommodate at least ten feet away from all proposed building corners. These revisions are clearly marked in red on the approved plans. 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.

Additionally, the Program has reviewed this project in accordance with the standards of the RIPDES General Permit for Storm Water Discharge Associated with Construction Activity ("CGP"). 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. Our review has determined that the project has been designed to meet the requirements of the 2013 GP. This determination therefore includes your final authorization to discharge storm water associated with construction activity under the CGP. For future references and inquiry, your permit authorization number is RIPDES No. **RIR101556**.

Both the owner and the contractor retained to undertake the construction activity are required to comply with all terms and conditions of the CGP. This includes maintaining the Soil Erosion and Sediment Control (SESC) Plan, performing the required inspections and maintenance of the selected Best Management Practices (BMPs), and retaining inspection records. Further information on the requirements of the CGP is available at:

<http://www.dem.ri.gov/pubs/regs/regs/water/ripdesca.pdf>.

Please be aware that the RIDEM's Rules and Regulations Governing the Establishment of Various Fees require that RIPDES CGP permit holders to pay an Annual Fee of \$100.00. An invoice will be sent to the owner on record in May/June of each year if the construction was still active as of December 31<sup>st</sup> of the previous year. The owner will be responsible for the Annual Fee until the construction activity has been completed, the site has been properly stabilized, and a completed Notice of Termination (NOT) has been received by the RIPDES Program. A copy of the NOT can be found attached to the CGP on the web page referenced above.

**This Permit also constitutes your authorization from the U.S. Army Corps of Engineers ("Corps") under Section 404 of the Clean Water Act for the work proposed.** Your project qualifies as a Self Verification (SV)/ Pre-Construction Notification (PCN) under the Rhode Island General Permit (General Permit No. NAE-2016-2262), (RI GP). You can view this permit at:

[http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/RI/Rhode Island General Permits 2017.pdf](http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/RI/Rhode%20Island%20General%20Permits%202017.pdf). **You are, therefore, not required to file a separate application with the Corps.**

Please note that the General Conditions within the RI GP apply to all activities authorized under the RI GP. Please review them carefully to thoroughly familiarize yourself with their contents. You may wish to discuss all permit conditions with your contractor to ensure that the work can be accomplished in a manner which conforms to all requirements.

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.

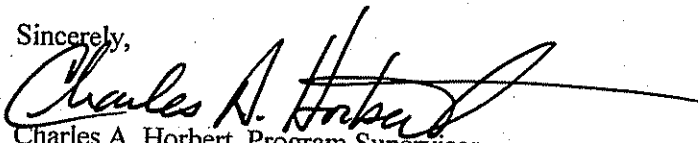
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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: Anthony L. Santilli, Jr., Building Official  
Jeffrey C. Hanson, P.E., Millbrook Engineering, P.C.  
Taylor Bell, Army Corps of Engineers, New England District