



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

July 1, 2024

Brendon & Jennafer Rose  
60 Lake Shore Drive  
Cumberland, RI 02864

### **Freshwater Wetlands Permit**

Re: Application No. 24-0112 for the property and project located:

At 60 Lake Shore Drive, approximately 50 feet southeast from Lake Shore Drive at Utility Pole No. 8, and approximately 150 feet southeast from the intersection of Lake Shore Drive and Theater Road, Assessor's Plat 66, Lots 416-419, Cumberland, RI.

Dear Mr. & Mrs. Rose:

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 relocation of a rip-rap shoreline stabilization wall, marsh and buffer zone planting restoration, attached deck on the existing house, stone retaining wall, with temporary erosion controls and associated site alterations as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on June 11, 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 3.7.3A 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. 24-0112:

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 June 11, 2024. 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

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 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 Cumberland 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 along the limit of disturbance shall be properly installed at the site prior to or commensurate with site alterations. **Sandbags must be placed at the toe of the unauthorized riprap wall prior to work** if water levels remain high and the installation of a different erosion control measure is not feasible (see No. 11 below). 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, pond, buffer, floodplain, area subject to storm flowage, or area subject to flooding or other jurisdictional areas not subject to disturbance under this permit.
11. All construction activities involving soil disturbances within wetlands must be limited to low water conditions (i.e., the period from July 1 to October 31 of any calendar year). Soil disturbance must temporarily cease in the event of any abnormally high stormwater runoff event during this period.
12. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
13. All restoration 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. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative. **The restoration deadline is October 31, 2024.**
14. Restoration 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.

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. 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
17. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically, a temporary limit of disturbance (LOD) has been depicted and labeled on the site plans for the removal of the riprap from the wetland and for the restoration plantings. A permanent LOD has also been redlined. Once the project is complete no work is authorized beyond the permanent LOD. This project must take place in compliance with these revisions.

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.

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 (ACOE) 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 [cenaer@usace.army.mil](mailto:cenaer@usace.army.mil).

Please contact Sophie Clode of this office (telephone: 401-537-4211) 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: Scott P. Rabideau, President, Natural Resource Services, Inc.  
Paul Carlson, PE, InSite Engineering Services, LLC  
Bruce Ahern, DEM Office of Compliance and Inspection  
Jayden Messier, DEM Office of Compliance and Inspection  
Lawrence Enright, Building Official, Town of Cumberland, RI  
Kevin. R. Kotelly, PE, US Army Corps of Engineers