



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCE
235 Promenade Street
Providence, Rhode Island 02908

June 13, 2019

JSM Properties, Corp.
David Malkin, President
150 Chestnut Street
Providence, RI 02903

Permit Renewal

Re: Application No. 14-0188 in reference to the location below:

approximately 700 feet south of Frenchtown Road and approximately 100 feet southeast of its intersection with Jodie Beth Drive, near Utility Pole No. 38, Map 29, Assessor's Plat 18, Lot 60, East Greenwich, RI

Dear Mr. Malkin:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Application for Renewal received on May 24, 2019.

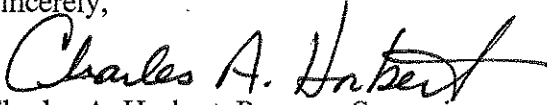
It is our understanding that you are requesting renewal of the permit issued for Application No. 14-0188. The original permit was issued on December 3, 2015 (copy enclosed) to Barbara Pine for alterations to freshwater wetlands at the above-referenced location. The permit was tolled pursuant to R.I.G.L. Sec. 42-17.1-2.5, extending the permit to July 1, 2017 and has since been renewed twice to July 1, 2019.

This Program has determined that construction of the project has not yet commenced. In all other respects, the project is generally in conformance with the terms and conditions of the permit. It is our determination, therefore, that the permit may be renewed. This renewal is valid until **July 1, 2020** and expires on that date. This is the third and final renewal permitted under R.I.G.L. 2-1-22(d). No further renewals are available except as provided by Rule 1.10.G.6 of the Rules and Regulations Governing the Administration and Enforcement of the RI Freshwater Wetlands Act, 250-RICR-150-15-1 ("Rules").

It is your responsibility to maintain compliance with the conditions of the original permit and to carry out this project in compliance with the Rules at all times. This renewal does not relieve you of any obligations to obtain any local, state, or federal approvals or permits as required by ordinance or law. Any modifications to the project not illustrated on the approved site plans would require approval of, at least, an Application for Permit Modification prior to the expiration of the permit.

Please feel free to contact Nancy Freeman of my staff (telephone: 401-222-6820, ext. 7408) should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Charles A. Horbert". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

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

Enclosure: Letter dated December 3, 2015



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

CERTIFIED MAIL

December 3, 2015

Barbara Pine
136 Daniel Avenue
Guilford, CT 06437

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Application No. 14-0188 and RIPDES No. RIR 101210 in reference to the location below:

Approximately 750 feet southeast of Frenchtown Road and approximately 750 feet southeast of its intersection with Jodie Beth Drive, near Utility Pole No. 18, Lot 60, Map 29, East Greenwich, RI.

Dear Ms. Pine:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application to Alter a Freshwater Wetland** regarding the proposed 10-lot cluster subdivision with associated roadway, culvert extension, retaining walls, utilities, stormwater treatment systems, landscaping and lot development as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on August 28, 2015. These site plans describing the project were made available for public comment as part of the forty-five (45) day public notice period required in accordance with the Freshwater Wetlands Act (R.I. General Laws (R.I.G.L.) Section 2-1-18 *et seq.*) and the procedures set forth in Rule 10.00 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules).

This Program received four (4) letters relating to your application, which were submitted during the public notice period. These letters expressed concern regarding your project's impacts to freshwater wetland values. This Program reviewed these letters together with any supporting documents and evaluated the potential impacts from the project upon the values mentioned in the letters. The Program has determined that the comments contained within these letters do not constitute an objection of a substantive nature as defined in Rule 10.04(C)(3). Therefore, a public hearing pursuant to R.I.G.L. Section 2-1-22 is not required.

Pursuant to the Program's review and evaluation of your application including all supporting information and material, as well as the record to date, the Program has determined that this project does not represent a random, unnecessary or undesirable alteration of freshwater wetlands. Therefore, this Program hereby issues this permit to alter freshwater wetlands **subject to all controlling Rules and the Terms and Conditions set forth herein.**

Permit Terms and Conditions for Application No. 14-0188 and RIPDES No. RIR 101210:

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 August 28, 2015. 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 East Greenwich and supply this Program with written documentation obtained from the Town showing this permit was recorded.
7. Pursuant to R.I. Gen. Laws § 42-17.1- 2.5 this permit is subject to tolling and shall be valid until July 1, 2017 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 and the DEM issues a Notice of Completion of Work for the project.
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 must be removed.
12. You are responsible for the proper installation operation, maintenance and stability of any mitigative features, stormwater 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 assigned to 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. 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.
15. 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.
16. 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.
17. Artificial lighting along the roadway where it crosses freshwater wetlands (perimeter and riverbank wetland) must be directed away from all adjacent vegetated wetland areas. Where this is not possible, the use of deflectors to concentrate lighting away from vegetated wetlands must be employed.
18. 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.
19. The long term operation and maintenance plan (O & M Plan) shall be strictly followed. The long term O & M Plan shall be that entitled "Operation and Maintenance Plan for Frenchtown Place, Pole 38 Frenchtown Road, East Greenwich, RI, Map 29, A. P. 18, Lot 60; Prepared For: Barbara Pine..." dated Revised June 2015, indicated as prepared by: SFM Engineering Associates.

Kindly be advised that a permit is needed from the "OWTS" Program prior to commencing any work on this project.

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. **RIR 101210**.

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.

This Permit also constitutes your authorization from the U.S. Army Corps of Engineers ("Corps") under Section 404 of the Clean Water Act for the work proposed. Your project qualifies as a Category 1 activity under the Rhode Island General Permit (General Permit No. NAE-2011-2402), (RI GP). You can view this permit at:

<http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/RIGP.pdf>.

You are, therefore, not required to file a separate application with the Corps.

Please note that the General Conditions within the RI GP apply to all activities authorized under the RI GP. Please review them carefully to thoroughly familiarize yourself with their contents. You may wish to discuss all permit conditions with your contractor to ensure that the work can be accomplished in a manner which conforms to all requirements.

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.

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.

In permitting the proposed alterations, the Program 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.

If you are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), One Capitol Hill, Second Floor, Providence, RI 02903. Copies of the request should each also be forwarded to this Program and to the Office of Legal Services, at the same address. Your written request for an adjudicatory hearing must be timely filed and should conform to the requirements of Rule 7.00(b) of the "Administrative Rules of Practice and Procedure for the Department of Environmental Management Administrative Adjudication Division for Environmental Matters", (AAD Rules). AAD Rule 7.00(b) provides:

"The request for hearing shall state clearly and concisely the specific issues which are in dispute and the facts in support thereof, the relief sought if any, the license or permit sought or involved and any additional information required by applicable statutes and regulations."

The written request must be accompanied by a fee of two thousand dollars (\$2,000.00); in the form of a certified bank check or money order made payable to the Rhode Island General Treasurer; however, in the event that the cost of the hearing exceeds the fee paid, the Program through the AAD will require an additional fee which the applicant must submit prior to the DEM's issuance of any final decision regarding this application. The adjudicatory hearing will be held before a Hearing Officer from the AAD. Such hearing will be held in compliance with the AAD Rules, Chapter 42-35-1 et seq. of the R.I.G.L., and other

governing laws, rules, and regulations adopted by the DEM. Please note that you have the right to be represented by legal counsel in any proceeding which may be held in this matter.

If you have any questions regarding this matter, you may contact me or Nancy Freeman of my staff at this office (telephone: 401-222-6820).

Sincerely,



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

Enclosure: Approved Site Plans

ec: Brian Moore, P.E., Chief Groundwater and Wetlands Protection
 Bonnie Stewart, Administrative Adjudication Division
 Mary Kay, DEM Office of Legal Services
 Traci Pena, RIPDES Program
 Nicholas A. Pisani, P.E., RIDEM
 Alan Libby, RIDEM Division of Fish & Wildlife
 Wayne R. Pimental, Building Official, Town of East Greenwich
 Michael J. Elliott, Army Corps of Engineers, New England Division
 Scott F. Moorehead, P. E., SFM Engineering Associates

xc: Edward F. Sanderson, Executive Director, State Historic Preservation Officer
 Robert Clark
 Harry E. Gelson