



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

November 23, 2009

2240 South County Trail, LLC
Mark Shovlin, Member
2240 South County Trail
East Greenwich, RI 02818

Permit Renewal & Permit Transfer

Re: Application No. 05-0212 in reference to the location below:

Approximately 920 feet east of South County Trail (Route 2), utility pole no. 85, approximately 2,200 feet north of the intersection of South County Trail and Frenchtown Road, Assessor's Plat 1G, Lot 611, East Greenwich, RI..

Dear Mr. Shovlin:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Application for Permit Transfer in accordance with Rule 9.08 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules").

Kindly be advised that the permit for the above-referenced application has been transferred to 2240 South County Trail, LLC. It is your responsibility to comply with the approved site plans and all conditions of the original permit, including any time limitations therein.


Please be advised that this Program has also reviewed the Application for Renewal, submitted at the same time as your Application for Permit Transfer. Based on our review of the file and other documentation submitted, your project, at this time, appears to be 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 **November 17, 2011** and expires on that date. No further renewals are available after that date. If your project has not been completed by the expiration date, a new application will be required in order to obtain another permit for any wetland alterations that are not yet completed.

A copy of the permit is enclosed for your convenience. Please read it and be sure to call if you have any questions about it. 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 (telephone: 401-222-6820, ext. 7402) should you have any questions regarding this letter.

Sincerely,


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

Enclosure: Letter dated November 17, 2005



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

November 17, 2005

Mark Shovlin
135 Westmoreland Street
Narragansett, RI 02882

Insignificant Alteration - Permit

RE: Application No. 05-0212 in reference to the property and proposed project located:

Approximately 920 feet east of South County Trail (Route 2), utility pole no. 85, approximately 2,200 feet north of the intersection of South County Trail and Frenchtown Road, Assessor's Plat 1G, Lot 611, East Greenwich, RI.

Dear Mr. Shovlin:

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 three (3)-story office building with associated roadway, timber bridge crossing, parking areas, utilities, landscaping and stormwater control system as illustrated and detailed on site plans submitted with your application. These site plans were received on September 16, 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. 05-0212:

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 DEM on September 16, 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. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of East Greenwich and supply this Program with written documentation obtained from the Town showing this permit was recorded.
7. The effective date of this permit is the date this letter was issued. This permit expires four (4) years from the date of issue.
8. Any material utilized in this project must be clean and free of matter, which 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.
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 staked hay bales or silt fencing must be removed.
12. You are responsible for the proper operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control that are installed or used in compliance with this permit to prevent harm to adjacent wetlands.
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. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plans, or detailed in this permit, must be installed as soon as possible after completion of final grading; weather and season permitting. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.

16. Buffer zone plantings of trees and/or shrubs proposed between the project and any adjacent freshwater wetland areas, except for necessary replacement, must be allowed to develop naturally without being subjected to mowing or manicuring. Any planting which fails to survive for one full growing season must be replaced. You shall be responsible for replanting and maintaining the same plant species until such time that survival is maintained over one (1) full growing season.
17. Artificial lighting authorized by this permit must be directed away from all vegetated wetland areas. Where this is not possible, the use of deflectors to concentrate lighting away from vegetated wetlands must be employed.
18. 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.
19. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically you are required to extend the plantings of Eastern White Pine (*Pinus strobus*) and Northern White Cedar (*Thuja occidentalis*) along the westerly limits of disturbance associated with the edge of the perimeter wetland. This project must take place in compliance with these revisions.

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 verification of the type or extent of freshwater wetlands on-site. Should you wish to verify this wetland or any other freshwater wetland edges on-site, you may submit the appropriate application in accordance with Rule 9.02.

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 (RI PGP, Permit No. 57). You are, therefore, not required to file a separate application with the Corps.

Please note that the attached RI PGP 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.

Please contact Jane Kelly of this office (telephone: 401-222-6820 x 7420) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Permitting Supervisor
Freshwater Wetlands Program
Office of Water Resources

MDW/JEK/jek

Enclosure: Approved site plans
PGP permit conditions

xc: Robert DeSista, U.S. Army Corps of Engineers
Joseph Duarte, East Greenwich Director of Public Works
John Hoyle, East Greenwich Building Official
Scott F. Moorehead, P.E., SFM Engineering Associates