



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

March 25, 2019

Clark Homes, LLC
C/o John O'Hearne
185 Hanton Road
North Smithfield, RI 02896

Insignificant Alteration – Permit

RE: Wetland Application No. 18-0292 and RIPDES Program File No. RIR 101826 in reference to the property and proposed project located:

Approximately 975 feet northeast of Clark Road, opposite utility pole no. 25; approximately 1,164 feet east-northeast of the intersection of Canton Court and Clark Road; Assessor's Plat 45, Lot 61, Smithfield, RI.

Dear Mr. O'Hearne:

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 construction of a 20 lot residential subdivision (to be known as, Deer Run Estates) with roadway, dwellings, utilities, driveways, Onsite Wastewater Treatment Systems (OWTS), private wells, stormwater best management practices, and landscaping, as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on February 7, 2019 and on February 11, 2019 (sheet C-8 only).

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 250-RICR-150-15-1.9 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act, 250-RICR-150-15-1 (Rules), this project may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Wetland Application No. 18-0292 and RIPDES File No. RIR101826:

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws § 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 February 7, 2019 and on February 11, 2019 (sheet C-8 only). 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 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 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 four (4) years from the date of issue.
8. Any material utilized in this project must be clean and free of matter which 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. You are responsible for the proper 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 documentation is provided that this responsibility has been assigned to another entity.
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. 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.
14. The long-term operation and maintenance plan shall be strictly followed. The long-term O & M Plan shall be that entitled "Long-Term Operation and Maintenance Plan & Long Term Pollution Prevention Plan for Deer Run Estates, Subdivision Located at Clark Road-Pole #25, Smithfield, Rhode Island, Smithfield Assessor's Map 45, Lot 61; Prepared for Clark Homes, LLC, 185, Hanton Road, North Smithfield, RI 02896", dated Revised March 20, 2019, Prepared by American Engineering, Inc., 400 South County Trail, Suite A201, Exeter, Rhode Island 02822.

Pursuant to the provisions in 250-RICR-150-15-1.9(A)(9) and 250-RICR-150-15-1.11(D), as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

Additionally, the Program has also 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 2018 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. RIR 101826.

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/programs/benviron/water/permits/swcoord/pdf/cpg092618.pdf>.

Please be aware that the RIDEM's Rules and Regulations Governing the Establishment of Various Fees (250-RICR-30-00-1) 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 31st 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.

Kindly be advised that this permit is not equivalent to a verification of the type or full extent of freshwater wetlands on site. Only some edges have been verified under Wetland File No. 18-0058. Should you wish to have the types and extent of all freshwater wetlands verified, you may submit the appropriate application in accordance with 250-RICR-150-15-1.8(C).

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 Daniel Kowal of this office (telephone: 401-222-4700, ext. 7416) should you have any questions regarding this letter.

Sincerely,



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

MDW/DMK/dmk

Enclosure: Approved site plans

cc: Daniel R. Cotta, PE, American Engineering, Inc.
Scott P. Rabideau, Natural Resource Services, Inc
James Cambio, Smithfield Building Official
Michael R. Darveau, PLS, Darveau Land Surveying, Inc.
Neal Personeus, RIDEM/Office of Water Resources