



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

July 22, 2009

370 GWH, LLC  
c/o Ralph Branca  
640 George Washington Highway  
Lincoln, RI 02865

**REVISED PERMIT**

Re: Application No. 07-0010 in reference to the location below:

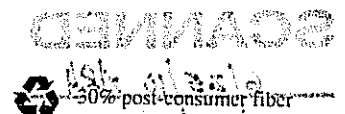
Approximately 200 feet west of West Reservoir Road, near Utility Pole No. 13, and approximately 800 feet north of its intersection with George Washington Highway, Assessor's Plat 48, Lot 3, Smithfield, RI

Dear Mr. Branca:

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 commercial/office development as illustrated and detailed on revised site plans submitted with your application. The most recently revised site plans were received on July 10, 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 July 10, 2009. 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.



Application No. 09-0010

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. This revised permit expires four (4) years from the date of issue of the original letter of March 16, 2007.
7. This Program has made specific revisions to the approved site plans. Specifically, the site plan sheet numbers have been changed so that all sheets are consecutively numbered as required. These revisions are clearly marked in red on the approved plans.
8. 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 March 16, 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 Kate M<sup>c</sup>Pherson of this Program (telephone: 401-222-6820, ext. 7732) should you have any questions regarding this letter.

Sincerely,



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

Enclosure: Approved revised site plans

xc: Brian P. Thalmann, P.E., Thalmann Engineering, Co.  
Peter R. Scorpio, Smithfield Building Official



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

March 16, 2007

370 GWH, LLC  
c/o Ralph Branca, Manager  
640 George Washington Highway  
Lincoln, RI 02865

**Insignificant Alteration - Permit**

Re: Application No. 07-0010 in reference to the location below:

Approximately 200 feet west of West Reservoir Road, near Utility Pole No. 13, and approximately 800 feet north of its intersection with George Washington Highway, Assessor's Plat 48, Lot 3, Smithfield, RI.

Dear Mr. Branca:

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 commercial development with associated buildings, roadways, parking, stormwater management system, utilities, and landscaping as illustrated and detailed on site plans submitted with your application. These site plans were received on January 5, 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 or have already occurred without a permit. 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. 07-0010:

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 January 5, 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 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 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. Site inspection revealed that site alterations have already begun. **Erosion and sedimentation controls have not been installed at the southern limit of disturbance, along the edge of the forested wetland. Additionally, erosion and sedimentation controls are improperly installed at the northern limit of disturbance, and installed in locations other than specified on the approved site plans. Erosion and sedimentation controls must be removed and re-installed in the locations specified on the approved site plans.** Review the limit of disturbance and ensure 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 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. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on sheet 4 of 11 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.
14. 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.

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 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.
17. This Program has made a specific revision to the approved site plans. This revision is clearly marked in red on the approved plans. Specifically, plantings of native evergreen trees, spaced ten feet (10') apart on center, four to five feet (4'-5') in height are to be planted along the edge of the 50-foot perimeter wetland, at the northern limit of disturbance to replace trees and shrubs removed due to incorrect placement of silt fencing along the northern limit of disturbance. Acceptable species include either arborvitae (*Thuja occidentalis*), or white pine (*Pinus strobus*). This project must take place in compliance with this revision.

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.

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.

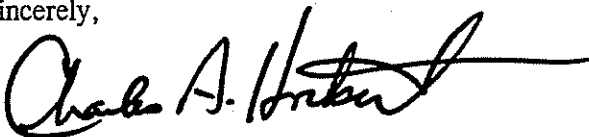
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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.

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 obtain such a verification, an application may be submitted in accordance with Rule 9.02.

Please contact Kate McPherson of this office (telephone: 401-222-6820, ext. 7732) should you have any questions regarding this letter.

Sincerely,



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

Enclosure: Approved site plans

xc: Alfred T. Decorte, Smithfield Building Official  
Fred Presley, Smithfield Municipal Planner  
Brian P. Thalmann, P.E., Thalmann Engineering Co.  
Steve Long, PLS, Marsh Surveying  
Scott P. Rabideau, Natural Resource Services, Inc.