



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

July 29, 2024

Town of Cumberland  
Honorable Jeffrey Mutter, Mayor  
45 Broad Street  
Cumberland, RI, 02864

### **Freshwater Wetlands Permit**

Re: Application No. 24-0111 for the property and project located:

Approximately 500-feet north of Rawson Road, and approximately 550-feet northwest of Rawson Road and its intersection with Newell Drive, Assessor's Plat 25, Lots 24 and 40, and Assessor's Plat 23, Lots 125, 61, and 34, Cumberland, RI.

Dear Mayor Mutter:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of the Town of Cumberland ("Town") **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 construction of a temporary coffer dam including 3' X 3' bulk bags, rip rap work pads and apron, geotextile fabric, bypass pipe and waterproof liner with clearing, grading, landscaping and associated site alterations as illustrated and detailed on site plans submitted with the application. These site plans were received by the DEM on July 18, 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 Rule 3.7.3B of the Rules for Public and Governmental Bodies, 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. 24-0111:

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 July 18, 2024. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that would alter jurisdictional areas 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. The Town must notify this Program in writing of the anticipated start date, and the contractor's contact information, by submitting the **Notice of Start of Construction Form** prior to commencement of any permitted site alterations or construction activity. The Town 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 town representative upon request.
6. 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.
7. Any material utilized in this project must be clean and free of matter that could pollute any jurisdictional area.
8. Prior to commencement of site alterations, the Town 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.
9. 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.
10. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
11. The Town is 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, floodplain or other jurisdictional areas and the functions and values provided by such freshwater wetlands and buffers or floodplain.
12. 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.
13. An environmental consultant, experienced in site assessments and measures necessary to protect sensitive aquatic environments or sensitive ecosystems, must be employed prior to the commencement of site alterations to monitor this project and to ensure compliance with the terms and conditions of this permit. This Program must be notified in writing of the consultant chosen to comply with this condition and must receive monthly written progress reports from the consultant regarding compliance with this permit until such time that the project is complete, or this Program issues a Notice of Completion of Work.

14. As indicated in the response to comments provided in support of this application received by this Program on July 18, 2024, the turbidity barrier shall not be installed across the entire width of the stream.
15. If soil needs to be removed from the site, all pertinent DEM sediment disposal rules must be followed.
16. 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 "Typical Turbidity Barrier Detail" has been crossed off/deleted from the detail sheet on page 4.2 (sheet 7 of 7).
17. Although this permit is valid for a period of 5 years, the coffer dam must be constructed in the year 2024.
18. The coffer dam must be inspected by a registered professional engineer (Dam Engineer) with expertise in dam safety to assess the coffer dam stability and safety at the frequency the engineer recommends to make this assessment. This frequency must be relayed in writing to this Program within ten (10) days of the start of work.
19. The coffer dam must be maintained and repaired, if necessary, consistent with any recommendations from the Dam Engineer based on the inspections.
20. The coffer dam must be removed in its entirety 2 years after construction is complete, except as follows:
  - (a) Prior to the 2-year deadline, the Town applies to DEM to construct a new dam (see below) AND the Dam Engineer submits an assessment of the coffer dam and certifies that the dam is structurally sound and can remain in place for the expected time it will take to construct the new dam.
  - (b) The 2-year deadline falls outside June 1-August 31, which is the best time to remove the coffer dam to minimize adverse environmental impacts. In this case, the coffer dam must be removed at the earliest time the deadline falls within this window.

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.

The Town is 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 the Town wish to have the types and extent of freshwater wetlands verified, the Town may submit the appropriate application in accordance with 250-RICR-150-15-3.9.3.

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

If the Town has not already done so, or in order to check on the status of the review, please contact the U.S. Army Corps of Engineers to determine federal permit requirements on this 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 [cenaer@usace.army.mil](mailto:cenaer@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 Sam Dufresne of this office (telephone: 401-537-4220) should you have any questions regarding this letter.

Sincerely,



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

MDW/SGD/sgd

Enclosure: Approved site plans

cc: Allen Orsi, Pare Corporation  
Seaver Anderson, Pare Corporation  
David Chopy, Administrator, DEM Office of Compliance and Inspection  
Stacy Pinto, Dams Safety Program  
Elizabeth Waterhouse, U.S. Army Corps of Engineers, New England District  
Joseph Duarte, Director of Public Works, Cumberland, RI