



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

January 14, 2013

Hartford Avenue Associates
c/o Picerne Properties
Michael Grilo, Director of Commercial Real Estate
75 Lambert Lind Highway
Warwick, RI 02886

REVISED PERMIT

RE: Application No. 09-0280 in reference to the property and proposed property located:

Approximately 25 feet south of Hartford Avenue (RI Rte 6A) and approximately 550 feet west/northwest of its intersection with Atwood Avenue, Assessor's Plat 44/3, lot 86, Johnston, RI.

Dear Mr. Grilo:

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 retail development with parking, utilities, drainage and landscaping as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on December 20, 2012.

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 December 20, 2012. 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 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 representative upon request.

Application No. 07-00

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 and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. This revised permit expires July 1, 2017 unless renewed pursuant to the Rules.

RIDEM suggests that plantings directly under the utility lines should be shrub species (either Highbush Blueberry or Arrowwood as indicated on the site plans) so as not to result in unnecessary future clearing for maintenance purposes.

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 January 6, 2010 (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.

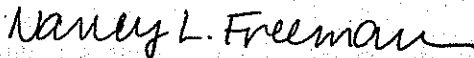
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

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 me (telephone: 401-222-6820, ext. 7408) should you have any questions regarding this letter.

Sincerely,



Nancy L. Freeman, Senior Environmental Scientist
Freshwater Wetlands Program
Office of Water Resources

NLF/nlf

Enclosure: Approved revised site plans

cc: Kevin Morin, P.E., Vice President, DiPrete Engineering
Bernard Nascenzi, Johnston Building Official



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

January 6, 2010

Hartford Avenue Associates
c/o Picerne Properties
Robert G. Hadley, Jr.
75 Lambert Lind Highway
Warwick, RI 02886

Insignificant Alteration – Permit

Re: Application No. 09-0280 in reference to the property and proposed project located:

Approximately 25 feet south of Hartford Avenue (RI Route 6A), and approximately 550 feet west northwest of its intersection with Atwood Avenue, Assessors Plat 44/3, Lot 86, Johnston, R.I.

Dear Mr. Hadley:

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 re-development of the subject property, including demolition of the existing features and construction of new commercial buildings with all associated features including paved roadways, parking areas, town water and sewer lines, utilities, stormwater management plan, regrading for floodplain compensation and landscaping as illustrated and detailed on site plans submitted with your application. These site plans were received on November 5, 2009.

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 9.00 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. 09-0280:

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 November 5, 2009. 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.



30% post-consumer fiber

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 Johnston 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 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 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 which 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 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.
15. 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.

16. Artificial lighting 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.
17. 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.
18. In regards to the "Vortechs™ System Model 5000 stormwater treatment system, this permit does not constitute DEM's acceptance of this device as a suitable system to treat stormwater for new construction projects in the future. Documented results from field tests would be required to establish the expected treatment capacities of the device prior to its acceptance as a suitable BMP. Future projects utilizing this device will be evaluated on a case by case basis.
19. Excavation (regrading) to compensate for loss in flood storage as provided on the approved site plans is mandatory and must be completed prior to or commensurate with any filling or construction alterations within flood plain or areas subject to flooding on the subject property. ~~Written certification must be provided to this Program by a registered land surveyor that such excavation and grading has been accomplished as permitted.~~ Such certification shall be submitted within twenty (20) days of completion of the required excavation and grading.

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. There are additional jurisdictional wetlands present along the western property line that have not been depicted on the site plan. Should you wish to obtain such verification, you may submit an application in accordance with Rule 8.03.

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 Shawna Holdredge of this office (telephone: 401-222-6820, ext. 7427) should you have any questions regarding this letter.

Sincerely,

Nancy L. Freeman

Nancy L. Freeman, Senior Environmental Scientist
Office of Water Resources
Freshwater Wetlands Program
NLF/SBH/sbh

Enclosure: Approved site plans

xc: Bernard Nascenzi, Johnston Building Official
Scott P. Rabideau, President, Natural Resource Services, Inc.
Kevin C. Morin, P.E., DiPrete Engineering, Inc.