



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

August 16, 2021

Cliver Calderon & Louise Garriepy  
35 Capron Road  
Smithfield, RI 02917

**Insignificant Alteration – Permit**

Re: Application No. 21-0158 in reference to the location below:

Approximately 225 feet south of Capron Road, approximately 500 feet southwest of the intersection of Kane Road and Capron Road, Assessor's Plat 46, Lots 126B & 126D, Smithfield, RI.

Dear Mr. Calderon & Ms. Garriepy:

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 wetland restoration with plantings and removal of fill and an unauthorized pipe, with subsequent construction of a new single-family home to include a crushed stone driveway, attached garage, onsite wastewater treatment system (OWTS), water line, rain garden, and landscaped yard, as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on July 27, 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. 21-0158:

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 July 27, 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 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 Smithfield 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.
14. Soil disturbance in watercourses must temporarily cease in the event of any abnormally high stormwater runoff event.
15. **The restoration of the wetlands including installation of the final driveway culvert must be completed before construction of the house can begin.** This restoration, including all plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plans, must be completed no later than **November 1, 2021.** You must notify this Program in writing upon completion of the required restoration and plantings for a compliance inspection by a Program representative.
16. All single and double hatched areas noted on the approved site plan other than the driveway, must be allowed to revert to a natural condition and must not be subject to mowing, manicuring or clearing without a permit from this Program.

17. 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.
18. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
19. Artificial lighting is not authorized along the driveway/roadway where it crosses freshwater wetlands.
20. **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:**
  - a) **The Limit of Disturbance has been extended to completely enclose all proposed work.**
  - b) **Erosion controls have been extended to locations where soil disturbance is proposed in wetland jurisdictional areas.**
  - c) **The proposed and temporary limits of disturbance have been labeled more clearly.**
  - d) **The driveway culvert shall be no longer than 20 feet in length.**
21. **Also prior to commencement of any site alterations associated with construction of the proposed dwelling, permanent buffer zone markers must be installed along the limit of disturbance at the locations indicated in red ink on the approved site plans**, in order to provide permanent reference points on site that are clear to present and future property owners. Acceptable permanent type markers include 4" x 4" pressure treated timber posts, galvanized fence posts with cap, or granite or concrete bounds. Markers must extend a minimum twenty-four (24) inches above grade. A permanent-type tag or sign labeled "RIDEM Buffer Zone" must be placed on each marker. A permanent-type fence at least twenty-four (24) inches tall placed along the limits of disturbance and similarly labeled may be substituted where desired. No alterations of any kind are permitted beyond these markers without first obtaining the necessary permit from this Program.
22. Immediately upon installation of the buffer zone markers, this Program must be contacted to arrange an on-site inspection. Once proper installation has been confirmed by this Program, work may be initiated on the project as herein approved.

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.

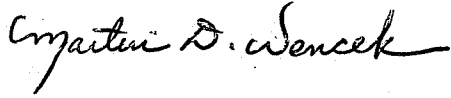
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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.

Please contact Claire Swift of this office (telephone: 401-222-6820, ext. 77418) should you have any questions regarding this letter.

Sincerely,



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

MDW/CVS/cvs

Enclosure: Approved site plans

cc: Mohamed Freij, DEM OWTS Program  
Bruce Ahern, DEM Office of Compliance and Inspection  
Christopher McWhite, Town of Smithfield Building Official  
Patricia Kelly, Kelly Land Services, Inc.  
Scott Rabideau, Natural Resource Services, Inc.