



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

January 6, 2021

Town of Cumberland
C/o Linda Teel, Chief of Staff
45 Broad Street
Cumberland, RI, 02864

Insignificant Alteration – Permit

Re: Application No. 20-0207 for the property and proposed project located:

Approximately 670 feet east of Diamond Hill Road at 4097 Diamond Hill Road; approximately 1,165 feet southeast of the intersection of Pine Swamp and Diamond Hill Roads; Assessor's Plat 59, Lot 15, Cumberland, RI.

Dear Ms. Teel:

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 Diamond Hill Park Improvements to the Diamond Hill Park Pond and Stage. The site is located at Diamond Hill Park situated approximately 670 feet east of Diamond Hill Road, approximately 1,165 feet southeast of the intersection of Pine Road and Diamond Hill Road, Assessor's Plat 59, Lot 15, Cumberland, Rhode Island as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on September 15, 2020 (site plan sheets 1, 2, 6, & 7 of 7 only), while site plan sheets 3, 4, & 5 of 7 were received by the DEM on November 30, 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, 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. 20-0207:

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 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 September 15, 2020 (site plan sheets 1, 2, 6, & 7 only), while site plan sheets 3, 4, & 5 were received by the DEM on November 30, 2020. A copy of the site plans stamped approved by the DEM (seven total sheets) is enclosed. Changes or revisions to the project that 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 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. The Start of Construction Form can be found on the webpage: dem.ri.gov/stormwaterconstruction.
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 city/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 Cumberland 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 this letter 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 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. 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.
14. This permit supersedes a previous permit issued by the DEM for the subject property under Application No. 13-0108.
15. 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, a) the existing deciduous trees/saplings and shrubs present along the immediate west bank of Sylvie's Brook must remain unaltered as per Drawing No. C3.0; b) please be advised that the approved site plan set has been renumbered to reflect seven total sheets; and c) the existing culvert that contains Sylvie's Brook downslope of the pond has been revised to reflect a diameter of 48 inches.

16. An aquatic vegetative cover of at least 10 % is to be maintained within Diamond Hill Park Pond.
17. The flow of Sylvys Brook is to be maintained through Sluiceway A at all times.

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.

If you have not already done so, or in order to check on the status of their review, please contact the U.S. Army Corps of Engineers to determine federal permit requirements on your project. Write the Corps' New England District, Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751; website: <https://www.nae.usace.army.mil/Missions/Regulatory> or email at cenaer@usace.army.mil. Please note that the Department of the Army authorization must be obtained before any work is initiated in areas subject to Corps jurisdiction.

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 me at 401-222-4700, ext. 77403) 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: Bruce Ahern, DEM, Office of Compliance and Inspection
Brian J. Mahoney, P.E., Pare Corporation
Brad Ward, Cumberland Building Official
Jonathan Stevens, Director, Cumberland, Planning and Community Development
Mike Wierbonics, U.S. Army Corps of Engineers, New England District



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF WATER RESOURCES
235 Promenade Street,
Providence, Rhode Island 02908

November 20, 2020

Town Of Cumberland
C/o Linda Teel
45 Broad Street
Cumberland, RI, 02864

Re: Wetland Application No. 20-0207 in reference to the property and proposed project located:

Approximately 670 feet east of Diamond Hill Road at 4097 Diamond Hill Road; approximately 1,165 feet southeast of the intersection of Pine Swamp and Diamond Hill Roads; Assessor's Plat 59, Lot 15, Cumberland, RI.

Dear Ms. Teel:

Please be advised that the DEM's Freshwater Wetlands Program is unable to complete our review of your Application at this time. The enclosed review comments are intended to obtain additional information and specify what must be revised and/or provided so that we may continue to process your application. Please provide this information as soon as possible. If we do not receive this information within (1) one year of the date of this letter your application will be considered closed pursuant to the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1.

Thank you in advance for your anticipated cooperation in addressing the enclosed comments. Please reference the application number provided above in all communications regarding your application. If you have any questions, please call Mr. Daniel Kowal at (401) 222-4700, ext. 7416 for any questions.

Sincerely,

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

MDW/dmk

Enclosure: Technical review comments

ec: Brian J. Mahoney, P.E., Pare Corporation

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (RIDEM)
FRESHWATER WETLANDS PROGRAM (FWP)
BIOLOGICAL APPLICATION REVIEW SHEET

FILE NO: 20-0207 **FILE NAME:** Tow of Cumberland

REVIEWER: Daniel M. Kowal **DATE:** November 19, 2020

REVIEW STATUS

Incomplete: Biologist

Required Information Per Rules/Regulations (Rules and Regulations Governing The Administration and Enforcement Of The Fresh Water Wetlands Act, 250-RICR-150-15-1) (see review comments below).

REVIEW COMMENTS FOR SITE PLANS AND INFORMATION RECEIVED ON SEPTEMBER 15, 2020:

1. Please be advised that on November 5, 2020, a representative of the Department Of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") inspected the property that is the subject of this application (20-0207). It has been determined that relatively recent work has taken place on the property which has resulted in the unauthorized alteration of a freshwater wetland. Such activities/alterations include at least replacing an existing culvert with a smaller diameter culvert within a river (Sylvie's Brook).

Therefore, you must choose one of the following tasks:

- a) Keep the 48 inch culvert in place and supply the Freshwater Wetlands Program with the appropriate engineering requirements (supporting calculations, documents, and reports) in accordance with 250-RICR-150-15-1.9(B)(1)(e)(1) or
 - b) Remove the existing 48 inch culvert and replace it with a 60 inch culvert in accordance with 250-RICR-150-15-1.6(C)(1)(b)(1) for replacement of functional drainage structures.
2. Provide Construction Sequence Notes on the site plans (see page 11-3 of the **WETLAND BMP MANUAL: TECHNIQUES FOR AVOIDANCE AND MINIMIZATION**, April 2010). Ensure that the notes include the methods to be used in controlling the water levels in Diamond Hill Park Pond and Sylvie's Brook during construction.
3. Provide on site plans the location(s) of the proposed aeration system to be installed within Diamond Hill Park Pond (Rule 250-RICR-150-15-1.7(A)(3)(I)(7)).
4. Provide on site plans the proposed Long-Term Recommendations for the proposed pond management of Diamond Hill Park Pond. Please be specific as possible with the proposed actions and in particular with Aquatic Vegetation Management (e.g., will any aquatic vegetation be allowed to remain? or will the pond be kept free of all vegetation?). The Freshwater Wetlands Program recommends that some aquatic vegetation be maintained within the pond for wildlife (250-RICR-150-15-1.9(B)(1)(d)).
5. Removal of the existing vegetation along the bank area west of Sylvie's Brook, along with grading and replanting for bank stabilization appears to be unnecessary. Currently, there is a well established narrow strip of deciduous trees/saplings and shrubs along the immediate bank contributing to bank stabilization. Therefore, the Freshwater Wetlands Program highly recommends that instead of clearing this existing strip of vegetation and then grade and replant, install additional herbaceous and woody plants along the bank to stabilize the bank further (250-RICR-150-15-1.9(B)(1)(d)).
6. Provide on site plans the tax assessor's plat and lot number(s) in accordance with Rule 250-RICR-150-15-1.7(A)(3)(e).

Furnish **three sets of revised site plans** to this office that incorporate the above comments. Please include a written response (two copies) to the review comment noted above.