



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

CERTIFIED MAIL

June 3, 2021

Joan M. Mooney
2950 S.E. Ocean Blvd., Unit 117-5
Stuart, FL 34996

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Application No. 20-0254 in reference to the location below:

Approximately 50 feet southeast of Canning Street, opposite Utility Pole No. 4, approximately 390 feet northeast of the intersection of Woodrow Street and Canning Street, Assessors Plat 37, Lot 186, Cumberland, RI.

Dear Ms. Mooney:

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 home, a paved driveway, in-ground utility installations consisting of sewer and public water in addition to an overhead utility line installation, stormwater management features including installation of a twelve inch pipe within the existing drainage easement to replace a portion of an existing culvert, and yard 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 November 21, 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.

This Program received nine letters relating to your application which were submitted *during* the public notice period. These letters expressed concern regarding your project's impacts to freshwater wetland values, especially flooding. With regards to the documentation of localized flooding that exists in and around the vicinity of the subject property, supportive information provided by the design engineer, and subsequent review by the Stormwater Engineering Program has determined that this project as now proposed, is not expected to worsen the flooding conditions known to be occurring. As a result, the Program has determined that the comments contained within these letters noting potential impacts to all freshwater wetland values, do not constitute an objection of a substantive nature per 250-RICR-150-15-1.10(D)(3). Therefore, a public hearing pursuant to R.I.G.L. Section 2-1-22 is not required.

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. 20-0254:

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 March 25, 2021. 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 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 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. The long-term operation and maintenance plan shall be strictly followed. The long-term O & M Plan shall be that dated and received by this Program February 15, 2021 prepared by Commonwealth Engineering.

13. 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.
14. 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.
15. 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.
16. 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.

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.

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.

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 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.


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 Jane Kelly of my staff at this office (telephone: 401-222-6820).

Sincerely,



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

Enclosure: Approved Site Plans

cc: Mary Dalton, Administrative Adjudication Division
Eric Beck, Chief, Water Resources, Permitting
Brad Ward, Town of Cumberland Building Official
Jonathan Stevens, Town of Cumberland, Planning Director
Leslie Martin, U.S. Army Corps Of Engineers, New England District
Scott P. Rabideau, Natural Resource Services, Inc.
Timothy Behan, Commonwealth Engineering and Consultants, Inc.
Ernest Faucher
Michelle Burgoyne
Michael and Meredith Barry
Micheal and Sharon Clapprood
William Spear
Amy E. Brayton
James F. Queenan
Attila Majoros and Eszter Vida