

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

IN RE: David Bamber  
Freshwater Wetlands Application No. 89-0334F

DECISION AND ORDER

This matter is before the Hearing Officer on the application of David Bamber to alter freshwater wetlands located on the east side of Burgess Road, opposite utility pole No. 10 3/4, in the Town of Foster, Rhode Island, further described as Foster Tax Assessor's Plat 16, Lot 27E.

The applicant requested permission to alter Freshwater Wetlands in and within 50 feet of a wooded swamp and that area within 100 feet of an unnamed perennial river, tributary to Shippee Brook.

The purpose of said alterations is for construction of a 20 foot wide driveway, with a culvert and pre-cast bridge, across said wetland areas to access two upland areas of the subject premises.

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

Armand A. Teixeira, Esq. and Joseph J. Roszkowski, Esq. represented the applicant and Stephen H. Burke, Esq. represented the Division of Groundwater and Freshwater Wetlands Division.

The Prehearing conference was held on September 4, 1990 at one Capitol Hill, Providence, Rhode Island. 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 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 east of Burgess Road, opposite pole 10 3/4, approximately 6/10 mile south of its intersection with Route 101, Assessor's Plat 15, Lots 27, Foster, Rhode Island.
3. The application proposes filling, grading, vegetative clearing, installing a culvert and bridge, creating soil disturbance and related construction activity for the purposes of accessing two single family dwellings.
4. The freshwater wetlands to be altered with this proposal consists of a swamp, that area within 50 feet of the swamp, and a river with its 100 foot riverbank wetland.
5. The formal application, 89-0334F, was filed on May 5, 1989.
6. The site plan which was sent to public notice and subject to this hearing is entitled "Site Development Plan for David Bamber in Foster, R.I....", revised 12/12/89 and received by this Department 12/14/89.
7. The above-entitled site plan was sent to public notice on February 8, 1990. The forty-five (45) day public notice period expired on March 25, 1990.
8. The Department denied this application in a letter dated June 7, 1990.
9. The Applicant filed a timely request for hearing on June 18, 1990.
10. The project will result in the permanent alteration of approximately 10,400 square feet of wetland wildlife habitat.
11. The subject wetland complex constitutes a valuable wildlife habitat and a valuable recreational environment.

Public hearings were held on September 17, 18, 19, 20 and 21, 1990.

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

A view of the site was conducted on September 17, 1990.

In accordance with the Pre-Hearing Record, the following documents were admitted into evidence as joint exhibits:

JOINT EXHIBITS

- JT1. Formal Application Form to Alter a Fresh Water Wetland received by Department on May 5, 1989. (1 page).
- JT2. Site Plan submitted entitled "Site Development Plan for David Bamber in Foster, R.I.....", revised 12/12/89 and received by the Department 12/14/89.
- JT3. Official Notice regarding forty-five (45) day public notice period in accordance with R.I. General Laws Section 2-1-22 (a) dated February 8, 1990 and signed by Brian C. Tefft. (2 pages).
- JT4. A letter dated March 23, 1990 to Stephen G. Morin from the Providence Water Supply Board. (2 pages).
- JT5. Supervisors Determination Sheet dated May 24, 1990 and prepared by Brian C. Tefft. (1 page).
- JT6. Wetland Wildlife/Recreation Evaluation by Charles Horbert dated March 26, 1990. (12 pages).
- JT7. Freshwater Wetlands Review Sheet prepared by Charles Horbert dated May 29, 1990. (2 pages).
- JT8. Letter dated June 7, 1990 to David Bamber from Brian C. Tefft denying Application No. 89-0334F. (3 pages).
- JT9. Letter dated June 18, 1990 to Brian C. Tefft from Joseph J. Roszkowski requesting an adjudicatory hearing. (5 pages).
- JT10. Notice of Pre-Hearing Conference and Hearing dated August 17, 1990. (4 pages).
- JT11. Freshwater Wetlands Review Sheet dated October 18, 1989 and prepared by Susan Wilmont-Cabaceiras. (6 pages).
- JT12. Narrative Description of Site Development Plan prepared by Robert H. Hawley dated April 10, 1989. (7 pages).
- JT13. Resume of Charles A. Horbert. (2 pages).

- JT14. Resume of Dean H. Albro. (3 pages).
- JT15. Resume of Henry A. Sardelli, P.E. (4 pages).
- JT16. Resume of Scott Rabideau. (2 pages).
- JT17. Resume of Robert H. Hawley, P.E. (3 pages).

The following were admitted as Applicant's Exhibits:

- Appl. 1. Copy of Request for Verification of Ground Water Table Card bearing ISDS No. W9012-29. (1 page).
- Appl. 2. Copy of Locus Map entitled "Ground Water Determination for David Bamber, A.P. 16, Lot 27E, Foster, RI, undated. (1 page).
- Appl. 3. Copy of letter to David Bamber from Scott P. Rabideau of Natural Resource Services, Inc., dated August 30, 1990 with attached 5 page document. (6 pages).
- Appl. 4. Deed from David W. Lenth to David J. and Diane L. Bamber dated November 12, 1986 recorded June 15, 1987 at 11:36 a.m. by Foster Town Clerk.
- Appl. 5. Request for verification for Groundwater table submitted in 1989 to DEM.
- Appl. 6. Request for verification for Groundwater table submitted in 1988 to DEM.
- Appl. 7. Application for ISDS to DEM (renewal) dated February 18, 1988, Application No. 8812-19.
- Appl. 8. Map-site plan for driveway for Richard Fredette.
- Appl. 9. Letter from Division of Water Resources to Richard G. Fredette dated September 25, 1987.

The following were admitted as Exhibits for the Department:

- Dept 2. Resume of Brian C. Tefft.

(Department's Exhibit No. 1 for identification was not admitted as a full exhibit).

The issues to be considered by this hearing (per stipulation of the parties) are the following:

1. Whether the proposed alterations will cause unnecessary and/or undesirable alteration of freshwater wetlands as described by Section 5.03(c)(7) of the Rules and Regulations?
2. Whether the proposed alterations will result in the loss, encroachment and permanent alteration of wetland-wildlife habitat associated with the subject wetlands area?
3. Whether the proposed alterations will cause undesirable reduction in the value of a valuable wetland wildlife habitat?
4. Whether the proposed alterations will reduce the value of a valuable recreational environment?
5. 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?
6. Whether the proposed alterations are consistent with the best public interest and public policy as provided in Sections 2-1-18 and 2-1-19 of the Act and Section 1.00 of the Rules and Regulations?

The applicant bears the burden of proving by a preponderance of the evidence that the subject proposal is not inconsistent with the provisions of the Rhode Island General Laws and the Rules and Regulations of DEM.

David J. Bamber was the first witness called to testify for the applicant. He owns the subject premises, which is a 28.3 acre parcel of land which was conveyed to him subject to right-of-way running across the northeast corner of said parcel to a cemetery located along the boundary of said property.

Mr. Bamber stated that there were only two viable areas on the

subject premises that would support on-site septic design, which is the reason why the plan was presented for only two house lots.

Scott P. Rabideau was the next witness called by the applicant. He has a B.S. in Natural Resources from the University of Rhode Island and an M.S. in Business Management from Lesley College. Mr. Rabideau was qualified as an expert in wetland biology.

Mr. Rabideau visited the site four times (prior to the site visit). He reviewed the site and surrounding areas, and also reviewed existing historical data, groundwater maps and the Rhode Island Soil Survey, 1981 publication. He described the subject area and the types of soil, trees and vegetation located therein. He stated that the transition types of plants located at the front of the property were indicative of a high water table in this area. This witness agreed with the delineation of the subject wetland, which was accomplished prior to his involvement with this project. He stated that the entire wetland system (a portion of which is located on applicant's 28 acres) consists of over 90 acres, two areas of which cross applicant's property.

Mr. Rabideau testified that the proposed 20 foot wide gravel driveway traveled through 520 linear feet of wetland which would result in approximately 10,400 square feet of permanent disturbance of wetland. He stated that the plan submitted by applicant does not include some of his recommendations because the plan was submitted and out to public notice before his involvement in the project. His recommendations (supplied at the hearing) included a vegetative screen along the proposed driveway.

Mr. Rabideau opined that the permanent gravel driveway, with appropriate mitigation, would not reduce the value of a valuable wetland; that construction of the bridge and the culvert would be insignificant alterations, provided that appropriate erosion and sedimentation controls are in place and in effect prior to, during and after construction, until the area has vegetated. It was this witness's further opinion that the project as currently proposed would not cause a reduction in the value of a valuable wetland wildlife habitat.

It was elicited in cross examination of Mr. Rabideau that his area of expertise is such that it would not allow him to give an expert opinion as to whether there will be a reduction in the recreational value of this wetland as a result of this project. This witness admitted that the row of northern white cedars proposed in his plan was not shown on the plan that was submitted with the application, and his expert opinion (given in direct examination) assumed that those rows of white cedar would be planted.

Robert J. Hawley was the next witness to testify for the applicant. He has a B.S. in Engineering from Brown University and an M.S. in Civil Engineering from Northeastern University, and he was admitted as an expert for the engineering aspects of the subject project.

Mr. Hawley had performed percolation tests in 1985 on behalf of a prior owner in preparation for the sale of the subject property. Mr. Bamber subsequently purchased the property and requested that Mr. Hawley develop an application for construction of a driveway to an upland area

to the rear of the property.

This witness explained that applicant's property extends east and north from Burgess Road in the shape of a lopsided mushroom; that applicant's plan proposes establishing two possible home sites in the rear of the subject property; that the parcel be divided into two nearly equal size lots and provides a common driveway to service both home sites; and the driveway is preceded by a short roadway and cul-de-sac to provide the necessary road frontage to meet the requirements of the Town of Foster.

Mr. Hawley pointed out that he has performed services on a number of lots both north and south of applicant's property. He stated that the groundwater tests performed in the current and prior years, (at locations approximately 100 feet from Burgess Road), were disallowed by the DEM in both instances for not having the necessary two foot watertable verification. His examination of the area within 600 or 700 feet of Burgess Road, together with his knowledge of the immediately adjacent areas, lead him to believe that this area of applicant's property could not support an ISDS system. He explained that as you continue north on applicant's property, the next area encountered is designated as wetland "Area A" on applicant's "Site Development Plan" (identified as JT Exhibit 2); that surrounding wetland Area A is a troth area where surface water flows as a result of rain fall. This witness believes that this area is also not suitable for an on-site sewage system since this area is moist and feels spongy as one walks on it; that the plans call for a

twelve-inch culvert to cross the proposed driveway at this location, which would concentrate the flow in the location of the culvert but not cause any flooding of adjacent neighboring property nor affect any sedimentation pattern.

Mr. Hawley further explained that the area next encountered (heading northeast) on applicant's property is an upland area which has potential for on-site sewage disposal, but he felt this area cannot be utilized because of the distance requirements of the Town of Foster and the DEM. The property then slopes down rather steeply to the stream which is in the heart of wetland "Area B" (as shown on the site plan JT2), so this area also would not support an ISDS system. The plans call for a pre-cast concrete bridge (to cross the stream), which Mr. Hawley felt would eliminate the possibility of siltation during construction, if the proper safeguards were followed. Also, construction of a bridge would not affect the stream bed nor the flow of water into Shippee Brook, but would allow the free flow of the stream under any storm conditions and would allow fish and marine life to pass freely. The proposed driveway, after crossing the stream, continues up a fairly steep grade to a more level area, where it forks into the two areas for the proposed home sites. The parties stipulated that DEM approvals have been obtained by the applicant for ISDS systems located on house site A and house site B as indicated on the plans submitted by applicant with the subject application.

It was Mr. Hawley's opinion that the applicant could not satisfy the requirements of DEM and the Town of Foster in any location other than

those proposed for house site A and house site B in the subject site plan.

Cross-examination of Mr. Hawley revealed that he had performed perc tests on several parcels of land on both sides of the applicant's property which were approved for ISDS systems and homes. These approved ISDS systems were located at the same general distance from Burgess Road as applicant's two front test holes and the topography and vegetation in all of these adjoining lots is similar to the front area of applicant's lot, however, no further perc tests were done westerly of wetland Area A on Applicant's property. He was not able to give a satisfactory explanation for failing to test the 40 foot area between the the sites tested at 100 feet and the 60 feet front set-back distance requirement of the Town of Foster.

Charles Horbert was the first witness called by the Division. He has a B.S. degree from the College of Resource Development, University of Rhode Island and is employed by the Rhode Island DEM, Wetlands Section, as a Senior Natural Resource Specialist. Mr. Horbert was qualified as an expert in wetland ecology, wildlife habitat and recreational environment evaluation and assessment, and environmental impact assessment.

Mr. Horbert visited the site on three occasions prior to the site visit. He described the entire wetland complex (approximately 94 acres) and identified that portion of it located on applicant's property. He stated that a river flows into the wetland, out into Shippee Brook and into a pond located to the south, which is a hydrological connection.

This witness described the species of vegetation, the forms of

wildlife and the signs of larger animals (such as racoon, possum and deer) that were present on the site. He felt that this wetland has a very good potential for a variety of wildlife and that any human intrusion would affect wildlife utilization of the habitat. He testified that the introduction of the roadway through the subject property would adversely affect certain wildlife utilizing the area; that the habitat throughout the entire wetland was a relatively natural and undisturbed state and there is little human activity within the wetland; that the quality of the habitat is good, and the water quality of the wetland is excellent (the stream flowing through the wetland is classified as class A waters).

It was this witness's opinion that this area has potential for recreational hiking, birdwatching, hunting, trapping, nature photography and educational activities because of the wide variety of vegetation and the abundance of wildlife in the wetland, and he considered this as a high aesthetic and open space value area.

Mr. Horbert further opined that the proposed project will result in a loss of the natural character of the wetland, would decrease the value of a valuable recreational environment, and degrade the value of a valuable wetland wildlife habitat.

Brian C. Tefft was the next witness called by the Division. He has a B.S. degree in Natural Resources Management from the University of Rhode Island, and a Master of Science degree in Wildlife Management from Frosberg State College. He has had extensive experience in wetland

ecology, wildlife habitat and recreational environments and is presently employed as Supervising Environmental Planner for the Freshwater Wetlands Section of the Rhode Island DEM. Mr. Tefft was qualified as an expert in wetland's ecology, wildlife habitat and recreational environmental evaluation and impact assessments.

This witness testified that he reviewed the site and reviewed the application as well as the Division's evaluation (JT Exhibit 6) prior to his recommendation that the application be denied. His testimony confirmed Mr. Horbert's findings, conclusions, recommendations and opinions. Additionally, he felt that although the application involves an alteration of a small portion of the total wetland complex, these impacts add up **cumulatively** to a substantial amount of wetland loss and loss of habitat over a long term.

It was Mr. Tefft's opinion that the applicant's belated attempt to locate a row of cedar trees on the sides of the driveway (where it impacts DEM's area of jurisdiction) considered alone would not overcome the unnecessary or undesirable impacts of the proposed alterations, since the other encroaching and disturbance factors would still be present; further, this would not overcome the burden of indicating whether there is a practical alternative without having to cross the subject wetland.

Mr. Tefft opined that the proposed project would reduce the value of a valuable recreational environment and would reduce the ability of the wetland to provide wildlife habitat.

The parties stipulated that the area of disturbance by the proposed

road (approximately 1/4 of an acre) comprised about one quarter of one per cent of the total wetland complex and about one per cent of applicant's property.

At the conclusion of the testimony (both sides having rested), the Division renewed its motions to strike the testimony of Mr. Rabideau and to dismiss Applicant's case. Both motions had been denied by the Hearing Officer after Applicant had rested its case, and since no new considerations were presented, both motions are again denied.

Mr. Rabideau's testimony that the permanent gravel driveway would be an insignificant alteration and would not reduce the value of a valuable wetland was predicated upon the placement of rows of cedar trees to act as a buffer between the driveway and the wetlands. Although no such vegetative screening was provided in the site plan submitted, this testimony was not excluded in order to allow applicant to explore this possibility.

Applicant failed to supply sufficient details concerning said screening for any productive consideration by the Hearing Officer of impact mitigation, whereas the Division's biologist, Mr. Tefft, testified that the proposed mitigation technique supplied at the Hearing (planting of a white cedar barrier) would not overcome the adverse impacts of Applicant's proposal.

The opinions expressed by the Applicant's biologist, Mr. Rabideau, appeared little more than generalizations and no rational basis was submitted to support his views, nor did he supply the details or

specifics necessary to substantiate his opinion.

The Division's biologists, Mr. Horbert and Mr. Tefft, presented the only truly expert evaluation of the project's impact on recreational value and they both possessed the education, expertise and training in such evaluation that Mr. Rabideau lacked. The Division's biologists both supplied the necessary facts and sound rationalizations to support their expert opinions that Applicant's proposal would decrease the recreational value of the wetland. The testimony of Division's expert biologists was clearly more credible and was given greater weight.

Applicant argues that he is unable to develop his real estate for residential purposes without crossing the wetlands present on his property. Applicant's engineer, Mr. Hawley, attempted to show that Applicant could not locate the houses other than as submitted on the site plan in order to satisfy the requirements of the Town of Foster and those of DEM for ISDS systems. Mr. Hawley failed to offer a satisfactory explanation for placing only two test holes in the entire front portion of Applicant's property, as the evidence abundantly shows there was ample room to try additional test holes in that area immediately forward of the two front test holes (and more uphill) on Applicant's property. The opinion proffered by Applicant's expert that an ISDS could not be located elsewhere on Applicant's property to avoid crossing wetlands was unsubstantiated and appeared to be mere conjecture.

Applicant's failure to conduct further tests for possible ISDS locations clearly demonstrates that Applicant has failed to explore other

viable alternatives to the proposed wetland crossings and that Applicant has totally failed to sustain his burden of proving that the proposed project will not result in an unnecessary alterations of Freshwater Wetlands.

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 September 4, 1990.
2. The Public Hearing was held at the same time as the Adjudicatory Hearing in this matter. Said hearings were held on September 17, 18, 19, 20 and 21, 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 Freshwater Wetlands on a parcel of land located east of Burgess Road, opposite pole 10 3/4, and designated as Assessor's Plat 16, Lot 27E in the Town of Foster, Rhode Island.

7. The application proposes filling, grading, vegetative clearing, installing a culvert and bridge, creating soil disturbance and related construction activity for the purpose of accessing two single family dwellings.

8. The freshwater wetlands proposed to be altered consist of a wooded swamp, and its associated 50 foot perimeter wetland, and an unnamed perennial river, tributary to Shippee Brook, and its 100 foot riverbank wetland.

9. The purpose of the proposed alterations is for the construction of a 20 foot wide driveway with a culvert and pre cast bridge across said wetland areas to access two upland areas at the rear of Applicant's property.

10. The formal application 89-0334F, was filed on May 5, 1989.

11. The site plan which was sent to public notice and subject to this hearing is entitled "Site Development Plan for David Bamber in Foster, RI ....", revised on December 12, 1989 and received by DEM on December 14, 1989.

12. The site plan was sent to public notice on February 8, 1989. The forty-five (45) day public notice period expired on March 25, 1990.

13. The Department denied this application in a letter dated June 7, 1990.

14. The Applicant filed a timely request for hearing on June 18, 1990.

15. The Applicant's property consists of approximately 28 acres of

land, which is somewhat "flag shaped", with the narrower portion (approximately 300 feet) fronting on Burgess Road, Foster, Rhode Island. The property slopes downward from Burgess Road to two lower wetland areas, identified as "Area A" and "Area B" on Applicant's site plan (Joint Exhibit No. 2), and then slopes upward toward the rear ("wider") portion of said property.

16. "Area A" constitutes a wooded swamp characterized as having water on the surface of the ground at various times of the year; and "Area B" is a riverbank wetland associated with an unnamed perennial stream less than ten feet wide. This stream is hydrologically connected to Shippee Brook which eventually flows into the Scituate Reservoir.

17. The wetlands located on Applicant's property are part of a wetland complex consisting of approximately 90.5 acres.

18. Applicant proposes a roadway (with a cul-de-sac) leading in from Burgess Road, and a continuing 20 foot wide gravel driveway which intersects Applicant's property to provide access to two house sites located at the rear of the subject premises.

19. The proposed driveway crosses both wetland areas and the project proposes a 12 inch culvert to allow water to flow under the driveway at the first wetland crossing ("Area A") and a two piece pre-cast concrete bridge to be installed on concrete footings across the stream at the second wetland crossing ("Area B").

20. The proposed project will result in the permanent alteration of approximately 10,400 square feet of wetland wildlife habitat.

21. The vegetative community existing on the subject wetland complex provides a good wildlife habitat.

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

23. The subject wetland is a valuable wetland wildlife habitat.

24. The subject wetland constitutes a valuable wetland recreational environment.

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

26. The proposed alterations will cause the undesirable reduction in the value of a valuable wetland wildlife habitat.

27. The proposed alterations will reduce the value of valuable recreational environment,

28. 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.

29. The proposed alterations will cause unnecessary and undesirable alteration of freshwater wetlands as described by Sections 5.03 (c) (7) of the Rules and Regulations.

30. 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 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.
10. The applicant has not sustained his burden of proof that the application will not cause random, unnecessary and/or undesirable destruction of freshwater wetlands.

THEREFORE, IT IS

ORDERED

1. Application No. 89-0334F 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.

MARCH 6, 1991  
Date

Joseph F. Baffoni  
Joseph F. Baffoni  
Hearing Officer

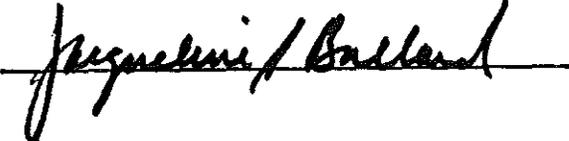
The within Decision and Order is hereby adopted as a final Decision and Order.

March 8, 1991  
Date

Louise Durfee  
Louise Durfee  
Director  
Department of Environmental Management

CERTIFICATION

I hereby certify that I caused a true copy of the within to be forwarded regular mail, postage pre-paid to Armand A. Teixeira, Esq., 1625 Diamond Hill Road, Woonsocket, Rhode Island 02895; Joseph J. Roszkowski, Esq., 1625 Diamond Hill Road, Woonsocket, Rhode Island 02895; and via inter-office mail to Kendra Beaver, Esq., Office of Legal Services, 9 Hayes Street, Providence, Rhode Island 02908 and Stephen H. Burke, Esq., Office of Legal Services, 9 Hayes Street, Providence, Rhode Island 02908 on this 11<sup>th</sup> day of March, 1991.

  
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The image shows a handwritten signature in cursive script, which appears to read "Jacqueline Ballard". The signature is written in black ink and is positioned above a solid horizontal line that serves as a baseline for the signature.