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

July 10, 2019

Fogland, LLC
c/o Deborah Sanford
75 Sears Road
Southborough, MA 01772

Re: Wetland Application No. 18-0329 & RIPDES No. RIR101862 in reference to the location below:

> Approximately 150 feet east of Main Road (Route 77), approximately 650 feet northeast of the intersection of Pond Bridge Road and Main Road (Route 77), Utility Pole No. 465, Assessors Plat 809, Lot 101, Tiverton, RI.

Dear Ms. Sanford:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program, ("Program") has completed its review of your proposed five-lot residential subdivision with pervious driveways, onsite wastewater treatment systems (OWTS), private wells, underground electric utility lines, stormwater management structures, and landscaped yards, as illustrated and detailed on site plans submitted with your application. The site plans referenced by this letter and on file with this Program were received on June 10, 2019.

Our inspection reveals that freshwater wetlands regulated by the DEM are present on or in close proximity to the subject property. Review of your proposed project, however, reveals that this project does not represent an alteration to these freshwater wetlands. It is our determination therefore that a permit for this project pursuant to the Freshwater Wetland Act (R.I. Gen. Laws § 2-1-18 et seq.) or the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1, is not required. This Determination **is specific to the proposed site alterations illustrated and detailed on site plans on file with this Program and is further predicated on the following:**

1. Adequate measures are employed during and after site alterations to control soil erosion and to prevent any sediment from such erosion being deposited in any freshwater wetlands. You should consult the Rhode Island Soil Erosion and Sediment Control Handbook for appropriate methods to control erosion and prevent sediment from leaving your project site.

2. This determination does not authorize you to modify your project in such a way as to result in the following:
   a. An increase in the rate and/or volume of surface water runoff flowing into, or draining or diverting from these wetlands; or

   b. A diversion of groundwater into or away from these wetlands; or

   c. A modification to the quality of water reaching these wetlands, which could change their natural character.

Please note that this Determination is specific to this proposed project as illustrated on the reviewed site plans **for a limited period of four (4) years from the date of issue** and does not remove your obligation to obtain any local, state or federal approvals or permits required by ordinance or law.

The Program has also reviewed this project in accordance with the standards of the RIPDES General Permit for Stormwater 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 CGP. This determination therefore includes your final authorization to discharge stormwater associated with construction activity under the CGP. For future references and inquiry, your permit authorization number is **RIPDES No. RIR101862**.

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 are available at:

http://www.dem.ri.gov/programs/benviron/water/permits/swcoord/pdf/cpg092618.pdf.

Please be aware that the DEM's Rules and Regulations Governing the Establishment of Various Fees, 250-RICR-30-00-1, require that RIPDES CGP permit holders 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.

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. You are also responsible for ensuring that your project complies at all times with the RIPDES CGP.

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

Any modification to your project that would result in an alteration to freshwater wetlands, or allowing your project to result in an alteration to freshwater wetlands, requires a permit from this Program. Unauthorized alterations to freshwater wetlands are subject to enforcement action.

Enclosed please find one (1) copy of your site plans stamped REVIEWED by this Program. Please contact Claire Swift (telephone: 401-222-6820x 7418) should you have any questions.

Sincerely,

Martin D. Wencek

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

MDW/CVS/cvs

Enclosure: Reviewed Site Plan

ec: Neal Personeus, DEM Stormwater Program
William F. Smith, PE, Civil Engineering Concepts, Inc.
Scott P. Rabideau, Natural Resource Services, Inc.