



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF WATER RESOURCE

235 Promenade Street
Providence, Rhode Island 02908

CERTIFIED MAIL

October 10, 2019

Matteson Ridge, LLC
Salvador F. Leccese
1071 Main Street
West Warwick, RI 02893

LETTER OF NONCONFORMANCE

Re: Application Nos. 17-0080 & 18-0158 - Letter of Nonconformance for the project site located:

Approximately 100 feet south of Greenbush Road, opposite utility pole 134, and approximately 250 feet west of its intersection with Maid Marian Lane, Assessor's Plat 12, Lot 20, West Warwick, RI.

Dear Mr. Leccese:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") conducted an inspection of the above referenced site on July 30, 2019. This inspection revealed that the project is taking place in non-conformance with the terms and conditions of the permits issued by this Program on July 25, 2017 for Application No. 17-0080 and August 30, 2018 for Application No. 18-0158 (copies of letters enclosed). Please be aware that this letter pertains only to that area surrounding Units K-1; K-2; and K-3.

Specifically, you are in non-conformance with the terms and conditions of the permits in the following instances:

1. In Non-conformance with Permit Condition No. 11 of Application 17-0080, sediments have eroded into the wetland east of the approved building.
2. In Non-conformance with Permit Condition No. 13 of Application 17-0080, the approved infiltration basins and roof drains have not been properly constructed and installed.
3. In Non-conformance with Permit Condition No. 2 of Application 18-0158, clearing and soil disturbance have occurred southerly beyond the approved limit of disturbance.
4. In Non-conformance with Permit Condition No. 4 of Application 18-0158, this Program was not notified prior to the commencement of site alterations.
5. In Non-Conformance with Permit Condition No. 14 of Application 18-0158, the required plantings have not been installed.

In order for you to conform with the terms and conditions of the permits and the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules"), you are required to:

Office of Water Resources/Permitting Section/Tel.401-222-6820/FAX:401-222-3564

1. Using only hand tools, remove sediments that have eroded into wetland east of Units K-1, K-2 and K-3. Immediately after removing sediments, seed disturbed wetland areas with a wildlife conservation seed mix. A layer of straw must be placed over the seed.
2. Properly grade the three approved infiltration basins, properly install the weirs/riprap, loam and stabilize with an appropriate seed mix.
3. Redirect roof drains to discharge into the basins north and south of the building.
4. Apply a wildlife conservation seed mix and straw to the disturbed area beyond the approved limit of disturbance associated with Unit K-3's driveway and plant seventeen (17) sweet pepperbush (*Clethra alnifolia*) plantings. Plantings are to be spaced five feet apart and be at least four feet in height after planting. Refer to enclosed sketch for guidance.
5. Install the nine (9) northern white cedars (*Thuja occidentalis*) as depicted on the approved site plan.

The removal of accumulated sediment, installation of the conservation seed mix and straw, and planting of the shrubs and trees noted above must be completed no later than October 31, 2019. Please be advised that you must ensure the survival of all trees and shrubs as described for a full year after planting. Any plantings that do not survive one full year must be replaced in-kind.

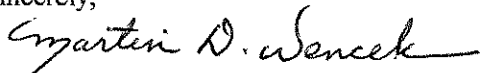
All infiltration basins and directing roof drainage to the basins must be completed no later than November 20, 2019. Seeding of the basins must be completed no later than April 12, 2020.

Within ten (10) days of receipt of this letter, you must notify this office in writing of your intent to comply with the requirements of this letter. Failure to notify this office of your intent to comply or failure to satisfy the requirements of this letter within a timely and appropriate manner could subject you to more severe enforcement action as allowed by RIGL and/or the Rules.

You are required to notify this Office in writing upon completion of the requirements stated in this letter.

Please contact Andrew Charpentier should you have any questions regarding this letter (telephone: (401) 222-4700 ext. 7414).

Sincerely,



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

w/enclosures: Permit letters of July 25, 2017 and August 30, 2018
Restoration Plan

cc: Bruce Ahern, DEM Office of Compliance & Inspection
Robert Assalone, West Warwick Building Official



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

August 30, 2018

Matteson Ridge, LLC
Salvador F. Leccese, Member
1071 Main Street
West Warwick, RI 02893

Insignificant Alteration - Permit

Re: Application No. 18-0158 in reference to the location below:

Approximately 100 feet south of Greenbush Road, opposite utility pole 134, and approximately 250 feet west of its intersection Maid Marian Lane, Assessor's Plat 12, Lot 20, West Warwick, RI

Dear Mr. Leccese:

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 driveway associated with approved Unit K-3, and associated landscaping as illustrated and detailed on site plans submitted with your application. These site plans were received on June 27, 2018.

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. 18-0158:

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 has been received by the DEM on June 27, 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 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. This permit expires four (4) years from the date of issue 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 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 which are installed or used in compliance with this permit to prevent harm to adjacent wetlands until such time that you document that this responsibility has been assumed by another person or organization.
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. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
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. Artificial lighting along the driveway/roadway where it encroaches into freshwater wetlands is not authorized in this permit.

17. Sheet 5 of the previously approved site plans (dated July 25, 2018-Wetland Permit No. 17-0080) has a note which requires the installation of a grass filter strip near infiltration Basin 5a at this site. Although not depicted on this site plan, the grass filter strip intended to provide adequate pretreatment of the water quality volume is still required.

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.

Kindly be advised that this permit is not equivalent to a determination of the type or extent of freshwater wetlands on the subject property. Should you wish to obtain such verification, you may submit an application in accordance with the Rules.

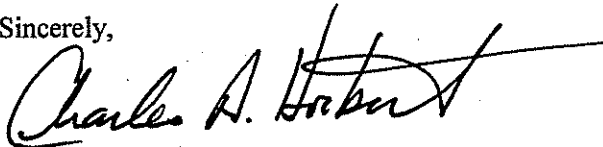
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department.

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

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 Andrew Charpentier of this office (telephone: 401-222-4700, ext. 7414) should you have any questions regarding this letter.

Sincerely,



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

Enclosure: Approved site plans

cc: Robert B. Boyer, Boyer Associates
Steven Cabral, P.E., Crossman Engineering
Kevin Fetzer, Ecotones, Inc.
George Dumont, Warwick Building Official