



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

CERTIFIED MAIL

January 29, 2015

The Preserve at Boulder Hills, LLC  
c/o Paul Mihailides, Manager  
2091 Nooseneck Hill Road  
Coventry, RI 02816

**Insignificant Alteration – Permit**

**RE:** Application No.14-0224 in reference to the property and proposed project located:

Approximately 1,200 feet south of Kingstown Road, approximately 1,600 feet west of the intersection of Kingstown Road and Meadowbrook Road, at 87 Kingstown Road, Assessor's Plat 6B Lot 4 and a portion of Assessor's Plat 5B, Lot 38, Utility Pole No. 138, Richmond, RI.

Dear Mr. Mihailides:

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 lodge, cabins, retail shop, pool, cabana, parking lot, water line installation, stormwater controls, and septic system as illustrated and detailed on site plans submitted with your application. Restoration of a Perimeter Wetland is also included in the scope of authorized work. These site plans were received by the DEM on December 26, 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: 14-0224; RIPDES No.: RIR101225; UIC No.: 001644**

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" as well as review of any stormwater infiltration system subject to the RI DEM "Rules for the Discharge of Non-Sanitary Wastewater and Other Fluid To or Below the Ground Surface"
2. This permit is limited only to this project, site alterations and limits of disturbance as specifically detailed on the site plans submitted with your application and received by the DEM on December 26, 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 Richmond 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. Also prior to commencement of any site alterations, permanent buffer zone markers must be installed along the limit of disturbance at the locations indicated in red ink on the approved site plans, in order to provide permanent reference points on site that are clear to present and future property owners. Acceptable permanent type markers include 4" x 4" pressure treated timber posts, galvanized fence posts with cap, or granite or concrete bounds. Markers must extend a minimum 24" above grade. A permanent-type tag or sign labeled "RIDEM Buffer Zone" must be placed on each marker. A permanent-type fence at least 24" tall placed along the limits of disturbance may be substituted where desired. No alterations of any kind are permitted beyond these markers without first obtaining the necessary permit from this Program.
11. 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.
12. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of hay bales and/or silt fence must be removed.
13. 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.

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. 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. 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.
17. The long term operation and maintenance plan shall be strictly followed. The long term O & M Plan shall be that entitled "Operation and Maintenance Plan for the Preserve at Boulder Hills, 87 Kingstown Road (Route 138) Richmond, RI, A.P. 6B, Lot 4 and Portion of A.P. 5B, Lot 38".
18. The submitted Soil Erosion and Sediment Control Plan shall be signed prior to construction. The submitted Soil Erosion and Sediment Control Plan shall also be modified to eliminate the use of hay bales as a perimeter sediment control practice, in accordance with the requirements of the revised *Rhode Island Soil Erosion and Sedimentation Control Handbook* (RISESCH), and to include reference to "Infiltration System Installation Notes" number 7 in Section 2.9 of the SESC Plan.
19. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically, you are required to remove all unauthorized fill material (including at least soil material and tree and/or shrub stems and branches) from the perimeter wetland area cross-hatched in red ink on the site plans. Prior to removal of the unauthorized fill material, erosion controls in the form of silt fencing and/or straw bales must be installed at the base of the slope. All trees currently present on the slope must remain in place and must be protected with tree guards as necessary to avoid damage during fill removal. Once the unauthorized fill material has been removed from the perimeter wetland, all disturbed soils shall be restored to original grades, seeded with a wildlife conservation grass seed mixture, and covered with slope stabilizing erosion and sediment controls such as biodegradable mats or blankets. In addition, erosion controls in the form of silt fencing and/or straw bales must also be installed along the top of the slope to prevent additional sediment, soil, or other material from entering freshwater wetlands. These requirements must be completed by April 17, 2015. **You must notify this Program in writing upon completion of these requirements for a compliance inspection by a Program representative.** This project must take place in compliance with these revisions.
20. 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. **RIR 101225**.

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 31<sup>st</sup> 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 application review has also included review of any subsurface disposal of stormwater subject to the RI DEM Underground Injection Control (UIC) Program. This Freshwater Wetlands Permit will also serve as the UIC Program permit for this project, which has been assigned the **UIC file number 001644** for any subsurface disposal of stormwater on the site. The following conditions are specific to this UIC Program Permit:

- 1) Any alterations or modifications to the disposal system from that approved herein, including permanent closure, must be reviewed and approved by the UIC Program prior to being effected.
- 2) Any inadvertent or deliberate discharge of waste oil or any other pollutant to the subsurface disposal system requires the immediate notification of the UIC Program.
- 3) The UIC Program must be provided the name and address of any new property owner in writing within thirty (30) days upon any future transfer of the property."

**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/Regulatory/SGP/RI\\_PGP.pdf](http://www.nae.usace.army.mil/Regulatory/SGP/RI_PGP.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.

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

**Kindly be advised that this permit is not equivalent to a verification of the type or extent of freshwater wetlands on site. Should you wish to have the types and extent of freshwater wetlands verified, you may submit the appropriate application in accordance with Rule 8.03.**

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 D. Wencek, Program Supervisor  
Office of Water Resources  
Freshwater Wetlands Program

MDW/JEK/jek

Enclosure: Approved site plans

Xc: Loren R. Gengarella, Richmond Building Official  
Scott F. Moorehead, P.E., SFM Engineering Associates  
Mohamed Freij, RIDEM OWTS Program  
Traci Pena, RIPDES Program  
Ernie Panciera, RIDEM UIC Program