



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
 OFFICE OF WATER RESOURCES - Groundwater and Freshwater Wetlands Protection  
**FRESHWATER WETLANDS PROGRAM**  
 235 Promenade Street, Providence, RI 02908  
 Telephone: 401-222-6820; Rhode Island Relay: 711  
[www.dem.ri.gov/wetlands](http://www.dem.ri.gov/wetlands)

Environmental Management

<b>FOR RIDEM USE ONLY</b>
Complete Application Received Date:  <b>OCT 30 2023</b>
Reviewer:  Permit Application Center

**FRESHWATER WETLANDS APPLICATION FOR PERMIT RENEWAL**

**INSTRUCTIONS:** Use this form to request a **Permit Renewal** of a Significant Alteration or Freshwater Wetlands Permit [250-RICR-150-15-3(3.14.2)] or a Permit issued as a result of an Application to Alter or a Request for Preliminary Determination [250-RICR-150-15-1(1.11(B))]

Submit completed Application for Permit Renewal forms with fee no later than sixty (60) days before Permit expiration to:

**Permit Application Center (PAC), RIDEM, 235 Promenade Street, Providence, RI 02908**

(Check or money order must be made payable to the Rhode Island General Treasurer.)

**Note:** An Application for Renewal of a permit shall be limited to requests to continue or complete the originally permitted alterations. Any modifications to the original proposal, other than permitted modifications, shall require a new application, or an Application for Permit Modification.

**PAYMENT INFORMATION**

Fee Payment Amount: \$200. Check #: 1152 Check Issued By: FS.I CORP / FRANK SIMONELLI

**PERMIT INFORMATION and HISTORY**

**Note:** View historical permit information and status, or download a copy of approved FWW decisions and approved plans from DEM's Wetlands Online Permit Search at: [www.ri.gov/DEM/wetlands/](http://www.ri.gov/DEM/wetlands/)

Select Original Permit Type to be Renewed:

- Freshwater Wetlands Permit [250-RICR-150-15-3(3.11)]
- Significant Alteration [250-RICR-150-15-3(3.12)]
- Permit resulted from Request for Preliminary Determination [250-RICR-150-15-1(1.9)]
- Permit resulted from Application to Alter [250-RICR-150-15-1(1.10)]

Provide all file numbers associated with this site:

Freshwater Wetlands: 20-0108  
 Groundwater Discharge/UIC: \_\_\_\_\_  
 RIPDES Construction General Permit: RIR 102055

**Note:** Joint OWTS/Freshwater Wetlands Permits shall not be renewed. New application required.

Provide Original or Subsequent Permit Information:

Original Permit Issue Date: DECEMBER 11, 2020 Subsequent Renewal Issue Date(s): \_\_\_\_\_  
 Original Permit Expiration Date: DECEMBER 11, 2024 Subsequent Renewal Expiration Date(s): \_\_\_\_\_

Have all original and subsequent permits for the project for which the renewal is requested been recorded in the municipal land evidence records, as required by the permits' terms and conditions of approval? (if applicable)  YES  NO  N/A

If yes, has written documentation confirming the recording been received by DEM?  YES  NO  N/A

If no, submit written documentation confirming the original and subsequent permits have been recorded with this form. (if applicable)

**Note:** Confirm by viewing permit information from the Wetlands Online Permit Search at: [www.ri.gov/DEM/wetlands/](http://www.ri.gov/DEM/wetlands/)

**PROPERTY, SITE and PROJECT INFORMATION**

**Note:** An Application for Renewal of a permit will not be granted, if, in the opinion of the Department, work has taken place in non-compliance with the original permit or any renewal thereof, is in non-compliance with the Fresh Water Wetlands Act or any of the Rules, or if the applicant revises the project such that there is a change in proposed alterations of freshwater wetlands, buffers, floodplains, areas subject to flooding or areas subject to storm flowage.

Project Name: Sand Trace RIDOT PTSID # (if applicable): \_\_\_\_\_  
 Primary City/Town: Smithfield Street Abutting Site: Mann School Road  
 Previous enforcement action for this site?  YES  NO If yes, provide Enforcement File(s) #: \_\_\_\_\_  
 Has actual site work commenced on the project for which renewal is requested?  YES  NO  
 If no, provide anticipated date for start of construction: \_\_\_\_\_  
 Provide anticipated date for project completion: December 2026

**APPLICANT INFORMATION**

**Note:** Only the original permittee or subsequent transferee may request renewal of the permit. If required, please submit an [Application for Permit Transfer](#) in addition to this form.

Applicant's Name (Required): Frank Simonelli Title: Owner  
*The applicant must be the owner of the property or easement which is the subject of this application or must be the government agency or entity with power of condemnation over such property or easement.*  
 Name of Representative (if Applicant is an Agency or Entity): \_\_\_\_\_  
 Email: fscustomhomes@yahoo.com Phone: 401-231-4700  
 Mailing Address: 10 B Appian Way  
 City/Town: Smithfield State: RI Zip Code: 02917

**Note:** Permit Renewals being submitted for a project with more than one applicant may provide the [Supplemental Document: Additional Applicant Information and Certification](#) in addition to this form.

Supplemental Form attached?  YES  NO

APPLICANT CERTIFICATION

Select **both** Certifications for Permit Renewal to be granted by RIDEM (required):

- I hereby state that I am requesting renewal of the original or subsequently modified permitted project under the Freshwater Wetlands Permit specified above. I fully understand the permit limitations and will comply with any and all conditions of the permit.
- I hereby certify that I have requested and authorized the investigation, compilation, and submission of all the information, in whatever form, contained in this Application; that I have personally examined and am familiar with the information submitted herein; and that such information is true, accurate and complete to the best of my knowledge. I hereby authorize RIDEM personnel access to the property for purposes of observing conditions pertinent to this application and assessing compliance with any permit or determination resulting from this application, including any sampling, monitoring or surveying that may be deemed appropriate, consistent with [RIDEM's Administrative Inspection Guidelines. \(250-RICR-20-00-3\)](#)

Note any special conditions for access:

[Empty box for special conditions for access]

Applicant's Signature:

*[Handwritten Signature]*

Date of Signature:

9/17/24

RENEWAL PERMIT DECISION [FOR RIDEM USE ONLY]

In accordance with the [Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act \[250-RICR-150-15-3.14.2 "Rules"\]](#), DEM issues the following determination concerning your proposed project based on reliance on the above information and accompanying attachments to your application. Any change in your project, or the existence of property characteristics that differ from descriptions that were provided to the DEM, may invalidate this determination.

Freshwater Wetlands Permit #: 20-0108

- DEM Compliance Inspection Conducted on: 12/17/2024
  - Project 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-150-15-3]
  - Unauthorized wetland alterations have occurred, cease all Wetland disturbance on site.
- Permit Renewal Granted [PERMRENEW]
  - See original Permit for all applicable terms and conditions of approval, available for download at: [www.ri.gov/DEM/wetlands/](http://www.ri.gov/DEM/wetlands/)
  - Additional Terms and Conditional of Approval:
    - This renewal is valid until the Renewal Expiration Date provided below.
    - It is the Applicant's 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 the Applicant of any obligations to obtain any local, state or federal approvals or permits as required by ordinance or law.

- Permit Renewal Not Granted [NOTRENEWED]
  - Original Permit Type not eligible for Renewal.
  - Original Permit has expired.
  - DEM Compliance Inspection found activities onsite are not in compliance with the original or subsequently modified permit.
  - For details, findings and instructions for further required actions, see enclosed letter dated: \_\_\_\_\_

Please contact the Freshwater Wetlands Program by email at [DEM.FWW@dem.ri.gov](mailto:DEM.FWW@dem.ri.gov) or call (401) 222-6820, option #3, if you have questions regarding this decision.

Signature of DEM Official: *[Handwritten Signature]*

Decision Date: 12/17/2024

Renewal Expiration Date: 12/11/2026  
(if applicable)



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

December 11, 2020

Frank Simonelli  
10B Appian Way  
Smithfield, RI 02917

**Insignificant Alteration – Permit**

**RE:** Wetland Application No. 20-0108 and RIPDES Program File No. RIR 102055 in reference to the property and proposed project located:

Approximately 960 feet southwest of Log Road at 8 Mann School Road; approximately 910 feet southwest of the intersection of Mann School and Log Roads; Assessor's Plat 46, Lot 10, Smithfield, RI.

Dear Simonelli:

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 160 unit residential development with roadways, utilities, stormwater best management practices, structure removals, and plantings, as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on October 16, 2020.

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 Wetlands Application No. 20-0108 and RIPDES Program File No. RIR 102055:**

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 determination also includes your final authorization to discharge storm water associated with construction activity under the **2020 RIDPES General Permit for Stormwater Discharge During Construction Activity ("CGP")**. For future references and inquiry, your permit authorization number is RIPDES No. **RIR 102055**.
3. This permit is specifically limited to the project, site alterations and limits of disturbance (LOD) as detailed on the site plans submitted with your application and received by the DEM on October 16, 2020. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that would alter freshwater wetlands are not authorized without a permit from the DEM.
4. 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.

Telephone 401.222.4700 | [www.dem.ri.gov](http://www.dem.ri.gov) | Rhode Island Relay 711

5. You must notify this Program in writing of the anticipated start date, and of your contractor's contact information, by submitting the Notice of Start of Construction Form prior to commencement of any permitted site alterations or construction activity. You must also notify this Program in writing upon completion of the project, including submittal of the Notice of Termination Form. The Start of Construction Form and the Notice of Termination can be found on the webpage: [dem.ri.gov/stormwaterconstruction](http://dem.ri.gov/stormwaterconstruction)
6. 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 City/Town representative upon request.
7. 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.
8. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the date of this letter unless renewed pursuant to the Rules.
9. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
10. 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.
11. 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/ripdes/pdfs/cgp092620.pdf>.
12. 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.
13. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
14. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, stormwater treatment facilities, and systems of treatment and control that 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. Operation and maintenance shall be as described in the plan entitled, "Stormwater System Operation & Maintenance For Sand Trace, Located in Smithfield, Rhode Island, Applicant: Sand Trace LLC," dated 05-01-2020, as prepared by DiPrete Engineering.
15. 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.

16. The existing 6" CPP located within the A series wetland is to be removed using hand tools only. There is to be no vegetative clearing within the flagged A series wetland. Upon pipe removal, the disturbed soil surface must be stabilized with a conservation grass seed mix for moist sites. See Inset A on sheet 5 of 23 for additional details.
17. Native vegetation is to remain to the maximum extent practicable within the perimeter wetland to be restored as noted on sheets 5, 9, and 10 of 23.
18. Existing native vegetation between riprap (ELEV 216) and edge of water must remain undisturbed, as noted on sheet 10 of 23. No riprap to be placed east of ex. 216 contour.
19. Existing red maple and red oak trees within the perimeter wetland are to remain undisturbed as noted on sheet 10 of 23.
20. The proposed red maple, grey birch, sweet pepper bush, and northern arrow wood plantings are to be installed in the locations as depicted on sheets 9 and 10 of 23. These plantings must be allowed to develop naturally without being subjected to mowing or manicuring.
21. 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. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.
22. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
23. 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.
24. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. This project must take place in compliance with these revisions. Specifically, 1) the LOD and sediment controls have been expanded to accommodate the removal of the existing outfall depicted on sheet 8 of 23, any vegetative cutting is to be kept to the minimum necessary for outfall removal and disturbed soil surfaces are to be seeded; and 2) the LOD and sediment controls have been expanded to accommodate the removal of the existing overhead wires and utility poles depicted on sheets 5, 6, and 7 of 23, no tree cutting is to occur and all other vegetative cutting is to be kept to the minimum necessary for removal.

Pursuant to the provisions in 250-RICR-150-15-1.7(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.

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 31<sup>st</sup> 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.

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.

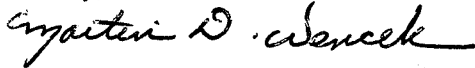
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

Kindly be advised that this permit is not equivalent to a verification of the type or extent of freshwater wetlands on site. Should you wish to have the types and extent of freshwater wetlands verified, you may submit the appropriate application in accordance with 250-RICR-150-15-1.8(C).

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, x7416) 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: Audie Osgood, PE, DiPrete Engineering  
Neal Personcus, DEM Stormwater Program  
Scott P. Rabideau, Natural Resource Services, Inc.  
Christopher McWhite, Smithfield Building Official