



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

May 15, 2009

RI Department of Transportation
Engineering Division
Peter A. Healey, P.E., Supervising Civil Engineer
Two Capitol Hill, Rm. 226
Providence, RI 02903-1127

Permit Renewal

Re: Application No. 04-0551 in reference to the location below:

The length of Hartford Avenue located from the Interstate Route 295 interchange east to Atwood Avenue, Johnston, RI (RI FAP No. CRP-FY91(003))

Dear Mr. Healey:

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 May 4, 2009.

It is our understanding that you are requesting renewal of the permit issued for Application No. 05-0073. The original permit was issued on June 20, 2005 to RI DOT for alterations to freshwater wetlands at the above-referenced location, and subsequently modified on April 21, 2009.

This Program has completed review of the application and has found that the project has not yet commenced. In all other respects, at this time, 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 **June 20, 2011** and expires on that date. No further renewals are available for this project after that date.

It is your responsibility to maintain compliance with the conditions of the original and revised permits 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 further 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.



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FRESHWATER WETLANDS PROGRAM

SUPERVISOR'S DETERMINATION

SUPERVISOR: Charles A. Horbert

DATE: May 15, 2009

SUBJECT: Application No. 04-0551; RIDOT
Application for Renewal

It has been confirmed that no work has yet started on this approved project. In all other respects, the applicant is in conformance with the permit. Accordingly, the permit can be renewed.

A handwritten signature in cursive script that reads "Charles A. Horbert". The signature is written in dark ink and is positioned above the printed name.

Charles A. Horbert



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

April 21, 2009

RI Department of Transportation
Peter A. Healey, P.E., Supervising Civil Engineer
Two Capitol Hill, Rm. 226
Providence, RI 02903-1124

REVISED PERMIT

Re: Application No. 04-0551 in reference to the location below:

The length of Hartford Avenue located from the Interstate Route 295 interchange east to Atwood Avenue, Johnston, RI (RI FAP No. CRP-FY91(003))

Dear Mr. Healey:

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 improvements to Hartford Avenue as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on March 31, 2009.

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 March 31, 2009. A copy of the site plans stamped approved by the DEM is enclosed. **Please note that** a number of site plan sheets (sheets 27-33, 53-74, and 79-108) have been removed from the approved set, since they did not include any information specifically relevant to freshwater wetland alterations and were not reviewed by this Program. Further 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. This revised permit expires four (4) years from the date of issue of the original letter of June 20, 2005. Please note that this expiration date is fast approaching. It is recommended that an Application for Renewal be submitted as soon as possible.

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 June 20, 2005 (copy enclosed) remain in effect, with the exception of original condition no. 13.

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 Andrew Charpentier of this Program (telephone: 401-277-6820 Ext. 7414) should you have any questions regarding this letter.

Sincerely,



Charles A. Horbert, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/AC/ac

Enclosure: Approved revised site plans

xc: Bharat Patel, P.E., Vanasse Hangen Brustlin, Inc.



June 20, 2005

RI Department of Transportation
Edward S. Szymanski, Associate Chief Engineer
Two Capitol Hill, Rm. 230
Providence, RI 02903-1127

Insignificant Alteration - Permit

Re: Application No. 04-0551 in reference to the location below:

The length of Hartford Avenue located from the Interstate Route 295 interchange east to Atwood Avenue, Johnston, RI (RI FAP No. CRP-FY91(003))

Dear Mr. Szymanski:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Request for Preliminary Determination** application. This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed improvements to Hartford Avenue as illustrated and detailed on site plans submitted with your application. These site plans were received on May 26, 2005.

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of freshwater wetlands are proposed. However, pursuant to Rule 9.03 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act (Rules), this project may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Application No. 04-0551:

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 this Department on May 26, 2005. 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 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 representative upon request.
6. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the date of issue.
7. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland.
8. 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.
9. 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.
10. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of haybales and/or siltfence must be removed.
11. 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.
12. 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.
13. Excavation to compensate for loss in flood storage as provided on the approved site plans must be completed prior to any filling or construction alterations within floodplain or areas subject to flooding on the subject property. Written certification must be provided to this Program by a registered land surveyor that such excavation and grading has been accomplished as permitted. Such certification shall be submitted within twenty (20) days of completion of the required excavation and grading.
14. Maintenance of the proposed drainage system shall be in accordance with the "Storm Water Management System Maintenance schedule" included in the designer's submitted analysis booklet.
15. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. This project must take place in compliance with these revisions. Specifically, an error on Drainage & Utility Plan No. 5 has been corrected.

This permit is valid for the original applicant only and is not transferable to another person unless the new owner completes and submits an **Application for Permit Transfer** in accordance with Rule 9.08.

Kindly be advised that this permit is not equivalent to a determination of the type or extent of freshwater wetlands on the subject property. Should you wish to obtain such a verification, you may submit an application in accordance with Rule 9.02.

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

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

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

Please contact Andrew Charpentier of this office (telephone: 401-222-6820, ext. 7414) should you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles A. Horbert". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Enclosure: Approved site plans

xc: Mark Bertoncini, VHB Inc.