



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

November 29, 2023

Richard D. Cesaro
305 Mountaindale Road
Smithfield, RI 02917

Freshwater Wetlands Permit

Re: Application No. 23-0198 in reference to the location below:

305 Mountaindale Road, approximately 240 feet northeast of Mountaindale Road, and approximately 400 feet east of the intersection of Mountaindale Road and Richard Street, Utility Pole No. 64, Assessor's Plat 18, Lots 76 & 77, Smithfield, RI.

Dear Mr. Cesaro:

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 continued water withdrawal from Stump Pond for irrigation of a residential lawn at an existing single-family home, using a pump and waterline already in place, as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on September 12, 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 3.7.3A of the Rules, this project meets the General Variance Criteria and a **Freshwater Wetlands Permit** with a variance may be issued under the following terms and conditions:

Terms and Conditions for Wetlands Application No. 23-0198:

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 12, 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. 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 five (5) years from the date of this letter unless renewed pursuant to the Rules.
8. 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.
9. Please be advised that the application of fertilizer, if used at all, must be minimized and never exceed the minimum recommended application rate. Fertilizer is discouraged due to the sensitive aquatic resource on the subject property.
10. Water withdrawal is limited to no more than 1000 gallons per day.
11. The watering is solely limited to the lawn area currently in place at the time of issuance of this permit. No expansion of the number of zones, and/or no expansion of the size of any of the current zones on the subject property to be irrigated by the existing pump is permitted.
12. Withdrawal of water from the pond must cease and is prohibited during conditions including or exceeding the designation of a drought "watch" in accordance with the State Guide Plan 721, as declared by the Water Resources Board within the Rhode Island Division of Statewide Planning.
13. Any future pump replacements shall not exceed the 1.0 horsepower pump that is currently in place as shown on the approved site plans.
14. No other past or future activity on site within the Jurisdictional Area of the wetland is authorized under this permit. This permit pertains solely to limited withdrawal of water from the existing pump as described herein and in materials submitted in support of this application.

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.

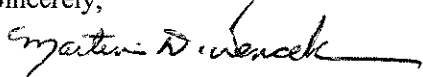
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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.

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

ec: Bruce Ahern, RIDEM Office of Compliance & Inspection