



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 27 2025
 reviewer:
 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 #: 511 Check Issued By: Bertram Malle & Lara London

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: 22-0313
 Groundwater Discharge/UIC: _____
 RIPDES Construction General Permit: RIR102579

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

Provide Original or Subsequent Permit Information:

Original Permit Issue Date: Jan 30, 2024 Subsequent Renewal Issue Date(s): _____
 Original Permit Expiration Date: Jan 30, 2025 Subsequent Renewal Expiration Date(s): _____

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: 0 Rocky Hill Road, Plat 20 / Lot 6 RIDOT PTSID # (if applicable): 102579
 Primary City/Town: North Smithfield Street Abutting Site: Rocky Hill Road
 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: Jan 30, 2026

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): Bertram Malle Title: _____
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): _____
 Email: bfmalle@mac.com Phone: (401) 580-0164

Mailing Address: 86 Brown Stret
 City/Town: Providence State: RI Zip Code: 02906

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]

Applicant's Signature: *Bertram Malle*
Digitally signed by Bertram Malle
Date: 2024.11.26 16:57:47 -05'00'

Date of Signature: 11/21/2024

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 #: 22-0313

DEM Compliance Inspection Conducted on: 01/29/2025

- 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.

Immediately Install erosion Controls at Approved "LOD" Surrounding Proposed House.

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: *Andy Champagne*

Decision Date: 01/28/25 Renewal Expiration Date: 01/30/2026
(if applicable)



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

CERTIFIED MAIL

January 30, 2024

Bertram Malle
86 Brown Street
Providence, RI 02906

PERMIT TO ALTER FRESHWATER WETLANDS

RE: Wetlands Application No. 22-0313, RIPDES No. RIR102579 in reference to the location below:

Approximately 300 feet south from Rocky Hill Road at Utility Pole No. 21, and approximately 330 feet southeast from the intersection of Rocky Hill Road and Cranberry Lane, Assessor's Plat 20, Lot 6, North Smithfield, RI.

Dear Mr. Malle & Ms. London:

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 single-family dwelling with an onsite wastewater treatment system (OWTS), private well and waterline, geothermal energy system, crushed stone driveway with culverts at a swamp crossing, mitigative screen plantings, raingardens for stormwater management, grading, landscaping, and temporary erosion controls as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on April 19, 2023. 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 1 letter relating to your application which was submitted during the public notice period. This letter expressed concern regarding your project's impacts to freshwater wetland values. This Program reviewed the letter together with any supporting documents and evaluated the potential impacts from the project upon the values mentioned in the letter. The Program has determined that the comments contained within this letter does 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.**

Terms and Conditions for Wetlands Application No. 22-0313; RIPDES No. RIR102579:

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 determination also includes your final authorization to discharge storm water associated with construction activity under the **2020 RIDPES General Permit for Stormwater Discharge During Construction Activity ("CGP")**. For future references and inquiry, your permit authorization number is RIPDES No. **RIR102579**.
3. 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 19, 2023. 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.
4. 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.
5. 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, including submittal of the Notice of Termination Form. The Start of Construction Form and the Notice of Termination can be found on the webpage: dem.ri.gov/stormwaterconstruction
6. 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.
7. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of North Smithfield and supply this Program with written documentation obtained from the Town showing this permit was recorded.
8. 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.
9. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
10. 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 Program issues a Notice of Completion of Work.
11. Both the owner and the contractor retained to undertake the construction activity are required to comply with all terms and conditions of the CGP. This includes maintaining the Soil Erosion and Sediment Control (SESC) Plan, performing the required inspections and maintenance of the selected Best Management Practices (BMPs), and retaining inspection records. Further information on the requirements of the CGP is available at:
<http://www.dem.ri.gov/programs/benviron/water/permits/ripdes/pdfs/cgp092620.pdf>.

12. 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.
13. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
14. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, stormwater treatment facilities, and systems of treatment and control that are installed or used in compliance with this permit to prevent harm to adjacent wetlands until documentation is provided that this responsibility has been assigned to another entity.
15. 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.
16. 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. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.
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. The installation of any future utilities on the subject property, should this become necessary, must be entirely confined to the limits of disturbance as depicted on the Approved site plans including any potential overhead wires or cables.
20. Any installation of solar facilities, wind turbines, or other power generating structures on the subject property that may be deemed necessary by you or any subsequent owner(s) at a time beyond the date of this permit, must be sited in an area totally outside all Wetlands and Jurisdictional Areas as defined under the Rules that are currently in place (250-RICR-150-15-3). It must also be ensured that any new work associated with additional power production on the subject property does not result in any deviation of water flows into or out of any freshwater wetland.

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. 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.

Please be aware that the RIDEM's Rules and Regulations Governing the Establishment of Various Fees (250-RICR-30-00-1) require that RIPDES CGP permit holders to pay an Annual Fee of \$100.00. An invoice will be sent to the owner on record in May/June of each year if the construction was still active as of December 31st of the previous year. The owner will be responsible for the Annual Fee until the construction activity has been completed, the site has been properly stabilized, and a completed Notice of Termination (NOT) has been received by the RIPDES Program.

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.

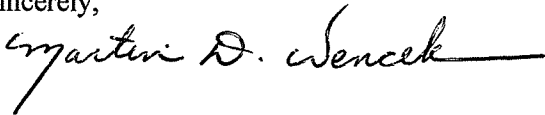
If you are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), 235 Promenade Street, Suite 350, Providence, RI 02908. A copy 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-10-10-1.7(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 Sophie Clode of my staff at this office (telephone: 401-537-4211).

Sincerely,



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

Enclosure: Approved Site Plans

c: Mary Dalton, Administrative Adjudication Division
Mohamed Frejj, DEM, OWTS Program
Leo Cote, Building Inspector, Town of North Smithfield
Mark Carruolo, Town Planner, Town of North Smithfield
Paul D. Carlson, PE, InSite Engineering Services, Inc.
Scott P. Rabideau, President, Natural Resource Services, Inc.