



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

April 24, 2104

Apollo Brothers, LLC  
Neal Hingorany, Property Manager  
c/o Naragansett Engineering, Inc.  
3102 East Main Road  
Portsmouth, RI 02871

**REVISED PERMIT**

RE: Application No. 10-0241 in reference to the property and proposed property located:

Approximately 200 feet west of East Main Road and directly west of its intersection with President Avenue, Utility Pole No. 43, Assessor's Plat 24, Lot 11, Portsmouth, RI.

Dear Mr. Hingorany:

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 thirty-three (33) unit townhouse development with associated Onsite Wastewater Treatment Systems (OWTS), roadways walking trail, utilities, landscaping and drainage as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on March 27, 2014.

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 March 27, 2014. 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. 10-0241

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, 2019 unless renewed pursuant to the Rules.

Kindly be advised that revisions to the Onsite Wastewater Treatment Systems (OWTS) must be reviewed by the OWTS Program.

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 27, 2011 (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*

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

NLF/nlf

Enclosure: Approved revised site plans

cc: George Medeiros, Portsmouth Building Official  
Brian Moore, P.E., Chief Groundwater and Wetlands Protection



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

April 27, 2011

Apollo Brothers, LLC  
Achla B. Madan, Partner  
c/o Narragansett Engineering, Inc.  
3102 East Main Road  
Portsmouth, RI 02871

**Insignificant Alteration – Permit**

**Re:** Application No. 10-0241 in reference to the property and proposed project located:

Approximately 200 feet west of East Main Road and directly west of its intersection with President Avenue, Utility Pole No. 43, Assessor's Plat 24, Lot 11, Portsmouth, RI

Dear Mr. Madan:

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 demolition of the existing building and the construction of a new thirty three (33)-unit, (thirteen building) townhouse development with associated Onsite Wastewater Treatment System ("OWTS"), parking lot, roadway, walking trail, utilities, landscaping and stormwater management plan as illustrated and detailed on site plans submitted with your application. These site plans were received on March 21, 2011.

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. 10-0241:

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 Program on March 21, 2011. 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 City/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 Portsmouth 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 July 1, 2015, 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, 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 fence or haybales 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. This Program has made a specific revision to the approved site plans. This revision is clearly marked in red on the approved plans. On Sheet No. 6 of the site plans, the following note has been added to the "Subdrain Detail":
  - The Contractor shall include "clean out ports" at sufficient places along the length of the basin's subdrain when it is installed in order to ensure that the subdrain may be sufficiently inspected/cleaned during future maintenance operations.

This project must take place in compliance with this revision.

Kindly be advised that a permit is needed from the O.W.T.S. Program prior to commencing any work on this project.

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 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: Kurt Stenburg, Portsmouth Building Official  
Kamal Hingorany, P.E., Narragansett Engineering, Inc.  
Brian Moore, P.E., Supervisor "OWTS" Program