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

March 12, 2025

Mary Klehm Markovitz
873 Tillinghast Road
East Greenwich, RI 02818

Freshwater Wetlands Permit

Re: Application No. 25-0014 for the property and project located:

At 873 Tillinghast Road, approximately 1,300 feet north of its intersection with Pardons Wood Lane, near Utility Pole No. 30, Assessor's Plat 22, Lot 19-187, East Greenwich, RI.

Dear Ms. Markovitz:

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 attached garage, extended gravel drive, vegetated swales, onsite wastewater treatment system (OWTS), and associated clearing and grading as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on January 16, 2025.

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 Criteria and a **Freshwater Wetlands Permit** may be issued under the following terms and conditions:

Terms and Conditions for Wetlands Application No. 25-0014:

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 January 16, 2025. 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 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 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 East Greenwich 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 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

13. 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:

    - A row of evergreen shrubs comprised of Rosebay Rhododendron (*Rhododendron maximum*), at least three feet tall after plantings, approximately 10 feet on center must be planted where indicated in red on the approved plans to help mitigate for the buffer loss of the four mature oak trees within the permanent limit of disturbance (LOD).

- In addition, a staggered row of native shrubs must be installed at the toe of the existing wall within an area of temporary disturbance to help restore the area where the four oaks are to be removed. Shrub species shall be at least three feet tall after plantings and approximately 6-8 feet on center and include at least one of the following species:

  Mountain Laurel (*Kalmia latifolia),*
  Sweet Pepperbush (*Clethra alnifolia*),
  Highbush Blueberry (*Vaccinium cormybosum*),
  Elderberry, *Sambucus canadensis*; and/or
  Southern Arrowwood (*Viburnum dentatum*).

- If needed, install a continuous uninterrupted line of staked strawbale or wattle between the restoration area and the adjacent undisturbed Freshwater Wetlands and Buffer.

- The permanent LOD has been redlined onto the plans to enclose all work proposed. In addition, a temporary LOD has been crosshatched in red to enclose the restoration area. All disturbed areas within the temporary LOD are to revert to a natural state without further landscaping.

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 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 Ryan Corvese of this office (telephone: 401-537-4245) should you have any questions regarding this letter.

Sincerely,

Nancy L. Freeman

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

Enclosure: Approved site plans

ec: Michael McCormick, PLS, Alpha Associates, Ltd.
Scott P. Rabideau, PWS, Natural Resource Services, Inc.
Brad Ward, Building Official, Town of East Greenwich