



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

October 8, 2024

Clarke, LLC
Jonathan Hierl, Manager
P.O. Box 2340
Stamford, CT 06906

Freshwater Wetlands Permit

Re: Application No. 24-0047 for the property and project located:

Approximately 830 feet northwest from Clarke Road from Utility Pole No. 12, and approximately 760 feet northeast from the intersection of Clarke Road and Jakes Way, Assessor's Plat V, Lot 27, Narragansett, RI.

Dear Mr. Hierl:

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 five lot residential subdivision with construction of an access road and cul de sac, stormwater management systems, individual lot development each with single-family dwellings with garages and pervious driveways, utilities (onsite wastewater treatment system (OWTS), municipal water and underground electric), culvert installation, and critter crossing culvert with clearing, grading, landscaping, and associated alterations as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on October 2, 2024.

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 Section 3.7.3A of the Rules, this project meets the General Variance, and a **Freshwater Wetlands Permit** may be issued under the following terms and conditions:

Terms and Conditions for Wetlands Application No. 24-0047: and RIPDES No. RIR101556:

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. **RIR101556**.

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 October 2, 2024. The LOD includes temporary work for the underdrains on Lots 4 and 5 and the electrical conduit onto proposed Lot 1. 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. The Start of Construction Form 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 Narragansett 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 five (5) 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 jurisdictional area.
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.
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 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.

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 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. The long-term operation and maintenance plan shall be strictly followed. The long-term operation and maintenance plan shall be that entitled "Clarke Road Subdivision, Assessor's Plat V, Lot 27, Clarke Road, Narragansett, R.I., Operation & Maintenance Plan, Pollution Prevention Plan; Prepared for SkyCap, LLC", bearing latest revision date of February 26, 2024, dated received 3/01/2024, indicated as Prepared by Millstone Engineering, P.C.
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 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, floodplain, or other jurisdictional areas.
16. 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.
17. All required plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plans in accordance with the Rules, or detailed in this permit as required, 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.
18. Mitigation and buffer creation plantings of trees and/or shrubs proposed between the project and any adjacent freshwater wetland areas and buffers except for necessary replacement, must be allowed to develop naturally without being subjected to mowing or manicuring (with the exception of the required redlined shrubs upslope of the proposed stone wall on Lot 1 (see Condition No. 22).
19. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
20. You must provide written certification from a registered land surveyor or registered professional engineer that the stormwater drainage system including any and all basins, piping systems, catch basins, culverts, swales, and any other stormwater management control features have been constructed/installed in accordance with the site plans approved by this permit. This written certification must be submitted to this Program within twenty (20) days of its request or upon completion of the project.
21. Prior to commencement of any site alterations, permanent buffer identification markers must be installed along the limit of disturbance at the locations indicated in red ink on the approved site plans, in order to provide permanent reference points on site that are clear to present and future property owners. **The required buffer markers highlighted in red include additional wetland buffer markers and/or revised locations.** 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. No alterations of any kind are permitted beyond these markers without first obtaining the necessary permit from this Program.

22. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans and include the following:

- Planting Notes on Sheet 6 have been revised to refer to Sheets 8 and 17 for additional plantings and details.
- Where feasible, additional native shrub plantings have been redlined onto the site plans on Lot 1 on Sheet 8 to help create a 12 ½' buffer to meet the 50% target of the 25-foot buffer creation per Section 3.7.1B.4b(1) (AA) of the Rules. Notes have been added to refer to additional details on Sheet 17. Additional evergreen trees are required along the driveway to Lot 1 per detail on Sheet 17. In addition, evergreen trees, interspersed with shrubs (where trees are not feasible, in order to meet setback standards) are required around isolated Wetland C in accordance with the "Plan View" detail on Sheet 17.
- Planting Notes on Sheet 17 have been revised to clarify where evergreen trees or shrubs are required where site plan notes indicate evergreen plantings.
- The LOD has been revised on Lot 2, Sheet 8 to indicate the approved limit of disturbance. Note 4 referencing a well has been crossed off since a water line is depicted. Note 3 has been revised to read that Application 14-0218 is expired. The site plan legend has been revised to indicate PR. Conduit "Electrical."
- The LOD has been revised on Sheet Nos. 8 and 9 on Lots 1, 2 and 5 to provide for an adequate 10-foot cleared area between the OWTS leach field and vegetated areas (either regulated buffer or areas proposed to be revegetated) as needed.
- A note has been added under the "Plan View" on Sheet 17 that a variance is required in accordance with the Rules and not necessarily as presented in this detail. A planting note has been added to the Plan View detail.
- Sheet 2 of 7 has been revised to indicate the pink dashed line is the Buffer Zone.

This project must take place in compliance with these revisions.

23. Artificial lighting along the driveways and the roadway where they cross or are immediately adjacent to freshwater wetlands and buffers is not authorized in this permit.

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.

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 by this Department.

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

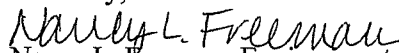
Kindly be advised that this permit is not equivalent to a verification of the type or extent of freshwater wetlands and jurisdictional areas on site. Should you wish to have the types and extent of freshwater wetlands verified, you may submit the appropriate application in accordance with 250-RICR-150-15-3.9.3. Please note that other wetland types and subtypes are present within the larger delineated swamps that have not been specifically identified, nor labeled on the approved site plans. There are also overlapping jurisdictional areas (JAs) that have not all been specifically labeled. The buffer within the buffer zone has not been labeled but is comprised of per, Section 3.7.1. Freshwater Wetlands and Buffer Protection Standards of the Rules, all undeveloped vegetated land; and any area to be newly created to resemble buffer pursuant to § 3.7.1(B)(4).

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 have not already done so, or in order to check on the status of their review, please contact the U.S. Army Corps of Engineers to determine federal permit requirements on your project. Write the Corps' New England District, Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751; website: <https://www.nae.usace.army.mil/Missions/Regulatory/or> email at cenae-r-ri@usace.army.mil. Please note that the Department of the Army authorization must be obtained before any work is initiated in areas subject to Corps jurisdiction.

Please contact me (telephone: 401-537-4236) should you have any questions regarding this letter.

Sincerely,


Nancy L. Freeman, Environmental Scientist III
Office of Water Resources
Freshwater Wetlands Program
NLF/SC/sc

Enclosure: Approved site plans

ec: Thomas Angelone, DEM OWTS Program
Martin D. Wencek, Program Supervisor, Freshwater Wetlands Program
Neal Personeus, DEM RIPDES Program
Nicholas Pisani, PE, DEM Stormwater Program
Jeffrey C. Hanson, PE, President, Millstone Engineering, P.C.
Benjamin J. Caito, PE, Millstone Engineering
Scott P. Rabideau, PWS, President, Natural Resource Services, Inc.
Wayne Pimental, Building Official, Town of Narragansett