



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

April 30, 2008

Bay Ridge Development Corp.
Eric Johnson, Vice President
64 Ferry Landing Circle
Portsmouth, RI 02871

Re: Application No. 06-0348 in reference to the location below:

Approximately 800 feet west of Forest Avenue, Utility Pole No. 11, and approximately 200 feet south of the intersection of Forest Avenue and Winfield Court, Assessor's Plat 113, Lots 3, 3A, 3B, & 5, Middletown, RI

Dear Mr. Johnson:

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 7.09 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 Bay Ridge Development Corporation. It is your responsibility to comply with the approved site plans and all conditions of the original permit, including any time limitations therein. A copy of the permit, which expires on **April 19, 2011** unless renewed, along with a copy of a subsequently issued revised permit, are enclosed for your convenience. Please read them and be sure to call if you have any questions about it.

At this time, we are reviewing a related application associated with a sewer extension for this project, under Application No. 08-0120. You may call Andrew Charpentier of my staff at (401) 222-4700, ext. 7414 if you have any questions regarding that application.

Please call me at (401) 222-6820, extension 7402 if you have any questions about this letter.

Sincerely,

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

Enclosure: Copy of Permits



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

December 3, 2007

Franklin Simon, Trustee
Love Realty Trust II
639 Granite Street
Braintree, MA 02184

REVISED PERMIT

Re: Application No. 06-0348 in reference to the location below:

Approximately 800 feet west of Forest Avenue, Utility Pole No. 11, and approximately 200 feet south of the intersection of Forest Avenue and Winfield Court, Assessor's Plat 113, Lots 3, 3A, 3B, & 5, Middletown, RI

Dear Mr. Simon:

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 20 condominium buildings with associated roadways, parking areas, utilities, drainage system and landscaping as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on November 21, 2007.

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 November 21, 2007. A copy of the site plans stamped approved by the DEM is enclosed. 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 or Town 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 Middletown and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. This revised permit expires four (4) years from the date of issue of the original letter of April 19, 2007.
7. This Program has made a specific revision to the approved site plans. This revision is clearly marked in red on the approved plans. This project must take place in compliance with this revision. Specifically, the proposed limit of disturbance and erosion controls west of the proposed detention basin has been properly labeled.

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 April 19, 2007 (copy enclosed) remain in effect.

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


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, Permitting Supervisor
Office of Water Resources/Permitting Section
Freshwater Wetlands Program
CAH/AC/ac

Enclosure: Approved revised site plans

xc: Scott F. Moorehead, P.E., SFM Engineering Associates
John Kane, Jr., Middletown Building Official
Roland Wolanski, Middletown Town Planner
Scott Rabideau, Natural Resources Services, Inc.



April 19, 2007

Franklin Simon, Trustee
Love Realty Trust II
639 Granite Street
Braintree, MA 02184

Insignificant Alteration - Permit

Re: Application No. 06-0348 in reference to the location below:

Approximately 800 feet west of Forest Avenue, Utility Pole No. 11, and approximately 200 feet south of the intersection of Forest Avenue and Winfield Court, Assessor's Plat 113, Lots 3, 3A, 3B, & 5, Middletown, RI

Dear Mr. Simon:

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 20 condominium buildings with associated roadways, parking areas, utilities, drainage system, and landscaping as illustrated and detailed on site plans submitted with your application. These site plans were received on March 15, 2007.

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. 06-0348:

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 March 15, 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 Middletown 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 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.
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 haybales and/or siltfence 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 or as otherwise necessary 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. 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.
15. This Program has made a specific revision to the approved site plans. This revision is clearly marked in red on the approved plans. This project must take place in compliance with this revision. Specifically, limits of disturbance have been clarified as necessary.

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,



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

Enclosure: Approved site plans

xc: John Kane, Jr., Middletown Building Official
Roland Wolanski, Middletown Town Planner
A. Eric Offenber, P.E., Northeast Engineers & Consultants, Inc.
Scott Rabideau, Natural Resource Services, Inc.