



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

June 3, 2021

Todd Grenga  
7 Cozy Lane  
Cumberland, RI 02864

**Insignificant Alteration – Permit**

Re: Application No. 21-0131 for the property and project located:

Approximately 75 feet east of the terminus of Cozy Lane and approximately 300 feet southeast of its intersection with Temple Street, Utility Pole No. 1, Assessor's Plat 52, Lot 7, Cumberland, RI.

Dear Mr. Grenga:

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 installation of a flexible pond leveler device with associated piping and cage within the stream and swamp/ponded area as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on April 21, 2021.

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. 21-0131:

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 April 21, 2021. 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.
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](http://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 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. To protect your property while also providing adequate depth for the beaver habitat, and to not dewater any portion of the upstream wetlands below that which is proposed, the pond level is to be set approximately 8-inches above the level known from approximately June 2004 through April 2020 and approximately 8-10 inches below the additional dam built since the Spring of 2021. The water level must be adjusted in the event that upstream wetland levels are lowered below the anticipated level proposed.
11. In the event the pond leveler device results in a downstream flooding event, the device must be immediately removed.
12. You are responsible for the proper installation, operation and maintenance of the pond leveler device that is installed or used in compliance with this permit to prevent harm to adjacent wetlands.
13. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically, the site plan sheets have been numbered sequentially (1 of 2 through 2 of 2).

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.

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.

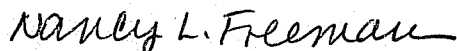
Kindly be advised that this permit is not equivalent to a verification of the type or extent of freshwater wetlands on site. Should you wish to have the types and extent of freshwater wetlands verified, you may submit the appropriate application in accordance with 250-RICR-150-15-1.8(C).

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.

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](mailto: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.

Please contact Jessica Lord of this office (telephone: 401-222-3961, ext. 77416) should you have any questions regarding this letter.

Sincerely,



Nancy L. Freeman, Principal Environmental Scientist  
Office of Water Resources  
Freshwater Wetlands Program  
NLF/JAL/jal

Enclosure: Approved site plans

cc: Kevin Kotelly, U.S. Army Corps of Engineers, New England District  
Leslie Martin, U.S. Army Corps of Engineers, New England District  
Brad Ward, Building Official, Town of Cumberland  
Charles Brown, IV, RIDEM Fish & Wildlife