



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

CERTIFIED MAIL

June 1, 2020

Marjorie M. Lawton
1578 Snake Hill Road
North Scituate, RI 02857

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Application No. 18-0342 in reference to the location below:

Approximately 250 feet northeast of Snake Hill Road, by Utility Pole Numbers 260 and 261, approximately 1,045 feet northwest of the intersection of Snake Hill Road and Stone Dam Road, Assessors Plat 12, Lot 71, Gloucester, RI.

Dear Ms. Lawton:

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 new single-family dwelling, a crushed stone driveway, an onsite wastewater treatment system (OWTS), a private well, installation of overhead utility lines, stormwater management features, and 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 4, 2019. 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.

The Program did not receive any written comments relating to this application during the public notice period

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 Application No. 18-0342:

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 received by the DEM on December 4, 2019. 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 Glocester 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 or the DEM issues a Notice of Completion of Work for the project.
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 operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control that are installed or used in compliance with this permit to prevent harm to adjacent wetlands.
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.
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 crosses freshwater wetlands is not authorized in this permit.

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.

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 Self-Verification (SV) of the Rhode Island General Permit NAE-2016-2264), (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. **You are, therefore, not required to file a separate application with the Corps.**

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 and/or subject you to the enforcement provisions of the Corps' regulations.

In permitting the proposed alterations, the Program 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.

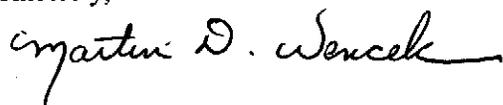
If you are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), One Capitol Hill, Second Floor, Providence, RI 02903. A copy of 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 Dan Kowal of my staff at this office (telephone: 401-222-6820).

Sincerely,

A handwritten signature in black ink that reads "Martin D. Wencek". The signature is written in a cursive style with a long horizontal flourish at the end.

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

Enclosure: Approved Site Plans

ec: Mary Dalton, Administrative Adjudication Division
Mohamed Freij, DEM, OWTS Program
Mike Wierbonics, U.S. Army Corps of Engineers, New England District
Joseph F. Raymond, Town of Burrillville Building Official
Joseph McCue, Mason and Associates, Inc.
Tom Principe, Principe Company, Inc.
Norbert Therrien, National Surveyors-Developers, Inc.



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

December 18, 2019
Application No. 18-0342

NOTICE

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has under consideration the application of Marjorie M. Lawton, of 1578 Snake Hill Road, North Scituate, RI 02857 requesting permission to alter freshwater wetlands in the Town of Glocester.

The proposed project is located approximately 250 feet northeast of Snake Hill Road, by utility pole nos. 260 and 261; approximately 1,045 feet northwest of the intersection of Stone Dam Road and Snake Hill Road; Assessor's Plat 12, Lot 71, Glocester, RI.

The freshwater wetlands affected by the proposed project include a swamp and the associated 50 foot perimeter wetland.

The purpose of the proposed wetland alterations is for the construction of a driveway to access a proposed 3 bedroom dwelling with an Onsite Wastewater Treatment System, private well, a rain garden, and two vegetated stormwater swales.

The proposed alterations to freshwater wetlands consist of at least vegetative clearing, soil disturbance, excavation, filling, grading, culvert installations, overhead wires and utility pole installations, and plant installations.

The project, as proposed will result in the alteration and/or disturbance of at least 5,475 square feet (0.13 acres) of freshwater wetlands.

Full-sized site plans illustrating the proposed project and detailing freshwater wetlands to be altered have been furnished to the Glocester Town Council and the Glocester Town Clerk's Office and may be viewed at the Town offices or at our Offices. A reduced set of the site plans have been provided with this **NOTICE**.

This NOTICE is not authorization to do any work or to proceed with the project.

The purpose of this **NOTICE** is to inform all landowners whose properties are within two hundred feet (200') of the proposed project, the Town/City Council, the Conservation Commission, the Planning Board, the Zoning Board, and any other interested individuals and agencies of the proposal and to provide for a period of forty-five (45) days (NOTICE Period) within which concerns or comments may be received. Any comments and/or objections received during the NOTICE period shall be used to evaluate the proposed project and its impacts upon freshwater wetland functions and values.

You are advised that if you desire to submit a statement or have a good reason to enter a protest against the proposed project, it is your privilege to do so. Objections to the proposed project must relate to the proposed project's impacts on the functions and values provided by the freshwater wetlands to be altered.

Such functions and values include but are not limited to:

- 1) Protection of life and/or property from flooding or flood flows by retaining, storing, metering, or slowing flood waters from storm events;
- 2) Providing and maintaining surface and/or groundwater supplies by acting as a recharge or discharge area;
- 3) Providing and maintaining valuable wildlife habitats;
- 4) Providing and maintaining high value recreation areas; and
- 5) Protecting and maintaining water quality.

Information regarding the Program's practices and procedures for evaluating such comments, any definitions, or further information on wetland functions and values may be obtained by consulting the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1.

In accordance with 250-RICR-150-15-1.10(D)(3)(a), comments filed with the DEM will be considered if they are in writing, are legible, contain a discernable name and address, are signed and are received during the NOTICE period. The application number appearing in this NOTICE or other information which will identify the comments to the proposed project is also required. The NOTICE period for this application ends at 4:00 p.m. on February 3, 2020. This Program cannot extend this NOTICE period.

Anyone wishing to review the file in this matter should contact the Office of Customer and Technical Assistance in advance (telephone: 401-222-4700, ext. 7265 or Email: DEM.filereview@dem.ri.gov) to arrange an appointment.

Sincerely,



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

MDW/DMK/dmk