



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

December 28, 2009

C & L Investments, LLC
Joseph Houle, Managing Partner
28 Ridge Hill Road
North Smithfield, RI 02896

Permit Renewal

Re: Application No. 05-0313 in reference to the location below:

Approximately 1000 feet east/southeast of Mowry Street at Utility Pole No. 21 and approximately 1000 feet west of Steere Farm Road opposite Utility Pole No. 11, approximately 1300 feet southwest of the intersection of Steere Farm Road and Central Street, Assessor's Map 176, Lots 3 and 5 and Map 177, Lot 30, Burrillville, RI

Dear Mr. Houle:

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 28, 2009.

It is our understanding that you are requesting renewal of the permit issued for Application No.05-0313. The original permit was issued on November 30, 2007 to C & L Investments, LLC for alterations to freshwater wetlands at the above-referenced location, with a Revised Permit subsequently issued on October 31, 2008

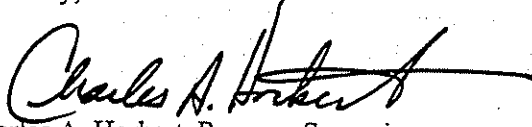
This Program has completed review of the application and inspected the project site, and has found that construction of your project has not yet commenced. In all other respects, the permit, at this time, is in conformance with those conditions set forth in the original permit as well as the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules). It is our determination, therefore, that the permit may be renewed. Pursuant to recent amendments to Chapter 42-17.1 of the Rhode Island General Laws (reference R.I.G.L. 42-17.1-2.5) related to tolling of permits, this permit is now valid until **June 30, 2011** and expires on that date unless another renewal is obtained pursuant to Rule 11.02. You are advised to monitor activity in the General Assembly in this regards since further legislative changes affecting the expiration of your permits may occur.

It is your responsibility to maintain compliance with the conditions of the original and revised permits (copies 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,



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

Enclosure: Letters dated November 30, 2007 and October 31, 2008

xc: Cheryl G. Peterson, P.E., Heritage Design Group
Joseph Raymond, Burrillville Building Official



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

CERTIFIED MAIL

November 30, 2007

C & L Investments, LLC.
Joseph L. Houle, Jr., Officer
28 Ridge Hill Road
North Smithfield, RI 02896

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Application No.05-0313 in reference to the location below:

Approximately 1000 feet east/southeast of Mowry Street at Utility Pole No. 21 and approximately 1000 feet west of Steere Farm Road, opposite Utility Pole No. 11, Assessor's Map 176, Lots 3 and 5 and Assessor's Map 177, Lot 30, Burrillville, RI.

Dear Mr. Houle:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application to Alter a Freshwater Wetland** regarding the proposed construction of 18 buildings to accommodate a 61-unit age-restricted (senior) condominium development, with associated clubhouse/convenience store, roadways, walkways, drainage system, culvert installation, utilities, and landscaping as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on May 31, 2007. These site plans describing the project were made available for public comment as part of the forty-five (45) day public notice period required in accordance with the Freshwater Wetlands Act (R.I. General Laws (R.I.G.L.) Section 2-1-18 et seq.) and the procedures set forth in Rule 9.05 of the applicable Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules).

This Program received four (4) letters relating to your application, which were submitted during the public notice period. These letters expressed concern regarding your project's impacts to freshwater wetland values. This Program reviewed these letters together with any supporting documents and evaluated the potential impacts from the project upon the values mentioned in the letters. The Program has determined that the comments contained within these letters do not constitute objections of a substantive nature as defined in Rule 5.53. Therefore, a public hearing pursuant to R.I.G.L. Section 2-1-22 is not required.

Pursuant to the Program's review and evaluation of your application including all supporting information and material, as well as the record to date, the Program has determined that this project does not represent a random, unnecessary or undesirable alteration of freshwater wetlands. Therefore, this Program hereby issues this permit to alter freshwater wetlands **subject to all controlling Rules and the Terms and Conditions set forth herein.**

Permit Terms and Conditions for Application No. 05-0313:

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 May 31, 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 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 Burrillville 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 one (1) year from the effective date unless renewed pursuant to Rule 11.02 of the current 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 and the DEM issues a Notice of Completion of Work for the project.
10. Also prior to commencement of any site alterations, permanent buffer zone markers must be installed along the limit of disturbance at the locations indicated in red ink on the approved site plans, in order to provide permanent reference points on site that are clear to present and future property owners. Acceptable permanent type markers include 4" x 4" pressure treated timber posts, galvanized fence posts with cap, or granite or concrete bounds. Markers must extend a minimum 24" above grade. A permanent-type tag or sign labeled "RIDEM Buffer Zone" must be placed on each marker. A permanent-type fence at least 24" tall placed along the limits of disturbance and similarly labeled may be substituted where desired. **No alterations of any kind are permitted beyond these markers without first obtaining the necessary permit from this Program.**

11. Immediately upon installation of the buffer zone markers, this Program must be contacted to arrange an on-site inspection. **Once proper installation has been confirmed by this Program, work may be initiated on the project as herein approved (See also Condition No. 12 below).**
12. 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. **Immediately upon installation of the erosion controls, this Program must be contacted to arrange an on-site inspection. Once proper installation has been confirmed by this Program, work may be initiated on the project as herein approved (see also Condition No. 11 above).**
13. Access to the site from Mowry Street is not permitted until installation of the culvert/bridge is completed. This permit does not authorize any form of temporary construction access across the wetland here.
14. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of silt fence must be removed.
15. 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.
16. 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.
17. All construction activities involving soil disturbances within the swamp or watercourses, including all retaining wall construction and culvert installation 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.
18. 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. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
19. 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.
20. Artificial lighting along the driveway/roadway where it crosses freshwater wetlands is not authorized in this permit.

21. 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.
22. An environmental consultant, experienced in site assessments and measures necessary to protect sensitive aquatic environments or sensitive ecosystems, must be employed prior to the commencement of site alterations to monitor this project and to ensure compliance with the terms and conditions of this permit. This Program must be notified in writing of the consultant chosen to comply with this condition and must receive monthly written progress reports from the consultant regarding compliance with this permit until such time that the project is complete and this Program issues a Notice of Completion of Work.
23. 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 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 all General Conditions within the RI PGP 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.

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

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 against you by the DEM and/or subject you to the enforcement provisions of the Corps' regulations.

In permitting the proposed alterations, the Program 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 are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), 235 Promenade Street, Providence, RI 02908. A copy of the request must also be forwarded to this Program and to DEM' s Office of Legal Services at the same address. Your written request for an adjudicatory hearing must be timely filed and should conform to the requirements of Rule 7.00(b) of the "Administrative Rules of Practice and Procedure for the Department of Environmental Management Administrative Adjudication Division for Environmental Matters", (AAD Rules).

AAD Rule 7.00(b) provides:

"The request for hearing shall state clearly and concisely the specific issues which are in dispute and the facts in support thereof, the relief sought if any, the license or permit sought or involved and any additional information required by applicable statues and regulations."

The written request must be accompanied by an adjudicatory hearing fee of two thousand dollars (\$2,000.00) in the form of a certified bank check or money order made payable to the Rhode Island General Treasurer; however, in the event that the cost of the hearing exceeds the fee paid, the Program through the AAD will require an additional fee which the applicant must submit prior to the DEM's issuance of any final decision regarding this application. The adjudicatory hearing will be held before a Hearing Officer from the AAD. Such hearing will be held in compliance with the AAD Rules, Chapter 42-35-1 et seq. of the R.I.G.L., and other governing laws, rules, and regulations adopted by the DEM. Please note that you have the right to be represented by legal counsel in any proceeding, which may be held in this matter.

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, ext. 7408).

Sincerely,



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

Enclosures: Approved Site Plans
 RI Programmatic General Permit

xc: Kathleen Lanphear, Chief, Administrative Adjudication Division
Russell Chateaufneuf, Chief of Groundwater & Wetlands Protection
Neal Personeus, DEM Water Quality Certification Program
Patty Fairweather, Executive Counsel, DEM Office of Legal Services
Michael Elliot, U.S. Army Corps of Engineers, New England Division
Joseph F. Raymond, Burrillville Building Official
Thomas J. Kravitz, Burrillville Town Planner
Cheryl Peterson, P.E., Heritage Design Group, Inc.
Scott Jordan, EcoTec, Inc.
Brad Simmons
William and Carla Guilbault
Albert E. Carlow
James H. McGovern, Ph.D.