



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

June 12, 2023

James Cook, III  
Rebekah Cook  
180 Omer Drive  
South Kingstown, RI 02879

### **Freshwater Wetlands Permit**

Re: Application No. 23-0025 for the property and project located:

At 180 Omer Drive, approximately 250 feet east of Omer Drive and approximately 1,680 feet south of the intersection of Omer Drive and Mooresfield Road, Assessor's Plat 32, Lot 16, South Kingstown, RI.

Dear Mr. Cook :

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for a Freshwater Wetlands Permit** as described in Section 3.11 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act, 250-RICR-150-15-3 ("Rules"). This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed construction of a pervious driveway to replace an existing shared driveway that accesses the site via an easement on the abutting southerly lot; installation of two 12-inch diameter by 15-foot long reinforced concrete culverts with stone headwall associated with the proposed driveway; conversion of a garage into a one-bedroom dwelling with associated water lines and an Onsite Wasterwater Treatment System (OWTS); removal of a portion of the existing driveway; removal of an existing well; pumping out, disconnecting and disposing of an existing cesspool; installation of a new well and associated water lines; removal of an existing utility pole and installation of a new utility pole adjacent to the proposed driveway approximately 48 feet northeast the existing pole; and updates to the electrical service as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on May 1, 2023.

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of jurisdictional areas are proposed. However, pursuant to Rule 3.7 of the Rules, this project meets all Standards, and a **Freshwater Wetlands Permit** may be issued under the following terms and conditions:

Terms and Conditions for Wetlands Application No. 23-0025:

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 May 1, 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.
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 South Kingstown 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 five (5) 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 jurisdictional area.
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 freshwater wetland, buffer, floodplain, area subject to storm flowage, or area subject to flooding or other jurisdictional areas 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 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 freshwater wetland, buffer or floodplain, area subject to storm flowage, or area subject to flooding or other jurisdictional areas until documentation is provided that this responsibility has been assigned to another entity. Operation and maintenance shall be as described in the plan entitled, "New OWTS Design Plan, A.O. 32, Lot 16, 180 Omer Drive, South Kingstown, RI" dated October 27, 2022, as prepared by Fontaine Land Surveying, LLC.
13. 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 wetland, buffer or floodplain, area subject to storm flowage or area subject to flooding or jurisdictional areas and the functions and values provided by such freshwater wetlands, buffer or floodplain, area subject to storm flowage or area subject to flooding.
14. All construction activities involving soil disturbances within watercourses must be limited to the low flow period (i.e., the period from July 1 to October 31 of any calendar year). Soil disturbance in these watercourses must temporarily cease in the event of any abnormally high stormwater runoff event during the low flow period.
15. Artificial lighting is not authorized along the driveway/roadway where it crosses freshwater wetlands and buffers.

Please be advised that unauthorized wetland alterations on adjacent property owned by you was observed during the site inspection revealing clearing and filling in the form of construction materials and other debris within the 100-foot Jurisdictional Area of a Stream. These alterations are approximately 150 feet northeast of the proposed house. Due to this unauthorized activity, **restoration of this specific area is required**. Please remove any and all stockpiled debris and materials within 100-feet of the Stream at this location. Once the debris has been removed, this area must be seeded with a conservation grass seed mix. The **restoration must take place by July 25, 2023**. The restored Jurisdictional Area associated with the Stream must be allowed to naturally revegetate without being subjected to mowing, manicuring or weed control materials (fabric, mulch, stone, etc.)."

Pursuant to the provisions in 250-RICR-150-15-3.8.13 and 250-RICR-150-15-3.14.4(A), as applicable, any properly recorded and valid Freshwater Wetlands Permit is automatically transferred to the new owner upon sale of the property.

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-150-15-3.9.3.

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 Jane Kelly of this office (telephone: 401-222-6820, ext. 2777420) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Supervising Environmental Scientist  
Office of Water Resources  
Freshwater Wetlands Program

MDW/JEK/jek

Enclosure: Approved site plans

ec: Mohamed Freij, PE, PLS, Supervising Engineer, DEM OWTS Program  
Bruce Ahern, DEM Office of Compliance and Inspection  
Jaimie Gorman, Town of South Kingstown Building Official  
Michael S. Fontaine, PLS, Fontaine Land Surveying, LLC  
Scott Rabideau, Natural Resource Services