



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

Environmental Management
 FOR RIDEM USE ONLY

Complete Application Received Date:

NOV - 2 2023

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 # 003402

Check Issued By: Post/IC

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/

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: 21-0171
 Groundwater Discharge/UIC: _____
 RIPDES Construction General Permit: _____

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

Provide Original or Subsequent Permit Information:

Original Permit Issue Date: December 21, 2021 Subsequent Renewal Issue Date(s): December 21, 2022
 Original Permit Expiration Date: December 21, 2022 Subsequent Renewal Expiration Date(s): December 21, 2023

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/

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: Union Ave. Burrillville RI RIDOT PTSID # (if applicable): NA
 Primary City/Town: Burrillville Street Abutting Site: Union Ave.

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: _____

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): Richard Johnston 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): David L Johnston, Esq.

Email: DJohnston@johnstonlawri.com Phone: 401 737 3050

Mailing Address: 2363 Post Road

City/Town: Warwick State: RI Zip Code: 02886

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: 11/1/23

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 #: 21-0171

DEM Compliance Inspection Conducted on: 11/9/23

- 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/

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 or call (401) 222-6820, option #3, if you have questions regarding this decision.

Signature of DEM Official: [Handwritten Signature]
(Note: 3rd renewal)

Decision Date: 12/4/2023

Renewal Expiration Date: 12/21/2024
(if applicable)



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

December 30, 2022

Richard Johnston
2363 Post Road
Warwick, RI 02886

Permit Renewal

RE: Application No. 21-0171 in reference to the location below:
Approximately 40 feet west of Union Avenue, between Utility Pole numbers 19 and 20, and approximately 340 feet northwest of intersection of Union Avenue and Emerson Road, Assessor's Plat 158, Lots 14, 15, and 16, Burrillville, RI.

Dear Mr. Johnston:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Application for Renewal in accordance with Rule 1.11(B) of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1 ("Rules"), received on November 28, 2022.

It is our understanding that you are requesting renewal of the permit issued for Application No. 21-0171. The original permit was issued on December 21, 2021 to Richard Johnston. This permit expired on December 21, 2022.

This Program has completed an inspection of the site and has found that your project, at this time, is 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-150-15-1. It is our determination, therefore, that the permit may be renewed. This renewal is valid until December 21, 2023 and will expire on that date.

Please be advised that this is considered the second of three renewals allowed pursuant to Rule 1.9(D)(5)(c).

A copy of the original permit letter of December 21, 2021 is enclosed for your convenience. It is your 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 you of any obligations to obtain any local, state, or federal approvals or permits as required by ordinance or law.

Please contact me at this office (telephone: 401-222-6820, ext.2777403) should you have any questions regarding this letter.

Sincerely,

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

Enclosure: Original Permit Letter dated December 21, 2021

Office of Water Resources/Permitting Section/Tel.401-222-6820/FAX:401-222-6177



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

CERTIFIED MAIL

December 21, 2021

Richard Johnston
2363 Post Road
Warwick, RI 02886

PERMIT TO ALTER FRESHWATER WETLANDS

RE: Wetlands Application No. 21-0171 in reference to the location below:

Approximately 40 feet west of Union Avenue between Utility Pole Nos. 19 and 20, and approximately 340 feet northwest of its intersection with Emerson Road, Assessor's Plat 158, Lots 14, 15, & 16, Burrillville, RI.

Dear Mr. Johnston:

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 3-bedroom dwelling with pervious driveway, utilities (onsite wastewater treatment system (OWTS), connection to water service, and aboveground electrical connection), landscaped yard, plant installations, clearing, soil excavation, grading, filling, and soil disturbance as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on September 3, 2021. 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 three 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. This Program reviewed these letters together with any supporting documents and evaluated the potential impacts from the project upon the values mentioned in the letters. The Program has determined that the comments contained within these letters do not constitute an objection of a substantive nature as defined in 250-RICR-150-15-1.10(D)(3)(c). Therefore, a public hearing pursuant to R.I. Gen. Laws § 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 Wetlands Application No. 21-0171:

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 3, 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 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 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 Burrillville 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, and 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. You are obligated to install, utilize, maintain, 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. 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.
15. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
16. 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, note 1 under planting notes on sheet 2 has been revised to describe the double row of plantings (forty plants total) and note 3 under general notes on sheet 1 has been revised to refer to Soil Evaluation Application #1903-1603.
17. Also prior to commencement of any site alterations, permanent buffer zone markers must be installed along the limit of disturbance at the locations indicated 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.

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 Department 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.

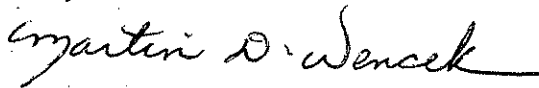
If you are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), 235 Promenade Street, Providence, RI 02908. A copy of the request 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 Jessica Lord of my staff at this office (telephone: 401-222-6820, ext. 2777416).

Sincerely,



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

MDW/JAL/jal

Enclosure: Approved Site Plans

cc: Mohamed Freij, PE, PLS, Supervising Sanitary Engineer, DEM OWTS Program
Joseph Raymond, Town of Burrillville Building Official
Angelo Raimondi, PLS, Scituate Surveys, Inc.
Scott Rabideau, Wetland Biologist, Natural Resource Services, Inc.
Leo Frisk, Jr.
Madeline McNally
Richard Dionne, Chairperson, Burrillville Conservation Commission