



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

January 2, 2014



John J. Mulhearn
200 Metro Center Boulevard
Warwick, RI 02886

REVISED PERMIT

RE: Application No. 04-0096 in reference to the property and proposed property located:

Approximately 500 feet south of the intersection of Latham Farm Road and Cedar Forest Road and approximately 800 feet west of the intersection of Latham Farm Road and Highland Terrace, Assessor's Plat 49, Lot 161, Smithfield, RI..

Dear Mr. Mulhearn:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed modifications to the permitted subdivision with lot development (nine lots to be residentially developed), roadway construction, underground utilities, municipal water and sewer connections, drainage, gravel parking and access to open space and associated site alterations as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on December 23, 2013.

Based upon the Program's evaluation of the revised project and pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules), it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This revised permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on December 23, 2013. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project, which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the revised permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the stamped approved site plans and a copy of this revised permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plans must be made available for review by any DEM representative upon request.
5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of Smithfield and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.



Application No. 04-0096

6. Pursuant to recently enacted legislation regarding the tolling of valid permits (Chapter 42-17.1-2.5 of the General Laws of RI) and as further described in Rule 10.07(E) of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules"), this Permit expires May 22, 2016. You are advised to monitor activity in the General Assembly in this regard since further legislative changes affecting the expiration of your permits may occur.

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's permit dated October 1, 2007 (copy enclosed) remain in effect.

You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This revised permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Please contact me (telephone: 401-222-6820, ext. 7408) should you have any questions regarding this letter.

Sincerely,

Nancy L. Freeman

Nancy L. Freeman, Senior Environmental Scientist
Freshwater Wetlands Program
Office of Water Resources
NLF/nlf

Enclosure: Approved revised site plans

cc: Curtis S. Ruotolo, P.E., Advanced Civil Design, Inc.
Peter R. Scorpio, Town of Smithfield Building Official



October 19, 2010

Lees Farm Commons, Inc.
c/o William Santoro, Managing Partner
90 Orchard Meadows Drive
Smithfield, RI 02917

REVISED PERMIT

Re: Application No. 04-0096 in reference to the property and proposed property located:

Approximately 500 feet south of the intersection of Latham Farm Road and Cedar Forest Road and approximately 800 feet west of the intersection of Latham Farm Road and Highland Terrace, Assessor's Plat 49, Lots 6B, 161, 161A, 161B and Assessor's Plat 50, Lots 50 and 52, Smithfield, RI.

Dear Mr. Santoro:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Permit Modification** and has evaluated your proposed modifications to the permitted subdivision with associated lot development (now reduced to six lots to be residentially developed), roadway construction, underground utilities, municipal water and sewer connections, drainage and landscaping as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on October 12, 2010.

Based upon the Program's evaluation of the revised project and pursuant to Rule 11.03 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules), it is the Program's determination that a revised permit for the modified project may be issued under the following terms and conditions:

1. This letter is the DEM's revised permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This revised permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the DEM on October 12, 2010. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project, which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the revised permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. A copy of the stamped approved site plans and a copy of this revised permit must be kept at the site

at all times during site preparation, construction, and final stabilization. Copies of this revised permit and the stamped approved plans must be made available for review by any DEM representative upon request.

5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Town of Smithfield and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. Pursuant to recently enacted legislation regarding the tolling of valid permits (Chapter 42-17.1-2.5 of the General Laws of RI) this Permit expires on May 31, 2012 unless renewed pursuant to Rule 11.02.
7. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically, since they were not provided, Sheet Nos. 12 and 13 have been crossed off the cover sheet in red and the site plan set has been renumbered accordingly.

Except as authorized in this revised permit pursuant to revised and approved site plans (enclosed), all terms and conditions previously specified in the Program's permit dated October 1, 2007 (copy enclosed) remain in effect.

Pursuant to the provisions in Rule 7.09 and Rule 11.04, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

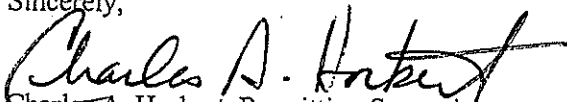
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

This revised permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Please contact Nancy Freeman (telephone: 401-222-6820, ext. 7408) should you have any questions regarding this letter.

Sincerely,



Charles A. Horbert, Permitting Supervisor

Freshwater Wetlands Program
Office of Water Resources
CAH/NLF/nlf

Enclosure: Approved revised site plans

xc: Curtis S. Ruotolo, P.E., Advanced Civil Design, Inc.
Michael A. Phillips, Town of Smithfield Planning Director
Peter R. Scorpio, Town of Smithfield Building Official



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

September 24, 2009

Lees Farm Commons, Inc.
William Santoro, Vice President
90 Orchard Meadows Drive
Smithfield, RI 02917

Re: Application No. 04-0096 in reference to the location below:

approximately 1600 feet south of the intersection of Cedar Forest Road with Latham Farm Road and approximately 1600 feet northwest of the existing terminus of Burlingame Road on Assessor's Plat 49, Lots 161, 161A, 161B and 6B; Assessor's Plat 50, Lots 50 and 51, in Smithfield, RI

Dear Mr. Santoro:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for Renewal** received on September 1, 2009.

It is our understanding that you are requesting renewal of the permit issued for Application No. 04-096. The original permit was issued on October 1, 2007 to Lees Farm Commons, Inc. for alterations to freshwater wetlands at the above-referenced location.

This Program has completed a review of your application has noted that your project has not yet started at this time. In all other respects, it is in conformance with those conditions set forth in the original permit as well as the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules). It is our determination, therefore, that the permit may be renewed. This renewal is valid until October 1, 2010 and expires on that date unless an additional renewal is allowed and authorized in accordance with Rules (See Rule 11.02 of the current Rules).

It is your responsibility to maintain compliance with the conditions of the original permit (copy enclosed) and to carry out this project in compliance with the Rules at all times. This renewal does not relieve you of any obligations to obtain any local, state, or federal approvals or permits as required by ordinance or law. Any modifications to the project not illustrated on the approved site plans would require approval of, at least, an Application for Permit Modification prior to the expiration of the permit.



Please contact me directly (telephone: 401-222-6820, ext. 7402) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles A. Horbert", with a long horizontal line extending to the right.

Charles A. Horbert, Permitting Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/cah

Enclosure: Letter dated October 1, 2007



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 24, 2008

Lees Farm Commons, LLC
c/o William Santoro
90 Orchard Meadows Drive
Smithfield, RI 02917

RE: Application No 04-0096-**Application for Renewal for the site located:**

Approximately 1600 feet south of the intersection of Cedar Forest Road with Latham Farm Road and approximately 1600 feet northwest of the existing terminus of Burlingame Road on Assessor's Plat 49, Lots 161, 161A, 161B and 6B; Assessor's Plat 50, Lots 50 and 51, Smithfield, RI.

Dear Mr. Santoro:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Application for Renewal received on September 19, 2008.

It is our understanding that you are requesting renewal of the permit issued for Application No. 04-0096. The original permit was issued on October 1, 2007 to Lees Farm Commons, Inc. for alterations to freshwater wetlands at the above-referenced location.

This Program has found that since no work has commenced on-site, your project at this time is in conformance with those conditions set forth in the original permit as well as the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules). It is our determination, therefore, that the permit may be renewed. This renewal is valid until October 1, 2009 and expires on that date unless an additional renewal is allowed and authorized in accordance with Rules.

A copy of the original permit letter of October 1, 2007 is enclosed for your convenience. It is your responsibility to maintain compliance with the conditions of the permit and to carry out this project in compliance with the Rules at all times. This renewal does not relieve you of any obligations to obtain any local, state, or federal approvals or permits as required by ordinance or law.

Please contact me at (telephone: 401-222-6820 Ext. 7408) should you have any questions.

Sincerely,

Nancy L. Freeman

Nancy L. Freeman, Senior Environmental Scientist
Office of Water Resources
Freshwater Wetlands Program
NLF/nlf

Enclosure: Copy of original permit letter
xc: Donna Corrao, Smithfield Assistant Planner

Office of Water Resources/Permitting Section/Tel.401-222-6820/FAX:401-222-6177



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

HAND DELIVERED

October 1, 2007

Lees Farm Commons, Inc.
William Santoro, Managing Partner
90 Orchard Meadow Drive
Smithfield, RI 02917

"Appendix A"

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Application No. 04-0096 in reference to the location below:

approximately 1600 feet south of the intersection of Cedar Forest Road with Latham Farm Road and approximately 1600 feet northwest of the existing terminus of Burlingame Road on Assessor's Plat 49, Lots 161, 161A, 161B and 6B; Assessor's Plat 50, Lots 50 and 51, in Smithfield, RI

Dear Mr. Santoro

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has reevaluated your Application to Alter a Freshwater Wetland regarding the project proposed at the above referenced property ("subject property"/"site"). This reevaluation is in response to settlement negotiations involving the original decision issued by this Office on December 1, 2006 for Application No. 04-0096 and has been accomplished in accordance with Rule 9.06 of the applicable Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules"). That decision was contested through an appeal to the DEM Administrative Adjudication Division for Environmental Matters (AAD). As a result of this appeal, settlement negotiations were entered to seek resolution of the contested issues and a Consent Agreement has been entered between you and the DEM. This consent agreement was executed on September 28, 2007 and is enclosed herein as a matter of record.

In accordance with the fully executed consent agreement, this Office has agreed to issue a permit to alter freshwater wetlands subject to all controlling Rules and the Terms and Conditions set forth herein.

As a result of settlement negotiations, the Program has reviewed and evaluated a revised project proposed by you and as described by revised site plans received by the Program on June 22, 2007. The revised site plans are noted as Appendix B in the above mentioned consent agreement. The Program has determined that the revised project does not represent a random, unnecessary, or undesirable alteration of freshwater wetlands. Therefore, the Program, in response to our evaluation and the fully executed consent agreement, hereby issues this permit to alter freshwater wetlands, subject to all controlling Rules and the Terms and Conditions set forth herein.

Application Permit Terms and Conditions for Application No. 04-0096:

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, Rhode Island General Laws (RIGL) Section 2-1-18 et seq.
2. This permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plans submitted with your application and received by the on June 22, 2007. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the DEM.
3. Where the terms and conditions of the permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.
4. You must notify this Program in writing immediately prior to the commencement of site alterations and again upon completion of the project.
5. A copy of the stamped approved site plans and a copy of this permit must be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this permit and the stamped approved plans must be made available for review by any DEM or Town representative upon request.
6. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Smithfield and supply this Program with written documentation obtained from Town showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires one (1) year from the effective date unless renewed pursuant to the Rules.
8. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
9. Prior to commencement of site alterations, you shall erect or post a sign resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which boldly identifies the initials "DEM" and the application number of this permit. This sign must be maintained at the site in a conspicuous location until such time that the project is complete or the DEM issues a Notice of Completion of Work for the project.
10. Temporary erosion and sediment controls detailed or described on the approved site plans shall be properly installed at the site prior to or commensurate with site alterations. Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the life of this project to minimize soil erosion and to prevent sediment from being deposited in any wetlands not subject to disturbance under this permit.
11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of silt fencing, if used, must be removed.

12. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands until such time that you document that this responsibility has been assumed by another person or organization.
13. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plans in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.
14. All construction activities involving soil disturbances within watercourses must be limited to the low flow period (i.e., the period from July 1 to October 31 of any calendar year). Soil disturbance in these watercourses must temporarily cease in the event of any abnormally high stormwater runoff event during the low flow period.
15. Artificial lighting is not authorized in this permit along the roadway where it crosses freshwater wetlands.
16. You must provide written certification from a registered land surveyor or registered professional engineer that the stormwater drainage system including any and all basins, piping systems, catch basins, culverts, swales and any other stormwater management control features have been constructed/installed in accordance with the site plans approved by this permit. This written certification must be submitted to this Program within twenty (20) days of its request or upon completion of the project.

This permit is valid for the original applicant only unless transferred pursuant to the Rules.

This Permit also constitutes your authorization from the U.S. Army Corps of Engineers ("Corps") under Section 404 of the Clean Water Act for the work proposed. Your project qualifies as a Category 1 activity under the Rhode Island Programmatic General Permit (General Permit No. NAE-2006-2711). **You are, therefore, not required to file a separate application with the Corps.**

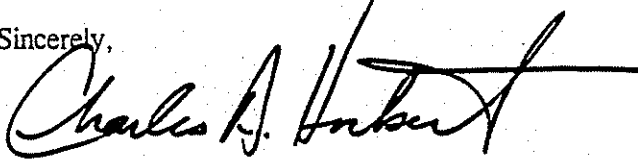
Please note that the RI PGP General Conditions apply to all activities authorized under the RI PGP. Please review them carefully to thoroughly familiarize yourself with their contents. You may wish to discuss all permit conditions with your contractor to ensure that the work can be accomplished in a manner that conforms to all requirements.

You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department and/or subject you to the enforcement provisions of the Corps' regulations.

In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction. This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

If you have any questions regarding this matter, you may contact me or Nancy Freeman of my staff at this Office (telephone: 401-222-6820).

Sincerely,



Charles A. Horbert, Permitting Supervisor
Office of Water Resources
Freshwater Wetlands Program

Enclosure: Approved Site Plans
 Consent Agreement
 RI Programmatic General Permit

xc: Kathleen Lanphear, Chief, Administrative Adjudication Division
 Russell J. Chateaufeuf, Chief of Groundwater & Wetland Protection
 Neal Personous, DEM Water Quality Certification Program
 Gary Powers, Esq., DEM Office of Legal Services
 Dennis G. Finlay, Interim Smithfield Town Manager
 Donna Corrao, Smithfield Assistant Planner
 Michael Elliott, U.S. Army Corps of Engineers, New England Division
 Steven J. & Karen A. Franko
 Kendra Beaver, Esq., Tillinghast Licht, LLP
 Brian Thalmann, P.E., Thalmann Engineering Co., Inc.
 Scott P. Rabideau, Natural Resource Services, Inc.