

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ADMINISTRATIVE ADJUDICATION DIVISION

IN RE: Peter L. Ryan (David R. Emond)
Application No. 88-0560F

DECISION AND ORDER

This matter is before the Hearing Officer on the application of Peter L. Ryan (on behalf of David R. Emond) to alter freshwater wetlands on a residential lot located on the eastern side of Maple Avenue, and designated as Assessor's Plat 9, Lot 16, in the Town of Jamestown, Rhode Island.

The applicant proposes the alteration of an area subject to storm flowage (intermittent stream), several areas subject to flooding, a perennial river less than 10 feet wide, 100 foot riverbank wetland associated with all flowing water bodies and 100 year floodplain areas for the purpose of constructing a single family dwelling, driveway, and the installation of a perimeter subdrain around the proposed dwelling.

The application was denied by the Wetlands Section of the Department of Environmental Management (DEM) and a hearing was requested.

John J. Kupa, Jr., Esq. represented the applicant and Sandra Calvert, Esq. represented the Division of Groundwater and Freshwater Wetlands of the Department of Environmental Management.

The Prehearing conference was held on July 23, 1990 at One Capitol Hill, Ground Floor Training Room B, Providence, Rhode Island 02903. No requests to intervene were received.

The Pre-Hearing Conference record was prepared by the Hearing Officer and the following stipulations were entered by agreement of the parties:

1. The applicant, Peter L. Ryan, has filed all necessary documents and paid all necessary fees to be properly before the Hearing Officer in the above-entitled matter.
2. The subject site is located on Maple Avenue, eastern side, Assessor's Plat 9, Lot 16, Utility Pole No. 3, Jamestown, Rhode Island.
3. The application proposes the alteration of an area subject to storm flowage (intermittent stream), several areas subject to flooding, a perennial river less than ten (10) feet wide, 100 foot riverbank wetland associated with all flowing waterbodies and 100 year floodplain areas for the purpose of constructing a single family dwelling, driveway and the installation of a perimeter subdrain around the proposed dwelling.
4. The formal application No. 88-0560F, was filed on November 1, 1988.
5. The site plan subject to this hearing in Application No. 88-0560F is entitled "Site Plan for A.P. 9, Lot 16, Jamestown, RI, Mapple Avenue", sheet 1 of 1, revision dated June 13, 1989 and received by this Department June 19, 1990.
6. The site plan was sent to public notice on November 30, 1989. The forty-five (45) day public notice period expired on January 14, 1990.
7. The Department denied this application in its letter dated March 13, 1990 addressed to Peter Ryan and signed by Brian C. Tefft on behalf of the Department.
8. The applicant filed a timely request for hearing on March 23, 1990.

The following issues were submitted to the Hearing Officer for decision:

1. Whether the subject wetland is a "valuable" wetland pursuant to the definition provided in Section 7.06(b) of the Rules and Regulations?

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2. Whether the proposed alterations will result in loss, encroachment, and permanent alteration of wetland wildlife habitat associated with the subject wetland area?
3. Whether the proposed alterations will reduce the value of "valuable" recreational environment?
4. Whether the proposed alterations will reduce and negatively impact the aesthetic and natural character of the undeveloped wetland and adjacent areas which serve as a buffer zone?
5. Whether the proposed alterations will cause undesirable destruction of freshwater wetlands pursuant to Sections 5.03 (c) (2) and (c) (7) of the Rules and Regulations?
6. Whether the proposed alterations will reduce the ability of the wetland to moderate the damaging effects of flood flows?
7. Whether the proposed alterations are inconsistent with the policies, intents, and purposes of the Act and the Rules and Regulations?

The applicant bears the burden of proving by a preponderance of the evidence that the subject proposal is consistent with the provisions of the Rhode Island General Laws and the Rules and Regulations of DEM.

Adjudicatory hearings were held on August 6, 7, 8 and 9, 1990

All of said hearings were held in appropriate places and locations, pursuant to notice by DEM.

A view of the site was conducted on August 6, 1990.

The following documents were admitted into evidence:

JOINT EXHIBITS

- JT1. Formal Application Form to Alter a Fresh Water Wetland received by the Department on November 1, 1988. (1 page).
- JT2. Site Plan submitted in Application No. 88-0569F entitled "Site Plan for A.P. 9, Lot 16, Jamestown, RI, Maple Avenue", sheet 1 of 1, revision dated June 13, 1989 and received by this Department June 19, 1989.

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- JT3. Official Notice regarding public notice dates, dated November 30, 1989 and signed by Brian C. Tefft. (2 pages).
- JT4. Three (3) letters received by the Department during the public notice period and deemed to be substantive in nature:
- a. J. Christopher Powell, Chairman, Jamestown Conservation Commission, dated January 4, 1990. (1 page).
 - b. William L. Burgin dated January 8, 1990 with five photos attached. (1 page).
 - c. Richard B. Raynes dated January 10, 1990. (3 pages).
- JT5. Wetland Wildlife/Recreational Evaluation by Carl A. Ruggieri dated February 8, 1990. (15 pages).
- JT6. Letter dated March 13, 1990 to Peter Ryan from Brian C. Tefft denying Application No. 88-0560F. (3 pages).
- JT7. Letter dated March 22, 1990 addressed to the Department from John J. Kupa, Esq. requesting an adjudicatory hearing on behalf of the applicant. (2 pages).
- JT8. Notice of Administrative Hearing and Prehearing Conference dated June 29, 1990. (4 pages).
- JT9. Resume of Brian C. Tefft. (3 pages).
- JT10. Resume of Carl A. Ruggieri. (3 pages).
- JT11. Resume of Henry Sardelli, P.E. (4 pages).
- JT12. Resume of Dean H. Albro. (3 pages).
- JT13. Resume of Kevin Fetzer. (1 page).
- JT14. Resume of Gerard J. Narkiewicz, P.E.. (2 pages).
- JT15. Letter to William Geddes from the Department regarding a preliminary determination in Application 88-0044D dated April 28, 1987. (3 pages).
- JT16. Letter to William Geddes from the Department regarding a preliminary determination in Application 88-0044D dated August 28, 1987. (3 pages).

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- JT17. Reduced Site Plan in 88-0044D entitled "Topographic Plan of Land on Maple Avenue, Jamestown, RI for Geddes Builders" dated September 1986, Revision dated March 1987 and received by the Department on July 14, 1987.
- JT18. "Run Off Calculations for David Emond", by Warren F. Hall dated October 26, 1988. (8 pages).

APPLICANT'S EXHIBITS

- Applic 1. Deed from Ruth Newman to David R. and Teresa A. Emond dated August 14, 1984.
- Applic 2. Pictures of Site and Surroundings.
(A to M)
- Applic 3. Freshwater Wetland-Wildlife Evaluation method by DEM dated June, 1985.
- Applic 4. Aerial Photographs: 1965, 1970 and 1988, respectively.
(a, b, c)

Mr. David Emond (owner of the subject premises) was the first witness to testify. He purchased the subject property on August 14, 1984 for the purpose of constructing a single family dwelling to be used as a summer home.

Gerard J. Narkiewicz, a civil engineer registered in the States of Rhode Island and Massachusetts, was the next witness for the applicant. He is employed as a senior civil engineer by Land Use Specialists, Inc. He is a graduate of Bristol Community College, has a B.S. Degree in Civil Engineering from the University of Massachusetts, and a M.S. Degree in Mechanical Engineering from the University of Connecticut.

Mr. Narkiewicz was not the original engineer for this project, but he has been to the site, familiarized himself with the original calculations, rerun those calculations, and put further study and

examination into this project. He described the proposed changes for the site as outlined on the site plan (JT Exhibit 2). The project affects the hundred year flood zone by installations of a 6 inch solid PVC drain pipe which would disturb an area of approximately 1,500 square feet within the hundred year flood plain.

This witness testified that he utilized the rationale method to rerun and re-evaluate the runoff calculations for this site, which indicated the proposed project would cause an additional runoff for the Wetland of .02 cubic feet per second.

The project proposes precast drop inlets to accommodate the runoff into the site from Maple Avenue, the surface water from the dwelling downspouts and front yard area.

The drop inlets are connected to the subdrain which follows around the foundation into the solid schedule 35 PVC drain to Sheffield Cove Brook.

It was Mr. Narkiewicz's opinion that the total increase of runoff from the site of .02 cubic feet per second caused by the proposed alterations would not be significant. He also opined that the proposed project should have no effect on the flood flows associated with Sheffield Cove Brook.

Michael J. Smith appeared under the Public Comment portion of the hearing and stated his position in regards to the pending application. He is the president of Jamestown Four Corners, Incorporated, an abutting property owner. He described the history of permits issued by DEM in the area and felt that this application should also be granted.

William L. Burgin, a neighbor who lives on Maple Avenue appeared next under Public Comment and stated that he felt any additional disturbance to Wetlands would worsen the already existing flooding problems caused by runoff in the area.

Richard B. Raynes, an abutting neighbor, who lives at 23 Maple Avenue, stated under Public Comment that he objected to the alterations of Wetlands as it would cause additional storm water to flow onto his property and would further disturb an acute drainage problem.

Louis Geddes, an abutting neighbor, at 15 Maple Avenue appeared under Public Comment and explained that his backyard is also already totally saturated in the early spring.

Kevin Fetzer was the next witness called on behalf of applicant. He is a biological consultant with a B.S. Degree in natural resources from the University of Rhode Island.

Mr. Fetzer testified that the area subject to storm flowage located outside of the proposed disturbed areas (the proposed house and drain) will remain and function in its natural condition.

This witness reviewed the Department's Wetland Wildlife Evaluation of the wetland based on field observations, the measurements and studies that he completed in the field, and his own wetland evaluation differed from that of the Department (his being 34.0 and the Department 53). He stated that portions of the area were incorrectly identified by the Department as shallow marsh two rather than as a "fen". He felt that a portion of the Department wetland boundary determination was incorrect and according to the area delineated by the Department, the Department's

only method for evaluating wetlands (modified Golet) would not be imposed on this property.

Mr. Fetzer described the area surrounding the subject property and characterized it as urban, residential and commercial. He felt that the subject property was not located in a relatively natural or undisturbed area since the surrounding area was already extensively disturbed and urbanized.

He opined that he would not consider this as a valuable recreational environment and the proposed alteration will not result in the loss or encroachment of permanent habitat values nor cause undesirable reduction of the habitat values provided by this wetland, nor result in the loss or reduction in value of a valuable wetland recreational environment.

It was brought out in cross-examination of Mr. Fetzer that the subject lot is predominantly covered by an area subject to flooding (ASF). An intermittent stream (Sheffield Cove Brook) runs along the eastern portion of the subject property; at a point to the south of the property it becomes a perennial river which runs into Sheffield Cove, just opposite of Mackerel Cove. Within the portion of the area subject to storm flowage (ASSF) disturbed for the placement of the proposed dwelling, the ASSF would be rerouted through a pipe system and directed to its ultimate course of connecting to the brook.

Therefore a portion of the intermittent stream would be rechanneled and vegetation within the area of disturbance would be temporarily removed.

Mr. Fetzer stated that the diversity and productivity of wildlife in the area would be directly related to the vegetational community. He acknowledged that this wetland provides wildlife habitat for numerous passerine species and would therefore support the recreational activity of bird watching. Also that this particular wetland provides habitat for small mammals and consequently recreational activities, including trapping. Mr. Fetzer felt this wetland is aesthetically pleasing and would support the recreational activities of nature photography and nature study but the portion of the wetland to be permanently disrupted would not have a significant effect on those values.

Carl A. Ruggieri was the first witness called by the Department. He is Senior Natural Resources Specialist with the Division and was accepted as an expert in wetland ecology, wildlife habitat, recreational environment assessment and environmental impact assessment.

Mr. Ruggieri testified there are two ASSFs on the subject site. One is the water course flowing through the control portion of the site and discharges into the other water course known as Sheffield Cove Brook which flows south along the eastern property boundary. The 100-foot riverbank wetland to each side of both water courses overlap in some portions.

The ASF exists over a dominant portion of the subject site and also extends beyond the subject site property boundaries.

Other wetlands associated with or contained within the system are wooded swamp, which is east southeast of the subject property and extends southwards toward the tidal wetland associated with Macherel Cove and two

detention ponds on adjoining property.

Mr. Ruggieri explained that the area north of the larger detention basin was delineated on his evaluation map as shallow marsh two. Although for Golet purposes it would be meadow, the Act does not recognize meadow, therefore he called it shallow marsh two. He disputed Mr. Fetzner's categorization of the area as a "fen" since the area has a mineral soil and not organic soil as substrate.

This witness explained that in addition to his direct and indirect observations of the wildlife habitat, he also assessed wildlife habitat potential based on the features of the wetland, the types of vegetation and the types of wetland. This included herps, passerines, small mammals, facultative species, invertebrates and a general category of birds and he assessed the overall quality of Habitat as "good".

Mr. Ruggieri opined that the proposed construction would affect the wetland wildlife habitat because of the physical disturbance in putting the proposed alterations into place, construction noises would disturb the wildlife species on site, and placement of the house would cause further disruption by eliminating vegetation and by changing the relatively natural state of the site.

Further, parts of the ASSF would be eliminated by the placement of the six-inch drain right through it and by placement of the house and drop inlets in the area from which the flow originates. The water course would no longer connect with Sheffield Cove Brook, it would be an isolated portion of channel and be lost as a place for wildlife species such as raccoons to travel in their foraging for food.

The placement of a residence on the site would result in people creating noises and distractions which would cause wildlife to move from the area. Domestic animals would scare, chase and even kill wildlife and therefore have a detrimental effect on wildlife.

Mr. Ruggieri agreed with Mr. Fetzer's conclusions as to the recreational activities supported by the subject wetland; however, he also added hiking as a recreational activity (although limited).

Mr. Ruggieri was of the opinion that this is a relatively natural and undeveloped area which provides a valuable recreational environment and possesses aesthetic value. The proposed house, driveway and drainage pipe would impact and detract from the aesthetic value of the wetland by blocking the view of the wetland and changing its present relative naturalness and undisturbed state. These proposed alterations would also impact open space by the further encroachment of urbanization and by view blockage of the wetland.

This witness explained the important natural process and functions of the wetland in moderating flood flows. The proposed alterations would impact this wetland's ability to moderate flood flows because the installation of the pipe would funnel great volumes of water directly towards Sheffield Cove Brook instead of spreading out over the wetland and flowing via sheet flow toward this brook. The present vegetation in the wetland also helps to slow down said flow, whereas the funneling of great amounts of water by the pipe directly towards and into Sheffield Cove Brook could cause additional downstream flooding of some other properties.

Dean Albro was the next witness called by the Department. He was admitted as an expert in wetland ecology, wildlife habitat and recreational environmental evaluation and assessment as well as environmental impact assessment to said areas.

Mr. Albro, is the Deputy Chief of the Division of Groundwater and Freshwater Wetlands as well as Acting Chief of the Freshwater Wetlands program. He has been a member of the Freshwater Wetlands technical staff for 9 years prior to his present position. He testified that the wetland on the subject parcel is associated with a much larger wetland system consisting of wooded swamp, shrub swamp, probably meadow areas, intermittent streams and perennial streams. This ecosystem is in the watershed of Sheffield Cove Brook, which flows down to Sheffield Cove.

His review of the subject application, the technical reports, discussions with the applications supervisor, analyzing potential impacts and utilization of his knowledge and history of the wetland system and the activities in and about this system on the Town of Jamestown resulted in his opinion concurring in the Department's denial of the subject application.

It is Mr. Albro's opinion that the subject proposal will cause a loss of wildlife habitat associated with this wetland. There will be a reduction in value of a valuable recreational environment associated with this wetland and there will be a negative affect upon the wetland in its ability to moderate flood flows or impacts from flooding. The alteration would result in a significant loss, encroachment and permanent alteration of wetland wildlife habitat since the wetland, although small and

impacted already, has more value to wildlife because it is now generally the only remaining wildlife habitat in an urban setting.

Therefore, continued incremental loss of that wetland can be very significant to wildlife habitat value and to the wildlife species presently inhabiting that wetland. This could also affect the recreational value if the remaining wildlife habitats are damaged or lost.

Mr. Albro further opined that the incremental changes in the area where the subject site is located has over a period of time resulted in a cumulative loss to wildlife habitat value, to the wildlife species inhabiting this wetland and to recreational environment values. Also, it would negatively impact the wetland's ability to moderate flooding or flood flows. The alterations proposed will develop the front portion of the subject property where the flood flows from the north of it and along Maple Avenue flow into the wetland area.

The receiving portion of this part of the wetland would be partly lost by the developed area and the addition of impervious areas. This, accompanied by the loss of the vegetational community, would reduce the wetland's ability to effectively slow flood waters down and to meter out the effects of certain flood storm events.

The size, location and the vegetational community of the subject lot and the character of the subject wetland complex and surrounding areas clearly demonstrate the importance of preserving the integrity of the subject wetland.

The applicant's experts agreed that the total impact area, temporary and permanent, is 8,112 square feet. This amount is significant

considering the factors involved in the pending hearing.

The applicant's testimony failed to establish the extent and duration of the alleged temporary removal of vegetation; nor did it satisfactorily address the permanent loss of vegetation.

The loss of vegetation in the subject wetland would be most crucial to the existing wildlife habitat and also seriously impair the ability of the wetland to moderate the damaging effects of flood flows. This should not be allowed especially in view of the flooding problems that already exist in the area.

The applicant relied heavily on the possible similarity of the subject site and abutting properties (where alterations had been permitted by the Department). Applicant failed to establish how the existing uses of the adjoining properties would demonstrate that the subject wetland is not capable of supporting recreational activities. Applicant's assertions that the subject wetland is not relatively natural and undeveloped were unsubstantiated. Although encroachment exists on the perimeter, the interior of the subject wetland complex is still natural and undeveloped.

The Department's testimony was uncontradicted that this subject wetland complex is the only remaining wetland in that entire section of Jamestown. The wetland's value as a wildlife habitat and for its recreational environment has increased since the surrounding area has become urbanized, and any additional loss to the wetland complex would certainly be detrimental and constitute an undesirable alteration.

The proposed location of the house would block a substantial portion of the public view and interfere with the recreational capabilities of the subject property.

The incremental losses of Freshwater wetlands in the area due to increased urbanization on Jamestown serves to establish the cumulative detrimental impacts on the subject wetland complex.

The proposed alterations to the subject wetland complex would reduce the value of a valuable wetland and manifestly be undesirable.

FINDINGS OF FACT

After review of all the documentary and testimonial evidence of record, I make the following specific findings of fact.

1. A Prehearing Conference was held on July 23, 1990.
2. The Public Hearing was held at the same time as the Adjudicatory Hearing in this matter. Said hearings were held on August 6, 7, 8 and 9, 1990.
3. All hearings were held in appropriate places and locations.
4. All hearings were conducted in accordance with the provisions of the "Administrative Procedures Act" (Chapter 42-35 of the General Laws of Rhode Island, and specifically § 42-35-9) and the "Freshwater Wetlands Act" (Rhode Island General Laws Sections 2-1-18 et seq.).
5. The parties stipulated that the applicant has filed all necessary documents and paid all necessary fees to be properly before the Hearing Officer in this matter.

6. The applicant seeks approval to alter a Fresh Water Wetlands on a residential lot located on the eastern side of Maple Avenue, and designated as Assessor's Plat 9, Lot 16 in the Town of Jamestown, Rhode Island.

7. The wetlands proposed to be altered are located on Maple Avenue, eastern side, Assessor's Plat 9, Lot 16, Utility Pole No. 3, Jamestown, Rhode Island.

8. The purpose of the proposed alterations is for the construction of a single family dwelling, driveway, and the installation of a perimeter subdrain around the proposed dwelling.

9. The formal application 88-056F, was filed on November 1, 1988.

10. The site plan subject to this hearing in Application No. 88-0560F is entitled "Site Plan for A.P.9, Lot 16, Jamestown, RI, Maple Avenue", sheet 1 of 1, revision dated June 13, 1989 and received by this Department June 19, 1990.

11. The site plan was sent to public notice on November 30, 1989. The forty-five (45) day public notice period expired on January 14, 1990.

12. The Department denied this application in its letter dated March 13, 1990 addressed to Peter Ryan and signed by Brian C. Tefft on behalf of the Department.

13. Three letters of objection were introduced in evidence (JT. 4 a, b and c).

14. The subject property is approximately 100 feet wide and slightly over 200 feet in depth.

15. Nearly all of the subject property is comprised of Freshwater Wetlands.

16. The proposed alterations will result in the alteration and disturbance of approximately 8,112 square feet (\pm .19 acres) of state regulated freshwater wetlands.

17. Sheffield Cove Brook, an intermittent stream, runs north to south along the western property boundary (furthest from the street) of the subject site.

18. There is a 100 foot riverbank wetland associated with the ASSF.

19. The subject site contains an area subject to storm flowage (ASSF) located in the center of the property, continues the entire length of the lot from Maple Avenue to Sheffield Cove Brook.

20. There is an area subject to flooding (ASF) which covers almost the entire subject site.

21. The subject wetland complex extends off-site to the north and south along Sheffield Cove Brook and its associated riverbank wetland.

22. Two detention ponds just to the east of the subject site are included in the wetland complex.

23. The proposed dwelling, driveway and subdrain are entirely located in the subject wetland.

24. The proposed dwelling would not only be visible from Maple Avenue, but would somewhat block the view of the interior portion of the subject property and also portions of adjoining areas.

25. The subject wetland complex is the only remaining wildlife habitat in this section of Jamestown.

26. The vegetative community existing on the subject wetland complex provides a good wildlife habitat in an otherwise urban area.

27. There are numerous wildlife species which inhabit the subject wetland complex.

28. The proposed alterations would encroach and permanently alter the wildlife habitat provided by the subject wetland complex.

29. The existing vegetation within the subject wetland serves as a natural barrier to slow down the velocity of the flood flows.

30. The proposed structures would reduce the ability of the subject wetland complex to moderate the damaging effects of flood flows and cause additional problems for the surrounding areas which already experience flooding problems.

31. The subject wetland is a "valuable" wetland pursuant to the definition provided in Section 7.06(b) of the Rules and Regulations.

32. The proposed alterations will result in significant loss, encroachment, and permanent alteration of a valuable wetland wildlife habitat associated with the subject wetland area.

33. The proposed alterations will reduce the value of "valuable" recreational environment.

34. The proposed alterations will reduce and negatively impact the aesthetic and natural character of the undeveloped wetland and adjacent areas which serve as a buffer zone.

35. The proposed alterations will cause undesirable destruction of freshwater wetlands pursuant to Sections 5.03 (c) (2) and (c) (7) of the Rules and Regulations.

36. The proposed alterations will reduce the ability of the wetland to moderate the damaging effects of flood flows.

37. The proposed alterations are inconsistent with the policies, intents, and purposes of the Act and the Rules and Regulations.

CONCLUSIONS OF LAW

Based upon all the documentary and testimonial evidence of record, I conclude the following as a matter of law:

1. All of the hearings in this matter were held in appropriate places and locations.
2. All hearings were held in accordance with Rhode Island General Laws, the Administrative Rules for Practice and Procedure for DEM, DEM Rules and Regulations governing the enforcement of the Fresh Water Wetland Act.
3. The matter is properly before the Administrative Adjudication Officer.
4. The area in question is a "valuable" wetland pursuant to the definition provided in § 7.06 (b) of the Rules and Regulations.
5. The proposed alterations will result in significant loss, encroachment and permanent alteration of a "valuable" wetland wildlife habitat associated with the subject wetland area.
6. The proposed alteration will reduce the value of a "valuable" wetland recreational environment.
7. The proposed alterations will reduce and negatively impact the aesthetic and natural character of an undeveloped wetland and adjacent area which serve as a buffer zone.
8. The proposed alterations will cause undesirable destruction of freshwater wetlands pursuant to § 5.03 (c) (2) and (c) (7) of the Rules and Regulations.
9. The proposed alterations will reduce the ability of the wetland to moderate the damaging effects of flood flows.

10. The proposed alterations are inconsistent with the best public interest and public policy as stated in § 2-1-18 and 2-1-19 of the Rhode Island General Laws and § 1:00 of the Rules and Regulations governing the Freshwater Wetlands Act.

11. The applicant has not sustained his burden of proof that the application will not cause random, unnecessary and/or undesirable destruction of a freshwater wetland which should be protected by the Director.

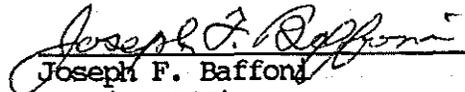
THEREFORE, IT IS

ORDERED

1. Application No. 87-0973F to alter fresh water wetlands be and is hereby DENIED.

I hereby recommend the foregoing Decision and Order to the Director for issuance as a final Order.

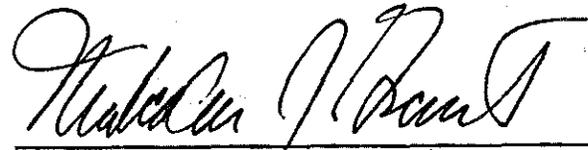
DECEMBER 7, 1990
Date



Joseph F. Bafford
Hearing Officer

The within Decision and Order is hereby adopted as a final Decision and Order.

December 26, 1990
Date



~~Michael Amorusso~~
Director (Designated)
Department of Environmental Management

cc: John J. Kupa, Esq.
Sandra Calvert, Esq.

CERTIFICATION

I hereby certify that I caused a true copy of the within to be forwarded regular mail, postage pre-paid to Peter L. Ryan, 18 Southwest Avenue, Jamestown, Rhode Island 02835; John J. Kupa, Esq., 130 Tower Hill Road, P.O. Box 544, North Kingstown, Rhode Island 02852; Jerry L. McIntyre, President, Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island 02835; William L. Burgen, AIA, Architects, Inc., 150 Bellevue Avenue, Newport, Rhode Island 02840; Richard B. Raynes, 23 Maple Avenue, Jamestown, Rhode Island 02835; Dean A. Schofield, Island Engineering, A Division of Schofield Brothers, 18 Southwest Avenue, Jamestown, Rhode Island 02835; J. Christopher Powell, Chairman, Jamestown Conservation Commission, 93 Narragansett Avenue, Jamestown, Rhode Island 02835; David Emond, 271 Jordan Lane, Wethersfield, Connecticut 06109 and via inter-office mail to Kendra Beaver, Esq., Office of Legal Services, 9 Hayes Street, Providence, Rhode Island 02908 and Sandra Calvert, Esq., Office of Legal Services, 9 Hayes Street, Providence, Rhode Island 02908 on this 27th day of December, 1990.

Jane Cole