



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

June 25, 2024

Sean Sullivan
Colleen Weaver
15 Sherwood Road
Middletown, RI 02842

REVISED PERMIT

Re: Application No. 23-0096 in reference to the location below:

148 Trout Drive, approximately 90 feet southwest of Trout Drive, approximately 1,000 feet southeast of the intersection of Trout Drive and Green End Avenue, Assessor's Plat 120, Lot 903, Middletown, RI.

Dear Mr. Sullivan & Ms. Weaver:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed modifications to the permitted single-family home, as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on May 15, 2024.

Based upon the Program's evaluation of the revised project and pursuant to 250-RICR-150-15-3.14.3 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-3, it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, R.I. Gen. Laws § 2-1-18 *et seq.*
2. This revised 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 15, 2024. 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 revised permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the stamped approved site plans and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plans must be made available for review by any DEM representative upon request.
5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of Middletown and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.

6. This revised permit expires on June 29, 2028, unless renewed pursuant to the Rules.
7. 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, the temporary Limit of Disturbance (LOD) and planting area has been extended along the rear of the proposed garage to allow a realistic clearance for construction purposes.**

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), **all terms and conditions previously specified in the Program's permit dated June 29, 2023 (copy enclosed), remain in effect.**

You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with 250-RICR-150-15-3 at all times. Failure to do so may result in an enforcement action by the Program.

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

This revised 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 at this office at (telephone: 401-537-4183) should you have any questions regarding this letter.

Sincerely,



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

Enclosure: Original permit dated June 29, 2023

ec: Mike Russell, PE, Land Development Engineering & Consultant, LLC
Chris Costa, Town of Middletown Building Official



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

June 29, 2023

David T. Barnes
950 Peck Lane
Cheshire, CT 06410

Freshwater Wetlands Permit

Re: Application No. 23-0096 in reference to the location below:

Approximately 90 feet southwest of Trout Drive, approximately 1000 feet southeast of the intersection of Trout Drive and Green End Avenue; Assessor's Plat 120, Lot 903, Middletown, RI.

Dear Mr. Barnes:

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 Rule 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 single-family home with separate garage, pervious driveway, pervious patio, water line connection, sewer line, rain gardens, infiltration trench, and landscaped yard, with clearing, grading, landscaping and associated site alterations, as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on April 27, 2023.

Our observations of the subject property, review of the site plans, and evaluation of the proposed project reveal that alterations of jurisdictional areas are proposed. However, pursuant to Rule 3.7.3A of the Rules, this project meets the General Variance Criteria, and a **Freshwater Wetlands Permit** may be issued under the following terms and conditions:

Terms and Conditions for Wetlands Application No. 23-0096:

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 27, 2023. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that would alter jurisdictional 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 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 Middletown 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 obligated to install, utilize, follow and maintain 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 other jurisdictional areas and the functions and values provided by such freshwater wetlands and buffers.
13. The pervious driveway and patio shall be built and maintained in accordance with the 2010 RI Stormwater Design Manual and the State of RI Stormwater Management Guidance for Individual Single-Family Residential Lot Development.
14. 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.
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. Mowing of vegetation within the wetland and the buffer/buffer zone on the subject property shall be conducted no more than three times annually in order to maintain the existing historical condition. Vegetation must be allowed to grow naturally between mowing. Efforts should be made to allow native wildflowers to bloom and go to seed. Mowing is not required by this permit, but if mowing is to cease, the wetland and the buffer/buffer zone shall be allowed to revegetate to a natural condition to facilitate wildlife use and enhance nesting opportunities for ground and near-ground nesting bird species.
17. Artificial lighting must be directed away from all vegetated wetland and buffer areas. Where this is not possible, the use of deflectors to concentrate lighting away from vegetated wetlands must be employed.
18. **Also prior to commencement of any site alterations, permanent buffer identification 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 Marker" 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.
19. Immediately upon installation of the buffer identification 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-150-15-3.8.13 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.

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 or jurisdictional areas 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.

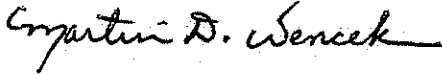
This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Application No. 23-0096

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Please contact Claire Swift of this office (telephone: 401-222-6820, ext. 2777418) should you have any questions regarding this letter.

Sincerely,



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

MDW/CVS/cvs

Enclosure: Approved site plans

cc: Chris Costa, Town of Middletown Building Official
Norbert Therien, PLS, Principe Company
Joseph P. McCue, McCue Environmental, LLC