



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

March 28, 2014

HAPRI, LLC
c/o Ronald A. Maggiacomo
91 Governor's Hill
West Warwick, RI 02893

Insignificant Alteration – Permit

RE: Application No. 13-0197; RIPDES No. RIR101114 in reference to the property and proposed project located approximately 300 feet south of Hartford Avenue, by Utility Pole No. 213, approximately 400 feet south-southwest of its intersection with Reedy Street, Assessor's Map 57/3, Lots 208 & 287, Johnston, RI.

Dear Mr. Maggiacomo:

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 Tractor Supply Company Store with associated outdoor sales area, display areas, a separate restaurant, parking areas, stormwater control system, on-site wastewater treatment systems (OWTS), utilities and landscaping as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on March 7, 2014.

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 Wetlands Application No: 13-0197, RIPDES No. RIR101114 :

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.* This application review has also included review related to the RIPDES "General Permit for Storm Water Discharge Associated with Construction Activity".
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 March 7, 2014. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that 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 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 on July 1, 2019.
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 hay bales and/or silt fence 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 that are installed or used in compliance with this permit to prevent harm to adjacent wetlands.
13. The long term operation and maintenance plan entitled "Stormwater Operation and Maintenance Plan, Tractor Supply Company and Fast Food Restaurant, 2750 Hartford Avenue, (Route 6), Assessor's Map #57/3, Lots #208 & 287, Johnston, Rhode Island" shall be strictly followed.
14. 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.
15. This Program has made specific revisions to the approved site plans. Specifically, the replacement soil that is to be placed below the sand filter shall have an infiltration rate of at least 2.4 inches per hour (corresponding to loamy sand). In addition, you are required to plant Inkberry shrubs (*Ilex glabra*) along the limits of disturbance that encroach within freshwater wetlands (Perimeter Wetlands). The shrubs must be three (3) to four (4) feet tall after planting and installed five (5) feet on center, and shall also replace the four (4) proposed Highbush Blueberry (*Vaccinium*

corymbosum) shrubs currently depicted on the site plan. These revisions are clearly marked in red on the approved plans. This project must take place in compliance with these revisions.

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. **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. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
19. Artificial lighting authorized by this permit 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.
20. 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.
21. A copy of this permit and a copy of the approved site plans must be forwarded to the On-Site Wastewater Treatment System Program OWTS Program of the DEM's office of Water Resources. A permit is needed from the (OWTS) 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.

Additionally, the Program has reviewed this project in accordance with the standards of the RIPDES General Permit for Storm Water Discharge Associated with Construction Activity ("CGP"). Construction Activities which disturb one (1) or more acres of land and where storm water runoff is directed, via a point source, into a separate storm sewer system or into the waters of the State, are required to seek coverage under the Rhode Island Pollutant Discharge Elimination System (RIPDES) storm water permit. Our review has determined that the project has been designed to meet the requirements of the 2013 GP. This determination therefore includes your final authorization to discharge storm water associated with construction activity under the CGP. For future references and inquiry, your permit authorization number is RIPDES No. **RIR101114**.

Both the owner and the contractor retained to undertake the construction activity are required to comply with all terms and conditions of the CGP. This includes maintaining the Soil Erosion and Sediment Control (SESC) Plan, performing the required inspections and maintenance of the selected Best Management Practices (BMPs), and retaining inspection records. Further information on the requirements of the CGP is available at:

<http://www.dem.ri.gov/pubs/regs/regs/water/ripdesca.pdf>.

Please be aware that the RIDEM's Rules and Regulations Governing the Establishment of Various Fees require that RIPDES CGP permit holders to pay an Annual Fee of \$100.00. An invoice will be sent to the owner on record in May/June of each year if the construction was still active as of December 31st of the previous year. The owner will be responsible for the Annual Fee until the construction activity has been completed, the site has been properly stabilized, and a completed Notice of Termination (NOT) has been received by the RIPDES Program. A copy of the NOT can be found attached to the CGP on the web page referenced above.

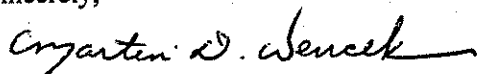
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by this Department (and/or subject you to the enforcement provisions of the Corps' regulations.)

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 Jane Kelly of this office (telephone: 401-222-4700 x7420) should you have any questions regarding this letter.

Sincerely,



Martin Wencek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program

MDW/JEK/jek

Enclosure: Approved site plans

xc: The Honorable M. Joseph M. Polisena Mayor of Johnston
Robert DaSista, U.S. Army Corps of Engineers
Arnold Vecchione, Johnston Director of Public Works
Frederick W. Brown, Johnston Building Official
Brian Moore, Chief, DEM, Water Resources
Traci Lima, DEM, RIPDES Program



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

February 1, 2016

Johnston Partners, LLC
C/o Mark C. D'Addabbo
150 Hartford Avenue
Whethersfield, CT 06109

REVISED PERMIT

RE: Wetlands Application No. 13-0197; RIPDES No. RIR10114 in reference to the property and proposed property located approximately 300 feet south of Hartford Avenue, by Utility Pole No. 213, approximately 400 feet south-southwest of its intersection with Reedy Street, Assessor's Map 57/3, Lots 208 and 287, Johnston, RI.

Dear Mr. D'Addabbo:

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 Tractor Supply Company Store with associated outdoor sales area, display areas, a separate restaurant, parking areas, stormwater control system, on-site wastewater treatment systems (OWTS), utilities and landscaping as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on January 15, 2016 and January 26, 2016.

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 January 15, 2016 January 26, 2016. 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.

Application No. 13-0197

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.
5. The long term operation and maintenance plan shall be strictly followed. The long term O & M Plan shall be that entitled "Stormwater Operation & Maintenance Plan, Tractor Supply Company and O'Reilly Auto Parts, 2750 Hartford Avenue (Route 6), Assessor's Map #57/3, Lot #208, & 287, Johnston, Rhode Island, Responsible Party: Johnston Partners, LLC, 150 Hartford Avenue, Wethersfield, Connecticut, 06109", dated effective January 8, 2016.
6. The submitted "Long Term Pollution Prevention Plan" shall also be strictly followed. The "Long Term Pollution Prevention Plan" is found in Section 9 of the submitted Stormwater Pollution Prevention Plan for Tractor Supply Company & O'Reilly Auto Parts, 2750 Hartford Avenue, Johnston, RI 02910, received by this Program on January 15, 2016.
7. 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 Johnston and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
8. This revised permit expires on July 1, 2020 pursuant to recently enacted legislation regarding the tolling of valid permits (Chapter 42-17.1-2.5 of the General Laws of RI) and as further described in Rule 9.04(E). You are advised to monitor activity in the General Assembly in this regard since further legislative changes affecting the expiration of your permits may occur.

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 28, 2014 (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.

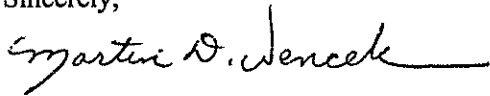
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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.

Application No. 13-0197

Please contact Jane Kelly (telephone: 401-222-6820, ext. 7420) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Permitting Supervisor
Freshwater Wetlands Program
Office of Water Resources
MDW/JEK/jek

Enclosure: Approved revised site plans
Original approval letter dated March 28, 2014

XC: Robert DaSista, U.S. Army Corps of Engineers
Arnold Vecchione, Johnston Director of Public Works
Ben Nascenzi, Johnston Building Official
Matthew D. Smith, PE, Bohler Engineering
Traci Pena, DEM RIPDES Program