



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 29, 2009

DVI, LLC et. al.
c/o Brian Bucci, Bucci Development
48 Hewett Street
Warwick, RI 02889

REVISED PERMIT

Re: Application No. 07-0236 in reference to the property and proposed property located:

Approximately 1,500 feet northeast of Old Louisiquisset Pike near Utility Pole No. 367 and approximately 1,800 feet east of its intersection with Eddie Dowling Highway (RI Route 146A) at the proposed "Dowling Village," Utility Pole Nos. 354 through 374, Assessor's Plat 13, Lots 44, 53, 111, 112, 123, 143 and portion of Lots 18, 20, 21 and 76 and Assessor's Plat 21, Lots 25, 26, 29-32, 50, 61, 70, 71 and portion of Lot 58, North Smithfield, RI.

Dear Mr. Bucci:

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 mixed-use development known as "Dowling Village" as illustrated and detailed on revised site plans submitted with your application. The most recently revised site plans were received on October 23, 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 October 23, 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.



5. Within ten (10) days of the receipt of this revised permit, you must record this revised permit in the land evidence records of the Town of North Smithfield and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. Prior to initiation of construction of any portion of Phase IV as shown on Sheet 8 of the approved site plans, you shall apply for and receive a RIPDES Permit for stormwater discharges from raingarden RG-M, underground detention basin UDB-P, and stormwater basin Pond I, in accordance with the R.I. Department of Environmental Management Regulations for the Rhode Island Pollutant Discharge Elimination System. This condition shall apply to any stormwater discharge from Phase IV if the design is modified.
7. You are required to conduct wetland and water quality monitoring in accordance with the schedule and details shown on Sheet 50 of the approved site plans and shall timely submit testing results to RIDEM as indicated therein. In the event that the monitoring results indicate changed conditions from background, the Applicant shall investigate whether the changes are the result of stormwater discharges from its project that are greater than anticipated, based on the application submittal documents, and take appropriate action to correct the deficiencies or defects causing the change. Such corrective action may include application for additional permits from RIDEM and shall be subject to review and acceptance by RIDEM.
8. The following changes and clarification to the monitoring provided on Sheet 50 of the approved site plans shall be effected: Hardness shall be reported as calcium carbonate - CaCO₃; Chlorophyll shall be reported as Chlorophyll-a; water quality testing shall include chlorides.
9. This revised permit expires four (4) years from the date of issue of the original letter of June 16, 2008.
10. 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 16, 2008 (copy enclosed) remain in effect and will further apply to this revised permit and the site plans received on October 23, 2009.

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.

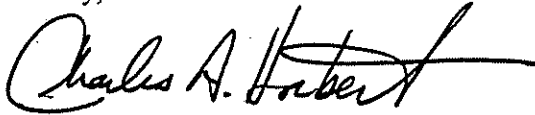
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

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 me or Nancy Freeman of my staff (telephone: 401-222-6820, ext. 7408) should you have any questions regarding this letter.

Sincerely,



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

Enclosure: Approved revised site plans

xc: Russell J. Chateaufneuf, P.E., Chief of Groundwater and Wetlands Protection
Eric A. Beck, DEM RIPDES Program
Marisa A Desautel, DEM Office of Legal Services
Angelo Liberti, P.E., Chief of Surface Water Protection
Elizabeth Scott, Deputy Chief, RIDEM T.M.D.L. Program
Robert E. Benoit, North Smithfield Building Official
Robert Ericson, North Smithfield Town Planner
Robert M. Hodge, Medistar Rhode Island, LLC (co-applicant)
Irene Schmidt, Rockcliff Farm, LLC (co-applicant)
Arthur H. Pukis (co-applicant)
Albert G. Brien, R.A.M. Investments, LLC (co-applicant)
Denis & Jeanne Crepeau (co-applicant)
Royal & Lillian Auger (co-applicant)
Donald M.A. Parent (co-applicant)
Florence Houde (co-applicant)
Jane & Thomas Devine (co-applicant)
Leonard R. Bradley, Jr., P.E., DiPrete Engineering Associates, Inc.
Scott P. Rabideau, Natural Resource Services, Inc.
Diane M. Ray, Act'g Chief, U.S. Army Corps of Engineers, New England District
Donald P. Gagnon, Chairperson, North Smithfield Conservation Commission
Dr. Caroly Shumway, Chairperson, Valley Alliance for Smart Growth
Mary McDonald, President, North Smithfield Land Trust
Peter Coffin, Coordinator, The Blackstone River Coalition
Sandra Belliveau, Rule 2 Coordinator, Blackstone River Watershed Council
Virginia Brown



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DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

June 16, 2008

DVI, LLC, et. al.
c/o Brian Bucci, Bucci Development
48 Hewett Street
Warwick, RI 02889

Insignificant Alteration – Permit

Re: Application No. 07-0236 in reference to the property and proposed project located:

Approximately 1500 feet northeast of Old Louisquisset Pike near Utility Pole No. 367 and approximately 1,800 feet east of its intersection with Eddie Dowling Highway (Rt. 146A) at the proposed "Dowling Village", Utility Pole Nos. 354 through 374, Assessor's Plat 13, Lots 44, 53, 111, 112, 123, 143 and portion of Lots 18, 20, 21 and 76 and Assessor's Plat 21, Lots 25, 26, 29-32, 50, 61, 70, 71 and Portion of Lots 18, 20, 21 and 76 and Assessor's Plat 21, Lots 25, 26, 29-32, 50, 61, 70, 71 and Portion of Lot 58, North Smithfield, RI.

Dear Mr. Bucci:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application to Alter Freshwater Wetlands**. This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed construction of a Phase II, III and IV of Dowling Village, a mixed-use commercial and residential development with associated buildings, dwellings, roadways, parking areas, stormwater drainage system, utilities, and landscaping as illustrated and detailed on site plans submitted with your application. The most recently revised site plans were received on April 7, 2008.

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 Rules 5.43 and 9.03 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act (Rules), the Program has determined that this project does not involve significant alterations to freshwater wetlands and may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Application No. 07-0236:

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 on April 7, 2008. 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 again 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 North 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 unless renewed pursuant to the 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.
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, stockpiled 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. You must use straw wattles, or alternative erosion controls measures that do not contain seeds that could potentially introduce invasive species, along the Limit of Disturbance (LOD) adjacent to freshwater wetlands. An erosion and sedimentation control expert must be stationed on the project site to monitor the project's conformance to the plan's erosion and sedimentation controls.
11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of silt fence 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 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. The installation of all stormwater management measures must be supervised by a registered professional engineer. A photographic record of the installation of all proposed underground infiltration systems and underground extended detention systems must be maintained. This record must be made available for review by this office upon request.
15. 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.
16. 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. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.
17. 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.
18. Artificial lighting utilized by any portion of the project **must be directed away** from all vegetated wetland areas (including the Booth Pond Wetland Complex) and generally designed to minimize illumination of any areas beyond the approved limits of disturbance.
19. 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.
20. You must provide written certification from a 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.
21. All future retailers must be made aware of the requirements of this permit and, in particular, the management provisions contained on Sheet Nos. 49 and 50 of the approved site plans with respect to proper management of fertilizers, pesticides and hazardous materials.
22. An Integrated Pest Management Plan (IPM) for Dowling Village must be developed and implemented with an aim to minimize herbicides and pesticides from entering stormwater runoff. Any contracted landscaper must be provided with a copy of the IPM Plan prior to work on-site. You are responsible for ensuring that any contractors adhere to the IPM Plan.

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

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 verification, you may submit an application in accordance with the 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 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 myself (telephone: 401-222-6820, ext. 7402) or Nancy Freeman of this office (telephone: 401-222-6820, ext. 7408) should you have any questions regarding this letter.

Sincerely,



Charles A. Horbert, Permitting Supervisor
Office of Water Resources
Freshwater Wetlands Program
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Enclosure: Approved site plans

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