



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

June 30, 2022

Richard D. Cesaro
305 Mountindale Road
Smithfield, RI 02917

RE: Application No. 18-0152 **Application for Renewal** for the site located:

Approximately 450 feet west of Mountindale Road, Utility pole No. 64, and approximately 300 feet southeast of its intersection with Richard Street, Assessor's Plat 46, Lot 171 & Assessor's Plat 18, Lot 76, Smithfield, RI

Dear Mr. Cesaro:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Application for Renewal received on May 2, 2022.

It is our understanding that you are requesting renewal of the permit issued for Application No. 18-0152. The original permit was issued on May 16, 2019 to you for alterations to freshwater wetlands at the above-referenced location.

This Program has completed an inspection of the site and has found that your project, at this time, is generally in conformance with those conditions set forth in the original permit as well as the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1. It is our determination, therefore, that the permit may be renewed. This renewal is valid until May 16, 2023 and expires on that date unless renewed per the Rules. **Please note that this is the third renewal for this Application. This Application may only be renewed for one additional year after the May 16, 2023 expiration only if the owner can satisfactorily demonstrate to the Department that the permitted wetland alterations are being carried out in strict accordance with the permit and the Rules, and that the alteration can be completed in a period of one (1) additional year or less.**

A copy of the original permit letter of May 16, 2019 is enclosed for your convenience. 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. 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.

Please contact Andy Charpentier of this office (telephone: 401-222-4700, ext. 2777414) should you have any questions regarding this letter.

Sincerely,

Martin D. Wencek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program

MDW/AC/ac

Enclosure: Original Permit Letter dated May 16, 2019



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

CERTIFIED MAIL

May 16, 2019

Richard D. Cesaro
305 Mountaindale Road
Smithfield, RI 02917

Permit to Alter Freshwater Wetlands

RE: Application No. 18-0152 in reference to the location below:

Approximately 450 feet west of Mountaindale Road, Utility pole No. 64, and approximately 300 feet southeast of its intersection with Richard Street, Assessor's Plat 46, Lot 171 & Assessor's Plat 18, Lot 76, Smithfield, RI

Dear Mr. Cesaro:

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 construction of a crushed stone driveway to access a proposed single-family dwelling, with associated well, sewer, utilities, rain garden and associated landscaping as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on December 7, 2018. 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. Gen. Laws § 2-1-18 et seq.) and the procedures set forth in the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1, specifically in 250-RICR-150-15-1.10.

This Program received one (1) 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 this letter do not constitute an objection of a substantive nature as defined in 250-RICR-150-15-1.10(D)(3)(c). Therefore, a public hearing pursuant to R.I. Gen. Laws § 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 Wetlands Application No. 18-0152:

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, R.I. Gen. Laws § 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 December 7, 2018. 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 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 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 Smithfield 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 date of this letter unless renewed pursuant to 250-RICR-150-15-1.10(G)(6).
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 and the DEM issues a Notice of Completion of Work for the project.
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 twenty-four (24) inches above grade. A permanent-type tag or sign labeled "RIDEM Buffer Zone" must be placed on each marker. A permanent-type fence at least twenty-four (24) inches 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 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. A small portion of the existing wall along the southern side of the proposed driveway appears to have collapsed. This should be repaired in-kind, with similar stone construction (reinforced with mortar if required) prior to any improvements to the proposed driveway.
15. 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.
16. All northern white cedars proposed along the south side of the proposed driveway may be substituted with evergreen shrubs such as rhododendron, mountain laurel or inkberry, since trees may compromise the integrity of the existing retaining wall.
17. No trees are to be cleared between the river and the proposed driveway.
18. The applicant can dispense with planting any shrubs or trees where planting would result in the clearing of any existing shrubs or trees that would otherwise not have to be cleared for driveway construction.
19. 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.
20. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
21. Artificial lighting is not authorized along the driveway where it crosses freshwater wetlands.
22. The driveway is to be paved along the steep slope from approximately Driveway Station 3+25 to 5+35 since crushed stone may not be stable enough at that slope.

Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9) and 250-RICR-150-15-1.11(D) of the Rules, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property. Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9)(c), within ten (10) days of any property transfer, the subsequent transferee must notify the Department by forwarding a certified copy of the deed of transfer.

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 against you by the DEM.

In permitting the proposed alterations, the Department 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"), 235 Promenade Street, Providence, RI 02908. A copy of the request

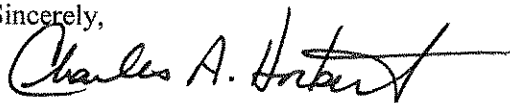
should also be forwarded to this Program and to the Office of Legal Services, at the same address. Your written request for an adjudicatory hearing must be timely filed and should conform to the requirements of 250-RICR-10-00-1.7(B) of the DEM Rules and Regulations for the Administrative Adjudication Division, 250-RICR-10-00-1. Section 250-RICR-10-00-1.7(B) provides:

"The request for a 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 statutes and regulations."

The written request must be accompanied by an adjudicatory hearing 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 250-RICR-10-00-1, R.I. Gen. Laws Chapter 42-35-1 et seq., 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 Andrew Charpentier of my staff at this office (telephone: 401-222-4700, ext.7414).

Sincerely,



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

Enclosure: Approved Site Plans

ec: Mary Dalton, Administrative Clerk, Administrative Adjudication Division
Eric Beck, P.E., Administrator, Groundwater and Wetlands Protection
Mary Kay, Executive Counsel, DEM Office of Legal Services
Stephen Tyrell, DEM Office of Compliance and Inspection
Randy R. Rossi, Smithfield Town Manager
Peter Scorpio, Smithfield Building Official
Nicholas J. Piampiano, P.E., Advanced Civil Design Inc.
Scott P. Rabideau, Natural Resource Services, Inc.