

From: [Jonathan Stevens](#)
To: [Wencek, Martin \(DEM\)](#)
Cc: [Jonathan Stevens](#)
Subject: [EXTERNAL] : 45 Canning Street Sewer
Date: Monday, February 3, 2020 2:39:15 PM

Marty:

Sewer Director Dave Carr says:

1. the sewer service is about 75' from the lot, but would have to be extended to the far end of the lot, another 50'. So total is about 150 ft.
2. Dave has a video of the interior of the drain pipe on the lot. He says the pipe is rotted out and not functioning for the most part.

THANKS!

Jon

Town Pipe
not functioning
Marty

Gerard J Ratigan

From: Jonathan Stevens <[REDACTED]>
Sent: Monday, February 3, 2020 2:39 PM
To: Wencek, Martin (DEM)
Cc: Jonathan Stevens
Subject: [EXTERNAL] : 45 Canning Street Sewer

Marty:

Sewer Director Dave Carr says:

1. the sewer service is about 75' from the lot, but would have to be extended to the far end of the lot, another 50'. So total is about 150 ft.
2. Dave has a video of the interior of the drain pipe on the lot. He says the pipe is rotted out and not functioning for the most part.

THANKS!

Jon

From: [Silva, Anthony \(LTGOV\)](#)
To: [Gray, Terry \(DEM\)](#)
Subject: RE: Public Comments Received 19-0107
Date: Friday, February 14, 2020 8:41:37 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Thank You very much!

Anthony J. Silva | Chief of Staff

Office of Lieutenant Governor Daniel J. McKee
State House, Room 116 | Providence, RI 02903 – 1196

Main: [REDACTED]

Cell: [REDACTED]

<http://www.ltgov.ri.gov/>

 [\[facebook.com\]](#)  [\[twitter.com\]](#)  [\[instagram.com\]](#)



From: Gray, Terry (DEM) <[REDACTED]>
Sent: Friday, February 14, 2020 7:59 AM
To: Silva, Anthony (LTGOV) <[REDACTED]>
Subject: FW: Public Comments Received 19-0107

Here you go.

Terry Gray

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Thursday, February 13, 2020 6:15 PM
To: Gray, Terry (DEM) <[REDACTED]>
Subject: Public Comments Received 19-0107

Terry as requested I scanned the comments from the Public Notice. There were some pictures that did not scan well. If they want to review the actual file, we can make it available.

Eric A. Beck, PE Administrator

Groundwater and Wetlands Protection
Rhode Island Department of Environmental Management
Office of Water Resources

235 Promenade Street, Providence, RI 02908-5767

Tel. [REDACTED]

Fax. [REDACTED]

www.dem.ri.gov

From: [Gray, Terry \(DEM\)](#)
To: [Wencek, Martin \(DEM\)](#)
Cc: [Beck, Eric \(DEM\)](#)
Subject: RE: 19-0107
Date: Friday, February 14, 2020 10:51:40 AM

Thank you. I passed this news on to the applicant, along with electronic copies of the comments we received on the application. I did not get into the specific alternatives outlined below, but did communicate that he will need to meet with permitting staff to figure out the path forward. You may want to include the town in that meeting. I made it very clear that we would not be meeting his target dates and that no schedule or expectations could be set out until that meeting happens, at a minimum.

Stay tuned.

Terry Gray

From: Wencek, Martin (DEM) <[REDACTED]>
Sent: Thursday, February 13, 2020 11:22 AM
To: Gray, Terry (DEM) <[REDACTED]>
Cc: Beck, Eric (DEM) <[REDACTED]>
Subject: RE: 19-0107

Terry,

I just got to my emails and I'm working on this file right now! The Program received substantive comments during the public notice period and we canvassed legal to see what our options are. There are three scenarios that legal noted we could follow:

1. The applicant can withdraw the application;
2. Proceed with the process of having received a substantive comment and have the applicant authorize a Public Hearing in the Town of Cumberland;
3. Approach the applicant and allow them to submit information that could potentially address the issues raised in the public notice. The result of this would be resending the project back out to Public Notice and then making a decision on the application.

I was going to give you an update today but you beat me to it. The applicant will need to make a decision on how to proceed. I expect the letter to go out later today or tomorrow morning. Give me a call if you have any questions.

Marty

From: Gray, Terry (DEM) <[REDACTED]>
Sent: Thursday, February 13, 2020 9:36 AM
To: Wencek, Martin (DEM) <[REDACTED]>; Beck, Eric (DEM) <[REDACTED]>
Subject: Re: 19-0107

I need an update on this please

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From: Wencek, Martin (DEM) <[REDACTED]>
Sent: Wednesday, January 29, 2020 6:53:03 PM
To: Beck, Eric (DEM) <[REDACTED]>
Cc: Gray, Terry (DEM) <[REDACTED]>
Subject: RE: 19-0107

Eric,

I have been monitoring everyone's work load and this one is behind a bunch of files at the moment. Regardless, based on yours and Terry's email, Dan will get going on this one by week's end. It will be a stretch to get a decision out by the 14th.

Another file that is now 118 days old was lined up for Dan to review for the end of this week and I already told the applicant of that file we'd be working on it this week as he has been calling me for *over* a month now in a minor panic. Taking 19-0107 ahead of this one will derail that project and the time estimate I've already given to that applicant. He too is up against a time line but has been civil so far. That's just the way it is right now...

Marty

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Wednesday, January 29, 2020 3:04 PM
To: Wencek, Martin (DEM) <[REDACTED]>
Subject: FW: 19-0107

Marty let me know where this formal application is time wise. I understand it came off public notice in November. Is it possible to get this out by February 14th?

Eric

From: Gray, Terry (DEM) <[REDACTED]>
Sent: Tuesday, January 28, 2020 9:26 PM
To: Wencek, Martin (DEM) <[REDACTED]>; Beck, Eric (DEM) <[REDACTED]>
Subject: 19-0107

Guys. We need to move on this one. The application has been in for a long time and the applicant is

RIAG 00006

under a ton of pressure from his financing companies to get this done

TG

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John Moreira

From: Silva, Anthony (LTGOV)
Sent: Monday, March 23, 2020 10:04 AM
To: Gray, Terry (DEM)
Subject: Extensions?

Good morning Terry, is DEM offering extensions to anyone who is on a time schedule and can't get things done because the municipalities are basically working from home it's impossible to schedule meetings or get people together to review plans? I happen to be one of those people my Application and check I do on March 26 and officials from Cumberland town Hall I'm working from home like Other municipalities. Between a rock and a hard place like others. Please advise

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John Moreira

From: Beck, Eric (DEM)
Sent: Wednesday, May 6, 2020 8:13 AM
To: Wencek, Martin (DEM)
Cc: Horbert, Chuck (DEM)
Subject: Re: The Mooney hearing request for Wetland File 19-0107

Marty have you never had a public hearing request in fww? Can we just follow the process you have used in the past? I assume like when a public hearing is done for regs or for a permit line we did in ripdes the supervisor would act as the hearing officer and owr would be responsible for arrangements. Legal just shows up. We can go over this later today.

This is going to be a lot of work.

Eric

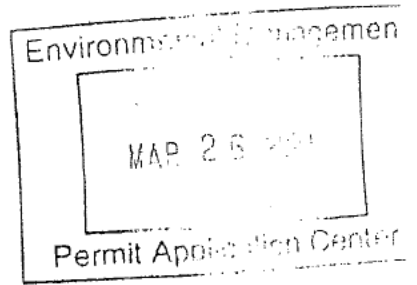
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Joan M. Mooney



March 6, 2020

Martin D. Wencek
Program Supervisor - Freshwater Wetlands Program
RI Department of Environmental Management
Office of Water Resources
235 Promenade Street
Providence, RI 02908-5767



RE: APPLICATION NO. 19-0107

Dear Mr. Wencek,

Per your certified letter (dated February 14, 2020 to the undersigned), please accept this letter as my authorization to proceed.

Sincerely,

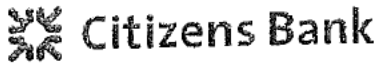
Joan M. Mooney

Joan M. Mooney



OFFICIAL CHECK

057-0012 515929593-9
0115
March 06 2020



PAY ***** \$2,500.00 ***** DOLLARS

TO THE ORDER OF * RI TREASURER-DEM *

Drawer: Citizens Bank, N.A.



MEMO: RI DEM OFFICE OF WATER RESOURCES
APPLICATION 19-0107

E. De... RTO/12
AUTHORIZED SIGNATURE

From: [Beck, Eric \(DEM\)](#)
To: [Wencek, Martin \(DEM\)](#)
Subject: Check in tomorrow after 11:09?
Date: Tuesday, May 5, 2020 4:19:03 PM

Marty I have a call at 9 I'll take from home then I will be in office from 11 till whenever.

Would you have time to discuss Adler, Mooney, and Hopkinton land trust and update me on rirrc?

Thanks hope all is going well with you and your fallibly. Catch up tomorrow. Fishing is still cold mid bay.

Eric

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From: [Wencek, Martin \(DEM\)](#)
To: [Beck, Eric \(DEM\)](#)
Subject: RE: Check in tomorrow after 11:09?
Date: Tuesday, May 5, 2020 4:44:40 PM

Hi Eric,

That would be great. I'll have those three files ready to rock and roll when you get in. See you then.

Marty

-The striper action has slowed down in my area a little bit, but they are still around...less numbers but larger sizes.

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Tuesday, May 5, 2020 4:19 PM
To: Wencek, Martin (DEM) <[REDACTED]>
Subject: Check in tomorrow after 11:09?

Marty I have a call at 9 I'll take from home then I will be in office from 11 till whenever.

Would you have time to discuss Adler, Mooney, and Hopkinton land trust and update me on rirrc?

Thanks hope all is going well with you and your fallibly. Catch up tomorrow. Fishing is still cold mid bay.

Eric

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From: [Beck, Eric \(DEM\)](#)
To: [Gray, Terry \(DEM\)](#)
Cc: [Wencek, Martin \(DEM\)](#)
Subject: Important - Mooney File Cumberland
Date: Thursday, May 7, 2020 7:28:00 PM

Terry I copied you on an email to Christine I am waiting for her response but think there is a clear path to ask the Applicant to withdraw Hearing request and refund the money.

Marty said it would not go back in queue.

It may be best if we find out from the Town Planner if he is satisfied with the Applicants response. Let me know and I can reach out.

Hopefully Christine agrees and we can save them money??? And save us all a lot of time and effort.

Marty and I can discuss with you as soon as Christine weighs in. Friday or Monday!!

Eric A. Beck, PE Administrator

Groundwater and Wetlands Protection

Rhode Island Department of Environmental Management

Office of Water Resources

235 Promenade Street, Providence, RI 02908-5767

Tel. [REDACTED]

Fax. [REDACTED]

www.dem.ri.gov

From: [Beck, Eric \(DEM\)](#)
To: [Gray, Terry \(DEM\)](#)
Cc: [Wencek, Martin \(DEM\)](#)
Subject: Important - Fw: Confidential Attorney Client Privilege RE: The Mooney hearing request for Wetland File 19-0107
Date: Thursday, May 14, 2020 4:40:17 PM

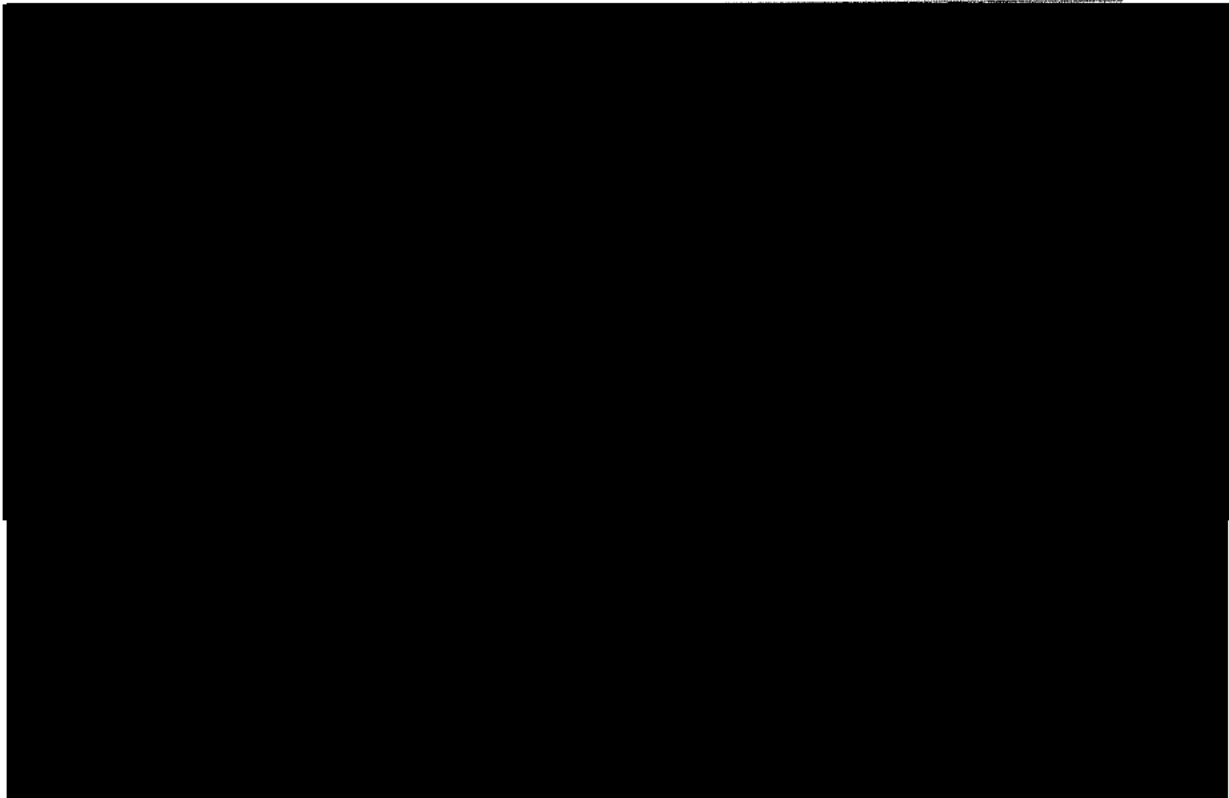
Terry, as discussed it would be great if you could communicate with the applicant. If they have addressed the drainage issues with the Town we can see a reason why a significant comment would arise in a new round of PN.

Marty agreed we could process in a straight line, since we know the site our review should be short and sweet, then the notice, period. Optimistically we could be through the notice period in 45 days maybe 60 days (Marty weigh in if i'm way off base here).

Reimbursement may take some time.

Marty and I am available to discuss if you have questions before you make contact with the applicant to gauge their interest.

Eric



From: Gray, Terry (DEM)
To: Beck, Eric (DEM)
Subject: Re: Important Fwd: Joan Mooney
Date: Thursday, May 21, 2020 11:20:28 AM

I will text him today

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From: Beck, Eric (DEM) <[REDACTED]>
Sent: Thursday, May 21, 2020 11:01:18 AM
To: Gray, Terry (DEM) <[REDACTED]>
Subject: Important Fwd: Joan Mooney

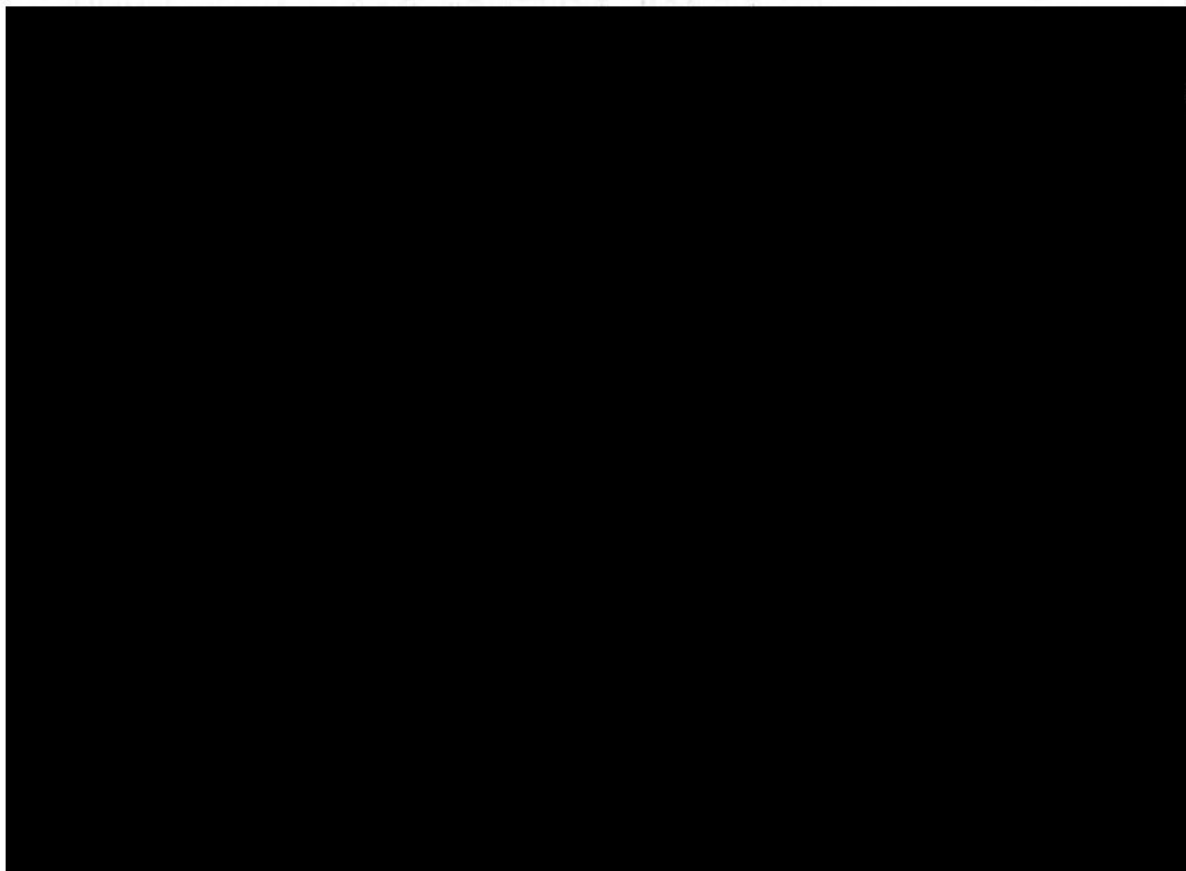
Terry I sent an email recently on this case. Would you be able to call the applicant? If we had to I could try to run the public hearing on zoom but it will take a significant amount of prep time.

Call me on [REDACTED] if you want to discuss.

Eric

Eric

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From: Beck, Eric (DEM)
To: Gray, Terry (DEM)
Subject: Re: Important Fwd: Joan Mooney
Date: Wednesday, May 27, 2020 10:35:14 AM

Thanks I'll follow up from here. I have to contact the attny representing Mooney today and check in with town planner to see what the status is.

Eric

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From: Gray, Terry (DEM) <[REDACTED]>
Sent: Wednesday, May 27, 2020 8:49:36 AM
To: Beck, Eric (DEM) <[REDACTED]>
Subject: Re: Important Fwd: Joan Mooney

See the text I just sent you.

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Wednesday, May 27, 2020 8:27 AM
To: Gray, Terry (DEM) <[REDACTED]>
Subject: Important Fwd: Joan Mooney

Can you update me on your conversation? I can follow up from here on if you want. I'd like to see if they have addressed with town.

We can proceed with hearing if necessary. It may be the most direct route.

This seems to be creating confusion and I get emails everyday from Mary, Sarah etc when it is not even an AAD case.

Please call me today and I will take it from here.

Eric

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From: [Tim Behan](#)
To: [Beck, Eric \(DEM\)](#)
Subject: [EXTERNAL] : Wetland Application to Alter - 45 Canning Street, Cumberland
Date: Thursday, May 28, 2020 1:11:10 PM

Hi Eric,

I just left you a voice message also. We are preparing to submit an Application to Alter permit application for the above reference site and I was asked to give you a call prior to submitting. When you have a chance can you give me a call at [REDACTED] office or cell at [REDACTED]. Thanks.

Timothy Behan, P.E.

Commonwealth Engineers & Consultants, Inc.

400 Smith Street

Providence, RI 02908

[REDACTED] *Phone*

[REDACTED] *Fax*

From: [Beck, Eric \(DEM\)](#)
To: [Wencek, Martin \(DEM\)](#)
Cc: [Horbert, Chuck \(DEM\)](#); [Freeman, Nancy \(DEM\)](#)
Subject: FW: [EXTERNAL] : Wetland Application to Alter - 45 Canning Street, Cumberland
Date: Wednesday, June 3, 2020 12:07:00 PM

This is the Mooney case being resubmitted with the drainage issues and engineering corrected. Marty please let me know when we receive and please remember we agreed to look at it out of sequence.

Chuck please assign to Nick and ask him to expedite.

We will go back out to notice with the new application.

Eric

From: Tim Behan <[REDACTED]>
Sent: Thursday, May 28, 2020 1:11 PM
To: Beck, Eric (DEM) <[REDACTED]>
Subject: [EXTERNAL] : Wetland Application to Alter - 45 Canning Street, Cumberland

Hi Eric,

I just left you a voice message also. We are preparing to submit an Application to Alter permit application for the above reference site and I was asked to give you a call prior to submitting. When you have a chance can you give me a call at [REDACTED] office or cell at [REDACTED]. Thanks.

Timothy Behan, P.E.
Commonwealth Engineers & Consultants, Inc.
400 Smith Street
Providence, RI 02908

[REDACTED] Phone
[REDACTED] Fax

From: [Silva, Anthony \(LTGOV\)](#)
To: [Gray, Terry \(DEM\)](#)
Cc: [Beck, Eric \(DEM\)](#)
Subject: Re: Wetlands app
Date: Monday, July 27, 2020 3:20:17 PM

Hi Eric,

I have a wetlands application in with your office since 2019. Tim Behan has talked with you and we will be submitting a new application and would like to withdraw the current one as we are staring over with new plans, etc.

I believe the application was filed under the lot owners name which is Joan Mooney. The lot is located at 45 Canning Street in Cumberland.

How do we withdraw the original application?

Thank you for your assistance.

Anthony J. Silva
[REDACTED]

From: Gray, Terry (DEM) <[REDACTED]>
Sent: Monday, July 27, 2020 12:29 PM
To: Silva, Anthony (LTGOV) <[REDACTED]>
Cc: Beck, Eric (DEM) <[REDACTED]>
Subject: RE: Wetlands app

Forwarding your request to Eric Beck (since I don't know)- he can work with the wetlands staff and let you know what the right path forward is for this.

TG

From: Silva, Anthony (LTGOV) <[REDACTED]>
Sent: Monday, July 27, 2020 11:32 AM
To: Gray, Terry (DEM) <[REDACTED]>
Subject: Wetlands app

Terry, I want to withdraw the wetlands application on 45 Canning St. in Cumberland that I submitted many months ago. We will be submitting a new application. How do I go about that please?. FYI I was just notified this morning by Tim Behan that there is a hearing scheduled today on it?

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From: [Silva, Anthony \(LTGOV\)](#)
To: [Gray, Terry \(DEM\)](#)
Subject: Wetlands app
Date: Monday, July 27, 2020 11:32:23 AM

Terry, I want to withdraw the wetlands application on 45 Canning St. in Cumberland that I submitted many months ago. We will be submitting a new application. How do I go about that please?. FYI I was just notified this morning by Tim Behan that there is a hearing scheduled today on it?

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From: [Silva, Anthony \(LTGOV\)](#)
To: [Gray, Terry \(DEM\)](#)
Cc: [Beck, Eric \(DEM\)](#)
Subject: Re: Wetlands app
Date: Monday, July 27, 2020 3:22:17 PM

Terry and Eric,

My Apologies to you both.

I am working from home today on my laptop and I should not have sent this request to you on this email account.

My personal email is [REDACTED]

This was an error on my part. Again, please accept my apologies.

Anthony J. Silva

From: Silva, Anthony (LTGOV) <[REDACTED]>
Sent: Monday, July 27, 2020 3:20 PM
To: Gray, Terry (DEM) <[REDACTED]>
Cc: Beck, Eric (DEM) <[REDACTED]>
Subject: Re: Wetlands app

Hi Eric,

I have a wetlands application in with your office since 2019. Tim Behan has talked with you and we will be submitting a new application and would like to withdraw the current one as we are staring over with new plans, etc.

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How do we withdraw the original application?

Thank you for your assistance.

Anthony J. Silva
[REDACTED]

From: Gray, Terry (DEM) <[REDACTED]>
Sent: Monday, July 27, 2020 12:29 PM
To: Silva, Anthony (LTGOV) <[REDACTED]>
Cc: Beck, Eric (DEM) <[REDACTED]>
Subject: RE: Wetlands app

Forwarding your request to Eric Beck (since I don't know)- he can work with the wetlands staff and let you know what the right path forward is for this.

TG

From: Silva, Anthony (LTGOV) <[REDACTED]>
Sent: Monday, July 27, 2020 11:32 AM
To: Gray, Terry (DEM) <[REDACTED]>
Subject: Wetlands app

Terry, I want to withdraw the wetlands application on 45 Canning St. in Cumberland that I submitted many months ago. We will be submitting a new application. How do I go about that please?. FYI I was just notified this morning by Tim Behan that there is a hearing scheduled today on it?

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From: [Anthony Silva](#)
To: [REDACTED]
Cc: [Gray, Terry \(DEM\)](#); [Tim Behan](#)
Subject: [EXTERNAL] : Wetlands App (withdrawal)
Date: Tuesday, July 28, 2020 9:23:30 AM

Good morning Eric,

Could you please let me know how to withdraw the wetlands application for 45 Canning Street, Cumberland. The name of the applicant of the lot owner is Joan Mooney and is the applicant. I am the purchaser and submitted the \$2500.00 fee for the hearing process. Joan and I want to withdraw the application. Tim Behan of Commonwealth will submit a new application in the coming weeks as soon as new lot designs, etc, are completed.

I look forward to hearing from you as we need to withdraw this applicaiton ASAP. Your assistance is greatly appreciated!

Anthony J.Silva
[REDACTED]

From: Beck, Eric (DEM)
To: [REDACTED]
Subject: Mooney application
Date: Friday, September 11, 2020 5:25:00 PM

Anthony I was going through my notes and emails and I remembered your email. I'm so sorry I did not get back to you directly.

As far as withdrawing the previous application it should be as simple as sending a letter to the Program Supervisor, Marty Wencek asking the application to be withdrawn so we have something from the original applicant on record. You can submit the new application. I spoke to the Wetlands Supervisor and he agreed the biology should not have to re-reviewed and it will only be a drainage design review. We will be able to process it very quickly even given the current circumstances.

Have you also formally withdrawn the hearing request? If not You could also put that in a separate letter and copy the ADD and reminding them that you have withdrawn your application and request for a hearing and want to be reimbursed for that hearing fee. Your attorney may have already done so as I know our DEM attorney spoke to him about the options.

For reference Mooney application AAD NO 20-003 copy Mary Dalton and Mary Kay.

Please call me on my cell at [REDACTED] to discuss if you have any questions.

Please copy me on all correspondence and notify me when you submit the new application so I know when it comes in.

Stay Well

Eric A. Beck, P.E. Administrator
Rhode Island Department of Environmental Management
Bureau of Environmental Protection
Groundwater and Freshwater Wetlands Permitting
Office of Water Resources

From: Beck, Eric (DEM)
To: Wencsek, Martin (DEM)
Subject: FW: [EXTERNAL] : App 19-10107
Date: Wednesday, September 16, 2020 2:08:00 PM

fyi

From: Dalton, Mary (DEM) <[REDACTED]>
Sent: Tuesday, September 15, 2020 11:20 AM
To: Anthony Silva <[REDACTED]>; Warren, Catherine (DOA) <[REDACTED]>
Cc: Beck, Eric (DEM) <[REDACTED]>
Subject: RE: [EXTERNAL] : App 19-10107

Good morning Anthony.

AAD did receive your letter and we closed the case. I believe I sent the request to have the money refunded but let me double check. I am teleworking today and tomorrow but will be back in office on Thursday and can pull the actual file. Is that acceptable?

From: Anthony Silva <[REDACTED]>
Sent: Tuesday, September 15, 2020 11:16 AM
To: Warren, Catherine (DOA) <[REDACTED]>; Dalton, Mary (DEM) <[REDACTED]>
Cc: Beck, Eric (DEM) <[REDACTED]>
Subject: [EXTERNAL] : App 19-10107

Dear Catherine and Mary,

Please see the attached letter that was mailed by Attorney Scott Partington to with application 19-10107. I am the purchaser of the lot in Cumberland and Attorney Partington is representing me and the property owner Joan Mooney in the wetlands application and withdrawal of that application.

Could you please confirm receipt of the above letter that was mailed on 7-31-2020, and also provide me with the process for requesting reimbursement of the hearing fee of \$2500.00 which I forwarded to DEM. I am well aware of the impact COVID has had on government operations so I understand the delay and thank you for your state service.

Your assistance is greatly appreciated!

Anthony J. Silva
[REDACTED]
[REDACTED]

RE: 45 Canning Street, Cumberland, RI

RIAG 00025

BIGOS & PARTINGTON, LTD.

Attorneys at Law

2176 Mendon Road

Suite 2000

Cumberland, RI 02864-3805

Phone: [REDACTED]

JAMES A. BIGOS
SCOTT J. PARTINGTON

FAX: [REDACTED]

July 31, 2020

Rhode Island Department
of Environmental Management
Administrative Adjudication Division
235 Promenade Street, Room 350
Providence, RI 02908
Attention: Catherine R. Warren
Hearing Officer

Re: Joan M. Mooney
Application Appeal 19-0107
AAD No.: 20-003/WRA

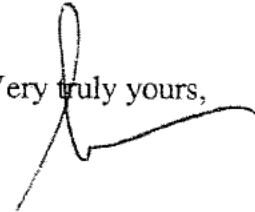
Dear Hearing Officer Warren:

Please allow this correspondence to serve as a request for formal withdrawal of the above-referenced Application Appeal on behalf of my client, Joan M. Mooney.

It is my understanding that my client will be filing a new Application in this regard. If you have any further questions, please contact my office at your earliest convenience.

Thank you.

Very truly yours,



Scott J. Partington, Esq.

SJP:lh

cc: Joseph J. LoBianco, Sr. Legal Counsel

From: [Beck, Eric \(DEM\)](#)
To: [Wencek, Martin \(DEM\)](#)
Subject: FW: [EXTERNAL] : Wetland Permit #19-0107 Canning Street, Cumberland
Date: Wednesday, September 16, 2020 2:08:00 PM

fyi

From: Tim Behan <[REDACTED]>
Sent: Tuesday, September 15, 2020 1:06 PM
To: Beck, Eric (DEM) <[REDACTED]>
Subject: [EXTERNAL] : Wetland Permit #19-0107 Canning Street, Cumberland

Hi Eric,

I spoke with Tony Silva regarding the Canning Street, Cumberland wetland permit (previous #19-0107 which has been withdrawn).

We are preparing a new application which will address Town comments. Question, do we file a PD or Formal application? Thanks.

Timothy Behan, P.E.
Commonwealth Engineers & Consultants, Inc.
400 Smith Street
Providence, RI 02908
[REDACTED] Phone
[REDACTED] Fax

From: [Beck, Eric \(DEM\)](#)
To: [Anthony Silva](#)
Cc: [Wencek, Martin \(DEM\)](#)
Subject: RE: [EXTERNAL] : App 19-10107
Date: Wednesday, September 23, 2020 3:19:00 PM

Anthony, I looked at the letter that was attached from Scott Partington and read the response from AAD. I am happy to hear that you have cleared that up and can get your money reimbursed.

To clear this up most expeditiously on our end, please submit a letter signed by the original applicant, addressed to Martin Wencek, Supervising Biologist in the FWW Program specifically withdrawing the 19-0107 application.

If this is submitted by Scott Partington, her legal counsel, please include verification that she is represented by her in this matter.

Thanks.

Eric

p.s. I have been in contact with Tim Behan and confirmed the application should be submitted as a formal application. I spoke to Marty Wencek and as I agreed we would be able to process this application relatively quickly given there is no need to revisit the site for our biological review.

From: Anthony Silva <[REDACTED]>
Sent: Tuesday, September 15, 2020 11:16 AM
To: Warren, Catherine (DOA) <[REDACTED]>; Dalton, Mary (DEM) <[REDACTED]>
Cc: Beck, Eric (DEM) <[REDACTED]>
Subject: [EXTERNAL] : App 19-10107

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Your assistance is greatly appreciated!

RIAG 00028

Anthony J. Silva



RE: 45 Canning Street, Cumberland, RI

From: [Beck, Eric \(DEM\)](#)
To: [Tim Behan](#)
Cc: [Wencek, Martin \(DEM\)](#)
Subject: RE: [EXTERNAL] : Wetland Permit #19-0107 Canning Street, Cumberland
Date: Wednesday, September 23, 2020 3:22:00 PM

Tim thanks for reaching out. I did reply to Mr. Silva that the withdrawal request was for the hearing and that we need a request to Marty to terminate the application.

The application will still be a formal application. I assume it hasn't changed so drastically to avoid filling a wetland.

When submitting the new application please also include the letter withdrawing the 19-0107 application.

Eric

From: Tim Behan <[REDACTED]>
Sent: Tuesday, September 15, 2020 1:06 PM
To: Beck, Eric (DEM) <[REDACTED]>
Subject: [EXTERNAL] : Wetland Permit #19-0107 Canning Street, Cumberland

Hi Eric,

I spoke with Tony Silva regarding the Canning Street, Cumberland wetland permit (previous #19-0107 which has been withdrawn).


We are preparing a new application which will address Town comments. Question, do we file a PD or Formal application? Thanks.

Timothy Behan, P.E.
Commonwealth Engineers & Consultants, Inc.
400 Smith Street
Providence, RI 02908
[REDACTED] Phone
[REDACTED] Fax

From: [Anthony Silva](#)
To: [Beck, Eric \(DEM\)](#)
Subject: [EXTERNAL] : Wetlands Application 45 Canning Street
Date: Friday, November 20, 2020 5:33:06 PM

Good afternoon Eric,
Thank you for your follow-up with my (second) application. Tim Behan dropped it off at DEM on October 28th. I just re-listened to your voice-mail to me that was sent on 9/11/20. It has taken some time but the new application has been submitted under the name of Joan Mooney whom I am buying the lot from.

The address is 45 Canning Street Cumberland. Could you please follow up with the supervisor who is reviewing the application? Also, you mentioned that might to the engineering on it to expedite it as the application has been on-going now for about 20 months.
Thank you again for your assistance.

Anthony Silva


From: [Beck, Eric \(DEM\)](#)
To: [Wencek, Martin \(DEM\)](#); [Pisani, Nicholas \(DEM\)](#)
Subject: 45 canning street Cumberland
Date: Tuesday, December 1, 2020 8:12:19 AM

Marty can you please locate this application? This is the 45 canning street Cumberland application that the applicant withdrew due to appeal to avoid hearing rework the engineering with town and resubmitting. The biology has not changed so it does not need a biological review however the engineering has to satisfy the town. Nick did the original review.

We promised the applicant that if they withdrew saving us the effort of a public hearing, we would pick it up right away and not require it to go through the queue again.

Please let me know.

Eric

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From: Beck, Eric (DEM)
To: Wencek, Martin (DEM)
Cc: Pisani, Nicholas (DEM)
Subject: RE: 45 canning street Cumberland
Date: Tuesday, December 1, 2020 10:36:00 AM

Thanks so much Marty, much appreciated.

Hope you had a great Thanksgiving and all is well.

Eric

From: Wencek, Martin (DEM) <[REDACTED]>
Sent: Tuesday, December 1, 2020 10:22 AM
To: Beck, Eric (DEM) <[REDACTED]>
Cc: Pisani, Nicholas (DEM) <[REDACTED]>
Subject: RE: 45 canning street Cumberland

Hello Eric,

Jane and I had a discussion about this file this last week and she'll be getting it reviewed for any comments or a letter shortly. The engineering review needs to be initiated for canvassing by Nick and it's hoped to be straight forward. I'll update you as this moves forward and will check with Nick this week to get a sense of timing.

Marty

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Tuesday, December 1, 2020 8:12 AM
To: Wencek, Martin (DEM) <[REDACTED]>; Pisani, Nicholas (DEM) <[REDACTED]>
Subject: 45 canning street Cumberland

Marty can you please locate this application? This is the 45 canning street Cumberland application that the applicant withdrew due to appeal to avoid hearing rework the engineering with town and resubmitting. The biology has not changed so it does not need a biological review however the engineering has to satisfy the town. Nick did the original review.

We promised the applicant that if they withdrew saving us the effort of a public hearing, we would pick it up right away and not require it to go through the queue again.

Please let me know.

Eric

From: [Beck, Eric \(DEM\)](#)
To: [Wencek, Martin \(DEM\)](#)
Subject: RE: Mooney formal (45 Canning Street, Cumberland)
Date: Monday, December 7, 2020 4:26:00 PM

Marty thanks for the update.

Eric

From: Wencek, Martin (DEM) <[REDACTED]>
Sent: Friday, December 4, 2020 3:19 PM
To: Beck, Eric (DEM) <[REDACTED]>
Subject: Mooney formal (45 Canning Street, Cumberland)

Eric,

Just to let you know that the Program sent out a technical deficiency on this project today. Nick is requesting some necessary information regarding drainage which is not expected to be a major hurdle.

Marty

From: Beck, Eric (DEM)
To: Wencek, Martin (DEM)
Cc: Pisani, Nicholas (DEM)
Subject: Re: Mooney permit
Date: Wednesday, February 17, 2021 9:04:18 AM

Good news. Good luck in interview

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From: Wencek, Martin (DEM) <[REDACTED]>
Sent: Wednesday, February 17, 2021 8:49:31 AM
To: Beck, Eric (DEM) <[REDACTED]>
Cc: Pisani, Nicholas (DEM) <[REDACTED]>
Subject: RE: Mooney permit

Hi Eric,

This Program sent out a tech def to them on 12/4. It was resubmitted to the Program 2/15 (this past Monday) so we'll be moving this along as necessary now that it's finally back with us for review.

Marty

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Wednesday, February 17, 2021 8:30 AM
To: Wencek, Martin (DEM) <[REDACTED]>; Kelly, Jane (DEM) <[REDACTED]>; Pisani, Nicholas (DEM) <[REDACTED]>
Subject: Mooney permit

Marty can you please let me know what the status of this is? Applicant said resubmitted in December. Remember this is the one we asked them to withdraw and resubmit to save us from hearing an appeal. I'd like to live up to what we told the applicant regarding processing it as a priority when resubmitted. Please give me an update by end of day.

Eric

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From: [Wencek, Martin \(DEM\)](#)
To: [Beck, Eric \(DEM\)](#)
Cc: [Pisani, Nicholas \(DEM\)](#); [Kelly, Jane \(DEM\)](#)
Subject: RE: Mooney permit
Date: Wednesday, February 17, 2021 5:08:00 PM

Hi Eric,

You noted in the email below: "Marty it may be advisable to have a connect with town planner and engineer to see if concerns addressed before PN. I'm willing to do that with nick if you think advisable."

That would really be incumbent on the applicant to make sure the Town is in agreement that the design we're reviewing meets the expectations of the Town. My feeling on this is that it should have been run by the Town by the project proponent before the project design was ever sent to us, or at least concurrently.

Nick has noted that the current design that he reviewed today will not exasperate the existing flooding problem or negatively alter existing wetland conditions PROVIDED the culvert in the street is functioning as it was originally intended. The drainage design for this project relies on the functionality of the street culvert. Nick has noted that this has not been made clear at this time; whether the culvert is in good working order or not. So what do you think? I believe the applicant should provide us with compelling information that can ensure that the street culvert IS in fact functioning in its intended capacity. They could get a certification letter from the Town to that effect, or conduct their own assessment for us with permission from the Town. If that assurance cannot be provided, the design is potentially flawed relying on a situation that potentially does not exist (that the street culvert is freely flowing to its capacity). I'd appreciate your input on this as we certainly don't want to get through the Public Notice only to have a neighbor point out that the street culvert does in fact not function as it was intended since the functionality of the street culvert is being relied upon with the current design. If we receive such a comment, my concern is that we'd end up with a substantive comment again, or would have to deny the proposal. When the new application concept was hatched, we noted that applicant needed to address the drainage concerns for the subject property. I'm not confident they've done that yet. Again, I would appreciate you weighing in on this concern.

Thanks,
Marty

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Wednesday, February 17, 2021 12:45 PM
To: Kelly, Jane (DEM) <[REDACTED]>; Wencek, Martin (DEM) <[REDACTED]>; Pisani, Nicholas (DEM) <[REDACTED]>
Subject: Re: Mooney permit

Thanks Jane for the update. Nick want to make sure the new drainage design meets concerns expressed during last public notice. I assume this design addresses the run on and local drainage that

comes through town owned drain line. Mostly a flooding/local drainage issue.

It will go out to PN again shortly and we want to make sure all substantive comments are addressed when it comes to engineering.

Marty it may be advisable to have a connect with town planner and engineer to see if concerns addressed before PN. I'm willing to do that with nick if you think advisable.

Eric

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From: Kelly, Jane (DEM) <[REDACTED]>
Sent: Wednesday, February 17, 2021 12:36:52 PM
To: Beck, Eric (DEM) <[REDACTED]>; Wencek, Martin (DEM) <[REDACTED]>;
Pisani, Nicholas (DEM) <[REDACTED]>
Subject: RE: Mooney permit

The response to comments was received on 2/15/21 and forwarded to Nick this morning.

Jane

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Wednesday, February 17, 2021 8:30 AM
To: Wencek, Martin (DEM) <[REDACTED]>; Kelly, Jane (DEM) <[REDACTED]>; Pisani, Nicholas (DEM) <[REDACTED]>
Subject: Mooney permit

Marty can you please let me know what the status of this is? Applicant said resubmitted in December. Remember this is the one we asked them to withdraw and resubmit to save us from hearing an appeal. I'd like to live up to what we told the applicant regarding processing it as a priority when resubmitted. Please give me an update by end of day.

Eric

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From: Beck, Eric (DEM)
To: Kelly, Jane (DEM); Wencek, Martin (DEM); Pisani, Nicholas (DEM)
Subject: Re: Mooney permit
Date: Wednesday, February 17, 2021 12:45:17 PM

Thanks Jane for the update. Nick want to make sure the new drainage design meets concerns expressed during last public notice. I assume this design addresses the run on and local drainage that comes through town owned drain line. Mostly a flooding/local drainage issue.

It will go out to PN again shortly and we want to make sure all substantive comments are addressed when it comes to engineering.

Marty it may be advisable to have a connect with town planner and engineer to see if concerns addressed before PN. I'm willing to do that with nick if you think advisable.

Eric

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From: Kelly, Jane (DEM) <[REDACTED]>
Sent: Wednesday, February 17, 2021 12:36:52 PM
To: Beck, Eric (DEM) <[REDACTED]>; Wencek, Martin (DEM) <[REDACTED]>;
Pisani, Nicholas (DEM) <[REDACTED]>
Subject: RE: Mooney permit

The response to comments was received on 2/15/21 and forwarded to Nick this morning.

Jane

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Wednesday, February 17, 2021 8:30 AM
To: Wencek, Martin (DEM) <[REDACTED]>; Kelly, Jane (DEM) <[REDACTED]>; Pisani, Nicholas (DEM) <[REDACTED]>
Subject: Mooney permit

Marty can you please let me know what the status of this is? Applicant said resubmitted in December. Remember this is the one we asked them to withdraw and resubmit to save us from hearing an appeal. I'd like to live up to what we told the applicant regarding processing it as a priority when resubmitted. Please give me an update by end of day.

Eric

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From: [Wencek, Martin \(DEM\)](#)
To: [Jonathan Stevens](#)
Subject: RE: [EXTERNAL] : FW: Screenshot 2021-03-12 at 12.10.37 PM
Date: Monday, March 15, 2021 5:25:00 PM

Well Jon, that's interesting.

If they have not been checking with the Town on their latest design, I guess you'll be seeing it when they supply us with the appropriate number of plans for DEM to mail out the Public Notice. We're waiting for the plans now. The Town clerk, planning, zoning and building official's office will get a Notice and plans when the Public Notice is initiated

Stay well,

Marty

From: Jonathan Stevens <[REDACTED]>
Sent: Monday, March 15, 2021 11:24 AM
To: Wencek, Martin (DEM) <[REDACTED]>
Cc: Jonathan Stevens <[REDACTED]>
Subject: FW: [EXTERNAL] : FW: Screenshot 2021-03-12 at 12.10.37 PM

Marty:

I am not convinced the Town has been sent revised plans....

Jon

From: Robert Anderson <[REDACTED]>
Sent: Monday, March 15, 2021 10:43 AM
To: Jonathan Stevens <[REDACTED]>; Brad Ward <[REDACTED]>
Cc: Jeffrey Mutter <[REDACTED]>
Subject: RE: [EXTERNAL] : FW: Screenshot 2021-03-12 at 12.10.37 PM

No, I have not received any re-submittal of the site plan for this property. The last submittal I received from their engineer, Commonwealth, was in the summer (July or August I believe). So I suspect they would be preparing a re-submittal to me as I met with them regarding the last plan submittal, and I had also transmitted review comments to Scott Partington in September.

Robert A. Anderson, Jr., P.E.
Director of Public Works
Town of Cumberland
45 Broad Street
Cumberland, RI 02864
(T) [REDACTED]
[REDACTED]

From: Jonathan Stevens <[REDACTED]>

Sent: Monday, March 15, 2021 9:32 AM

To: Robert Anderson <[REDACTED]>; Brad Ward <[REDACTED]>

Cc: Jonathan Stevens <[REDACTED]>; Jeffrey Mutter <[REDACTED]>

Subject: FW: [EXTERNAL] : FW: Screenshot 2021-03-12 at 12.10.37 PM

Bob, Brad:

Have either of you received a plan set for this application?

<https://www.ri.gov/DEM/wetlands/view.php?serial=28575>

THANKS!

Jonathan

From: Wencek, Martin (DEM) <[REDACTED]>

Sent: Friday, March 12, 2021 3:36 PM

To: Jonathan Stevens <[REDACTED]>

Subject: RE: [EXTERNAL] : FW: Screenshot 2021-03-12 at 12.10.37 PM

Hi Jon,

This will be going out to Public Notice soon and this application has been submitted specifically to address previously raised concerns and attempts to ensure neighborhood flooding within the existing wetland area is not aggravated as a result of this proposal. Take a look at this revised design and you can decide if the issue you have concern with is adequately addressed and comment accordingly (or not).

Have a good weekend,

Marty.

From: Jonathan Stevens <[REDACTED]>

Sent: Friday, March 12, 2021 12:36 PM

To: Wencek, Martin (DEM) <[REDACTED]>

Cc: Jonathan Stevens <[REDACTED]>

Subject: [EXTERNAL] : FW: Screenshot 2021-03-12 at 12.10.37 PM

Hi Marty!

What's the latest?

THANKS!

Jonathan

From: Michelle Burgoyne <[REDACTED]>
Sent: Friday, March 12, 2021 12:16 PM
To: Kevin Joyce <[REDACTED]>; Jonathan Stevens <[REDACTED]>
Subject: Screenshot 2021-03-12 at 12.10.37 PM

Hi Guys

I wanted to reach out to you to update you on the status of the application to alter the wetlands at 45 Canning Street. An application was submitted again and now is adequate for public notice. I have spoken to both of you regarding my objections and Johnathan you guys had written a letter to the DEM last time objecting to this and I am hoping the towns position is still the same. Please advise.

Thanks

Michelle Burgoyne

[REDACTED]

[REDACTED]

12:10

LTE

Done

Photo



Mooney, Joan M.

Organization name

Location

Canning Street Cumberland

Plat/Lot

Plat 37 / Lot 186

Project information

- Residential Lot (New)

Location description

Approximately 50 feet southeast of Canning Street, opposite utility pole no. 4; approximately 390 feet northeast of the intersection of Woodrow and Canning Streets; Assessor's Plat 37, Lot 186, Cumberland, RI

Historical information

March 10, 2021

Adequate for Public Notice

~~March 10, 2021~~

Application Review by Supervisor

February 17, 2021

Application Review by Biologist

February 17, 2021

Application Review by Engineer

December 04, 2020

Technical Deficiency Letter Sent

December 04, 2020

Application Review by Supervisor

December 04, 2020

Application Review by Biologist

November 13, 2020

Supervisor for Assignment

November 04, 2020

Request to Alter Wetland Application

February 15, 0021

Applicant Response to Tech. Deficiency

For more information, you may call the DEM at 222-4700 or visit the DEM offices to set up an appointment to review this file or

RIAG 00042

From: [Beck, Eric \(DEM\)](#)
To: [Wencek, Martin \(DEM\)](#); [Kelly, Jane \(DEM\)](#)
Subject: Mooney public notice
Date: Wednesday, March 24, 2021 2:17:04 PM

Jane please let me know when the notice is going out. I'd like to call Jonathan Stephens the town planner to discuss when he receives the notice to address any questions or concerns he may have.

Thanks

Eric

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From: Beck, Eric (DEM)
To: Wencek, Martin (DEM)
Cc: Kelly, Jane (DEM)
Subject: Re: Mooney public notice
Date: Wednesday, March 24, 2021 2:23:19 PM

Just check and let me know cause applicant was told by engineer the info was delivered. I'll call the engineer now.

Thanks

Eric

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From: Wencek, Martin (DEM) <[REDACTED]>
Sent: Wednesday, March 24, 2021 2:21:46 PM
To: Beck, Eric (DEM) <[REDACTED]>
Cc: Kelly, Jane (DEM) <[REDACTED]>
Subject: RE: Mooney public notice

Eric,

We sent the letter requesting plans for Notice the day you returned the file to me after your review. That was on March 10th and we haven't received the plans yet to my knowledge. We'll be sure to let you know.

Marty

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Wednesday, March 24, 2021 2:17 PM
To: Wencek, Martin (DEM) <[REDACTED]>; Kelly, Jane (DEM) <[REDACTED]>
Subject: Mooney public notice

Jane please let me know when the notice is going out. I'd like to call Jonathan Stephens the town planner to discuss when he receives the notice to address any questions or concerns he may have.

Thanks

Eric

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From: Ryan, Jennifer L. (DEM)
To: Beck, Eric (DEM)
Cc: Becky Panzarella; Wencek, Martin (DEM)
Subject: FW: [EXTERNAL] : 20-0254 Canning Street, Cumberland
Date: Thursday, March 25, 2021 4:43:45 PM

Eric - Becky will work with Marty to send ASAP; may be sent out by the middle of next week. There is another PN in front of it. We'll keep you posted, unless you prefer that Becky notify the engineer directly when it goes out?

From: Panzarella, Becky (DEM) <[REDACTED]>
Sent: Thursday, March 25, 2021 2:49 PM
To: Ryan, Jennifer L. (DEM) <[REDACTED]>
Subject: RE: [EXTERNAL] : 20-0254 Canning Street, Cumberland

Hi,

I retrieved the file from the PAC box in the lobby.
I have date stamped it, and am now delivering it to Marty.

Becky Panzarella
RIDEM
Office of Water Resources
[REDACTED]
[REDACTED]

From: Ryan, Jennifer L. (DEM) <[REDACTED]>
Sent: Thursday, March 25, 2021 2:36 PM
To: Panzarella, Becky (DEM) <[REDACTED]>
Subject: FW: [EXTERNAL] : 20-0254 Canning Street, Cumberland

Hi Becky,

Please look for the FWW Public Notice package for 20-0254, dropped off today, and process ASAP. TY!

Jennifer Ryan
RIDEM Office of Water Resources
[REDACTED]
[REDACTED]

ONLINE PERMIT SEARCH TOOLS: View Permit Status, Historical Information and download available documents at dem.ri.gov/waterpermits

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Thursday, March 25, 2021 2:30 PM
To: Ryan, Jennifer L. (DEM) <[REDACTED]>
Subject: Fwd: [EXTERNAL] : 20-0254 Canning Street, Cumberland

FYI can you connect Becky and Jane?

Eric

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From: Tim Behan <[REDACTED]>
Sent: Thursday, March 25, 2021 2:26:13 PM
To: Beck, Eric (DEM) <[REDACTED]>
Subject: [EXTERNAL] : 20-0254 Canning Street, Cumberland

Hi Eric,

The documents for 20-0254 were dropped off at DEM today, addressed to Jane Kelly.

Timothy Behan, P.E.
Commonwealth Engineers & Consultants, Inc.
400 Smith Street
Providence, RI 02908
[REDACTED] *Phone*
[REDACTED] *Fax*

From: [Beck, Eric \(DEM\)](#)
To: [Wencek, Martin \(DEM\)](#); [Kelly, Jane \(DEM\)](#)
Subject: Mooney public notice
Date: Tuesday, March 30, 2021 2:29:05 PM

Marty and Jane can you please issue the public notice for the Mooney project. The applicant has informed me that they are in jeopardy of losing the project. Remember we encouraged them to reapply to avoid the hearing. I asked Jennifer to have Becky available to help.

Thanks

Eric

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From: MacAndrew, Carol (DEM)
To: Coit, Janet (DEM); Gray, Terry (DEM); DEM.Filereview
Cc: Wencek, Martin (DEM); Kelly, Jane (DEM); Panzarella, Becky (DEM)
Subject: FWW Public Notice 20-0254
Date: Tuesday, March 30, 2021 4:32:11 PM
Attachments: SDEM-OWR-Ko21033014430.pdf

To All Concerned:

Attached please find a copy of the Public Notice for the above referenced FWW permit. The Notice was sent out today March 30, 2021. If you have any questions, please contact me at the information listed below. Thank you in advance.

Best,
Carol

Carol A. MacAndrew, Applications Coordinator (DEM)
Rhode Island Department of Environmental Management
Office of Water Resources – Wetlands Section
235 Promenade Street, Providence, RI 02908
Phone: [REDACTED]
Email: [REDACTED]

New! Water Quality Certification and Stormwater Construction Permit Online Search Tool

Submit Notices for [Start of Construction](#) and [Termination](#) via email:
DEM.STWConstruction@dem.ri.gov
Visit our Stormwater webpage: dem.ri.gov/stormwaterconstruction
Visit our Wetlands webpage and permit search: dem.ri.gov/wetlands

Please visit our website at dem.ri.gov/stormwaterconstruction to download a copy of the [**Notice of Start of Construction/Transfer/Notice of Termination form**] and submit completed forms by email to DEM.STWConstruction@dem.ri.gov. Confirm receipt of all applications and forms by using our new **Online Permit Search**. If you have any other questions, please contact me at the information listed below.

From: Wencek, Martin (DEM) <[REDACTED]>
Sent: Tuesday, March 30, 2021 3:59 PM
To: MacAndrew, Carol (DEM) <[REDACTED]>
Subject: Public Notice document

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, March 30, 2021 2:43 PM
To: Wencek, Martin (DEM) <[REDACTED]>; MacAndrew, Carol (DEM)

<[REDACTED]>

Subject: Message from KMBT_423



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

March 30, 2021
Application No. 20-0254

NOTICE

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has under consideration the application of Joan M. Mooney of [REDACTED], requesting permission to alter freshwater wetlands in the Town of Cumberland, RI.

The proposed project is located approximately 50 feet southeast of Canning Street, opposite Utility Pole No. 4, approximately 390 feet northeast of the intersection of Woodrow and Canning Streets, Assessor's Plat 37, Lot 186, Cumberland, RI.

The freshwater wetlands affected by the proposed project include a Swamp, Perimeter Wetland and an Area Subject to Storm Flowage.

The purpose of the proposed alterations is for the construction of a single-family dwelling, with a garage, paved driveway, stormwater control features, utilities, and landscape plantings.

The proposed alterations to freshwater wetlands consist of at least clearing, soil disturbance, filling, grading, excavation, paving, house construction and utility installations, vegetated swale installations, and landscaping.

The project, as proposed, will result in the alteration and/or disturbance of approximately 5,600 square feet (~0.13 acres) of freshwater wetlands as well as approximately 36 linear feet of an Area Subject to Storm Flowage as noted above.

Full-sized site plans illustrating the proposed project and detailing freshwater wetlands to be altered have been furnished to the Cumberland Town Council and the Town Clerk's Office and may be viewed at the Town offices or at our Offices. A reduced-size set of site plans has been provided with this NOTICE.

This NOTICE is not authorization to do any work or to proceed with the project.

The purpose of this NOTICE is to inform all landowners whose properties are within two hundred feet (200') of the proposed project, the Town/City Council, the Conservation Commission, the Planning Board, the Zoning Board, and any other interested individuals and agencies of the proposal and to provide for a period of forty-five (45) days (NOTICE Period) within which concerns or comments may be received. Any comments and/or objections received during the NOTICE period shall be used to evaluate the proposed project and its impacts upon freshwater wetland functions and values.

You are advised that if you desire to submit a statement or have a good reason to enter a protest against the proposed project, it is your privilege to do so. Objections to the proposed project must relate to the proposed project's impacts on the functions and values provided by the freshwater wetlands to be altered.

Such functions and values include but are not limited to:

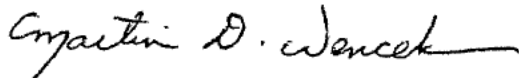
- 1) Protection of life and/or property from flooding or flood flows by retaining, storing, metering, or slowing flood waters from storm events;
- 2) Providing and maintaining surface and/or groundwater supplies by acting as a recharge or discharge area;
- 3) Providing and maintaining valuable wildlife habitats;
- 4) Providing and maintaining high value recreation areas; and
- 5) Protecting and maintaining water quality.

Information regarding the Program's practices and procedures for evaluating such comments, any definitions, or further information on wetland functions and values may be obtained by consulting the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1.

In accordance with 250-RICR-150-15-1.10(D)(3)(a), comments filed with the DEM will be considered if they are in writing, are legible, contain a discernable name and address, are signed and are received during the NOTICE period. The application number appearing in this NOTICE or other information which will identify the comments to the proposed project is also required. The NOTICE period for this application ends at 4:00 p.m. on May 14, 2021. This Program cannot extend this NOTICE period.

Anyone wishing to review the file in this matter should contact the Office of Customer and Technical Assistance in advance (telephone: [REDACTED] or Email: [REDACTED]) to arrange an appointment.

Sincerely,



Martin D. Wencek, Program Supervisor
Freshwater Wetlands Program
Office of Water Resources
MDW/JEK /jek

From: Wencek, Martin (DEM)
To: Beck, Eric (DEM)
Subject: RE: Mooney public notice
Date: Tuesday, March 30, 2021 5:44:44 PM

Hi Eric,
No problems.

Also, I'm going to be out of the office this coming Thursday with vacation time. Nancy will be here.

Have a good evening,
Marty

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Tuesday, March 30, 2021 5:37 PM
To: Wencek, Martin (DEM) <[REDACTED]>; Kelly, Jane (DEM) <[REDACTED]>
Subject: Re: Mooney public notice

Thank you to both of you. Much appreciated.

Eric

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From: Wencek, Martin (DEM) <[REDACTED]>
Sent: Tuesday, March 30, 2021 5:11:12 PM
To: Beck, Eric (DEM) <[REDACTED]>; Kelly, Jane (DEM) <[REDACTED]>
Subject: RE: Mooney public notice

Hi Eric,

That Notice was issued this afternoon so they should be all set for now.

Marty

From: Beck, Eric (DEM) <[REDACTED]>
Sent: Tuesday, March 30, 2021 2:29 PM
To: Wencek, Martin (DEM) <[REDACTED]>; Kelly, Jane (DEM) <[REDACTED]>
Subject: Mooney public notice

Marty and Jane can you please issue the public notice for the Mooney project. The applicant has informed me that they are in jeopardy of losing the project. Remember we encouraged them to reapply to avoid the hearing. I asked Jennifer to have Becky available to help.

Thanks

Eric

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From: [Michelle Burgoyne](#)
To: [Wencek, Martin \(DEM\)](#)
Subject: Re: [EXTERNAL] : 45 Canning
Date: Wednesday, March 31, 2021 10:46:48 AM

Thanks Marty!

Sent from my iPhone

> On Mar 31, 2021, at 8:11 AM, Wencek, Martin (DEM) <[REDACTED]> wrote:

>

> Good morning Michelle,

>

> This proposal was issued for the 45 day public notice just last evening so you should be getting the paper copy soon (as fast as the mail service can get it to you). The proposal has been modified by the design engineer in an attempt to address the comments that were generated by the former proposal. Any abutters that want to comment on this revised design will need to do so again if they have concerns or questions. While this revised proposal is in the Public Notice period, the Department will be conducting a new evaluation on this proposal as well. A final administrative decision will be made following the Notice based on the review of any comments received and the Department evaluation. Touch bases here again if you have any additional questions, or call ([REDACTED] - new extension number).

>

> Stay safe ,

> Marty

>

>

>

>

> -----Original Message-----

> From: Michelle Burgoyne <[REDACTED]>

> Sent: Tuesday, March 30, 2021 6:43 PM

> To: Wencek, Martin (DEM) <[REDACTED]>

> Subject: [EXTERNAL] : 45 Canning

>

> Hi Marty

> I'm looking at the website and I noticed that 45 Canning St Said adequate for public notice. Now it says biologist And engineer evaluation. I'm just wondering what that means since none of us have received any notification of this. Do we have to submit letters again?

> Thanks

> Michelle Burgoyne

>

>

>

>

>

> Sent from my iPhone

From: [Jonathan Stevens](#)
To: [Wencek, Martin \(DEM\)](#)
Cc: [Jonathan Stevens](#); [Jeffrey Mutter](#); [Kelley Morris](#); [Robert Anderson](#); [Brad Ward](#); [Glenn Modica](#); [Curtiss Grieve](#)
Subject: [EXTERNAL] : Cumberland Objection - 45 Canning St DEM Permit
Date: Saturday, April 17, 2021 8:23:42 AM
Attachments: [CUMB RIDE M OBJECTION 45 CANNING ST 4.14.21.pdf](#)

Marty:

Thanks, as always, for your support!

THANKS!

Jonathan

From: [Tim Behan](#)
To: [Wencek, Martin \(DEM\)](#)
Subject: [EXTERNAL] : Public Notice - Application #20-0254 Canning Street, Cumberland
Date: Tuesday, April 27, 2021 12:10:39 PM
Attachments: [4-27-21 DEM Notice Response Letter.pdf](#)

Hi Mr. Wencek,

The original letter (attached) was dropped off at DEM today. This letter is in response to the public notice on application #20-054. Thanks.

Timothy Behan, P.E.
Commonwealth Engineers & Consultants, Inc.
400 Smith Street
Providence, RI 02908
[REDACTED] *Phone*
[REDACTED] *Fax*



COMMONWEALTH
ENGINEERS & CONSULTANTS, INC.
400 Smith Street
Providence, RI 02908
Tel. [REDACTED] Fax [REDACTED]
www.commonwealth-eng.com

April 27, 2021

Mr. Martin D. Wencek
Program Supervisor
Rhode Island Department of Environmental Management
Freshwater Wetlands Program
Office of Water Resources
235 Promenade Street
Providence, RI 02908

RE: Public Notice Comments
RIDEM Wetland Application #20-0254
Canning Street, Cumberland, RI
CE&C #: 16056.00

Dear Mr. Wencek:

Commonwealth Engineers & Consultants, Inc. (CE&C) is in receipt of public notice for the above reference application and offers the following comments in support of the application:

1. On March 19, 2020 CE&C met with Town Department of Public Works to address Town comments pertaining to proposed development plan. At this meeting it was agreed to revise plan to incorporate the following items:
 - a. Establish a 10' wide drainage easement on subject property in favor of the Town of Cumberland. This easement will allow offsite stormwater to pass through subject property.
 - b. Propose a paved water way from Canning Street to start of drainage swale.
 - c. Replace the existing 12" corrugated metal pipe with 12" HDPE pipe on subject property.
 - d. The existing low spot on Canning Street will remain.
 - e. A split rail fence (or approved equal by Town) will be constructed along the proposed drainage easement.
2. The Town also expressed concern regarding flooding in the Canning Street area; therefore, CE&C prepared a drainage study of the area to determine the cause and location of problematic flooding. A copy of this report is included in the RIDEM Wetland permit application entitled "Stormwater BMP Narrative Report for AP 37 Lot 186, 45

Page 2 of 2
Canning Street
Cumberland, Rhode Island
April 27, 2021

Canning Street, Cumberland, Rhode Island". This study determined the problematic flooding area is located up-gradient of subject property and behind residential dwellings on the opposite side of Canning Street (not on subject property). The proposed development will not adversely affect drainage characteristics in the area.

Sincerely yours
COMMONWEALTH ENGINEERS & CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read 'Timothy Behan', with a stylized flourish at the end.

Timothy Behan, P.E.

TB/

From: [Beck, Eric \(DEM\)](#)
To: [Wencek, Martin \(DEM\)](#); [Kelly, Jane \(DEM\)](#)
Subject: Mooney, Cumberland application
Date: Wednesday, May 26, 2021 10:29:43 AM

Marty can we discuss the Mooney application? Did we receive any substantial comments from the public notice? If so can you let me know what they are? If not when do you think it will be issued?

Eric

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From: [Wencek, Martin \(DEM\)](#)
To: [Kelly, Jane \(DEM\)](#)
Subject: RE: Application No. 20-0254 Joan M. Mooney, Cumberland
Date: Tuesday, June 1, 2021 5:05:00 PM

Thanks Jane!

I'll be getting this out this week per Eric's directive.

Side note...the ACOE DID review the previous file for Mooney. It was being reviewed by the Army Corps guy that destroyed the General Permit between the agencies and had a mass propensity for totally losing entire files that were sent to him. I have called Jana at the Corps to let her know they previously did have the original file for review (at least we sent it to them and it did appear on their Corps list of files) a year plus ago.

Going home soon.

Marty

From: Kelly, Jane (DEM) <[REDACTED]>
Sent: Friday, May 28, 2021 12:02 PM
To: Wencek, Martin (DEM) <[REDACTED]>
Subject: Application No. 20-0254 Joan M. Mooney, Cumberland

Hi Marty - I just finished my review and put this file with the other vertical folders waiting for review.
Jane

From: [Wencek, Martin \(DEM\)](#)
To: [Jonathan Stevens](#)
Subject: RE: [EXTERNAL] : 45 Canning St Cumberland Wetlands Permit- Question
Date: Monday, June 14, 2021 5:02:00 PM

Jon,

As stated in the letter, There were no SUBSTANTIVE comments during the Public Notice period. All concerns raised by the commenters were addressed by the applicant in the design put forward for Public Notice.

Marty

From: Jonathan Stevens <[REDACTED]>
Sent: Monday, June 14, 2021 2:24 PM
To: Wencek, Martin (DEM) <[REDACTED]>
Cc: Jonathan Stevens <[REDACTED]>
Subject: [EXTERNAL] : 45 Canning St Cumberland Wetlands Permit- Question

Marty:

Can you advise why there was no public hearing? Constituents are asking.

THANKS!

Jonathan

From: [Wencek, Martin \(DEM\)](#)
To: [Mastrati, Gail \(DEM\)](#)
Cc: [Mulcahey, Ryan \(DEM\)](#)
Subject: Re: 45 Canning St., Cumberland, wetland application number 20-0254
Date: Tuesday, July 6, 2021 11:09:00 AM

Hi Gail,

I have this inquiry from a representative of the Valley Breeze that I'm forwarding to you regarding a wetland application filed by Joan Mooney (who I'm told by abutters lives out-of-State and is in her late 80's). The project that is being referred to is very controversial and has two applications associated with it. The first application was reviewed by this Program and since it was a "Formal Application", included a Public Notice period. After the Public Notice, this Program determined that the proposal did not address flooding concerns which were raised by neighboring abutters and the Town of Cumberland. As a result, the applicant was notified that a public hearing would be required due to substantive comments received from abutters and the Town that were not addressed by the applicant's consultant or the DEM review, since no documentation was furnished to address this (flooding) concern. A public hearing was requested by the applicant and scheduled, but later was withdrawn by the project proponent on behalf of the applicant. Instead, a second application was submitted to the Department and was revised in an attempt to address the shortcomings of the initial application. A public notice was again initiated as required by the application process for "Formal Applications". The shortcomings of the initial application were addressed by the revised design as presented in the second application. However, the abutters and the Town still made numerous comments against the project citing existing flooding issues in the neighborhood, and to a much lesser degree, wildlife concerns. The stormwater engineering section reviewed this second application and found that the flooding issue which was not addressed in the initial application, was in fact now addressed in the second application. The engineering section of DEM was satisfied that the revised project would not result in additional flooding of any abutters or the neighborhood which previously was not addressed by the applicant in the first application. As a result of the Department's evaluation now taking the applicant's new stormwater design into account, it was determined that this revised proposal was not going to result in adding to the existing flooding issue in the area. It was also determined that wildlife functions and values would not be significantly harmed despite some filling of the wetland in question. As a result of these findings by the Department, the comments received by DEM during the Public Notice were deemed not to be of a substantive nature as defined in the Wetland Rules. No public hearing was now necessary since the issue in question (flooding) was addressed by the applicant. The proposal was therefore, approved by the Department.

I have received many phone calls and some emails protesting this decision with many informing me that this decision was politically motivated and that the project proponent is in "tight" with the Governor. I do not have anything that makes any correlation between the Department's decision and any individual that may have politically influenced that decision.

Give me a call with questions.

Thanks,

Marty

From: Ethan Shorey <[REDACTED]>
Sent: Saturday, July 3, 2021 8:08 PM
To: Wencek, Martin (DEM) <[REDACTED]>
Subject: [EXTERNAL] : Re: 45 Canning St. application

And how was the determination made that this would not worsen flooding, as stated in your letter, when so much of the wetlands on the lot will be disturbed?

On Sat, Jul 3, 2021 at 8:02 PM Ethan Shorey <[REDACTED]> wrote:

Hi Martin,

I'm reaching out to inquire about why an application for 45 Canning St. in Cumberland was approved over town objections and without a public hearing.

[REDACTED]

--
Ethan Shorey
Editor of The Valley Breeze
[@TheStoryShorey](https://twitter.com/TheStoryShorey) [twitter.com]

[REDACTED]

--
Ethan Shorey
Editor of The Valley Breeze
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[REDACTED]