



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

September 1, 2021

KenDan, LLC
c/o Mary B. Shekarchi
240 Chestnut Street
Warwick, RI 02888

RE: Application No. 15-0033 **Application for Renewal** for the site located approximately 220 feet south of Gooding Avenue, approximately 200 feet southeast of the intersection of Gooding Avenue and Broadcommon Road, Assessor's Plat 111, Lot 1, Bristol, RI.

Dear Ms. Shekarchi:

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 August 10, 2021.

It is our understanding that you are requesting renewal of the permit issued for Application No. 15-0033. The original permit was issued on August 22, 2021 to KenDan, LLC and the revised permit was issued on June 10, 2021 to KenDan, LLC for alterations to freshwater wetlands at the above-referenced location (both documents enclosed).

This Program has completed an inspection of the site and has found that, at this time, no work has commenced at the site and has found that your project, at this time, is generally in conformance with those conditions set forth in the original permit as well as the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1. It is our determination, therefore, that the permit may be renewed. This renewal is valid until August 22, 2022 and expires on that date.

Please be advised that this is the third renewal issued for the subject permit. In accordance with the Rules, Section 1.10(G)(6), the permit for this File may be renewed for three times in three consecutive years. However, this Rule also points out that one additional year can be applied for if the original permittee or subsequent transferee can satisfactorily demonstrate to the Department that the permitted wetland alteration is being carried out in strict accordance with the permit and with these Rules, and that the alteration can be completed in a period of one (1) additional year or less.

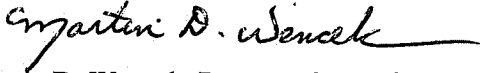
A copy of the original permit letter of August 22, 2021 and a copy of the revised permit letter of June 10, 2021 are enclosed for your convenience. It is your responsibility to maintain compliance with the conditions of the permit and to carry out this project in compliance with the Rules at all times.

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.

Application No. 15-0033
Page 2

Please contact Jessica Lord of this office (telephone: 401-222-6820, ext. 2777416) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
MDW/JAL/jal

Enclosures: Permit dated August 22, 2018 and Revised Permit dated June 10, 2021



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

June 10, 2021

KenDan, LLC
c/o Daniel D. Donovan, III
613 Aquidneck Avenue
Middletown, RI 02842

REVISED PERMIT

Dear Mr. Donovan:

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 hotel facility project as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received on April 8, 2021.

Based upon the Program's evaluation of the revised project and pursuant to 250-RICR-150-15-1.11(C) of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1 (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, R.I. Gen. Laws § 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 April 8, 2021. 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.
5. The long-term operation and maintenance plan shall be strictly followed and shall be the plan entitled "Operation & Maintenance Plan, Good Avenue Development, Located in Bristol, Rhode Island; Applicant Kendan, LLC", dated 1/23/2018, Revised: 4/06/2021, prepared by DiPrete Engineering.
6. **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 Bristol and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.**
7. Buffer zone markers must be installed and inspected by a Program representative prior to initiation of on-site work as noted in the original permit dated August 22, 2018 (copy enclosed).

Please be advised that this revised permit expires on August 22, 2021 and may be renewed pursuant to the Rules, sections 1.10(G)(6) and 1.11(B). An application for permit renewal should be submitted to the Program at least 60 days prior to expiration of the permit.

Except as authorized in this revised permit pursuant to revised and approved site plans, all terms and conditions previously specified in the Program's original permit dated August 22, 2018 remain in effect.

Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9) and 250-RICR-150-15-1.11(D), as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property.

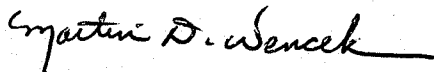
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action by the Program.

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 Jane Kelly (telephone: 401-222-6820, ext.77420) should you have any questions regarding this letter.

Sincerely,



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

MDW/JEK/jek

Enclosure: Approved revised site plans

cc: Stephen Greenleaf, Town of Bristol Building Inspector
Kevin Demers, DiPrete Engineering



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

September 25, 2020

Daniel D. Donovan III
Kendan, LLC
613 Aquidneck Avenue
Middletown, RI 02842

RE: Application No. 15-0033 **Application for Renewal** for the site located approximately 220 feet south of Gooding Avenue, approximately 200 feet south east of the intersection of Gooding Avenue and Broadcommon Road, Assessor's Plat 111, Lot 1, Bristol, RI.

Dear Mr. Donovan:

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 August 27, 2020.

It is our understanding that you are requesting renewal of the permit issued for Application No. 15-0033. The original permit was issued on August 22, 2018 to Kendan, LLC for alterations to freshwater wetlands at the above-referenced location.

This Program understands that, at this time, no work has commenced at the site and has found that your project, at this time, is in conformance with those conditions set forth in the original permit as well as the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1. It is our determination, therefore, that the permit may be renewed. This renewal is valid until August 22, 2021 and expires on that date.

A copy of the original permit letter of August 22, 2018 is enclosed for your convenience. It is your responsibility to maintain compliance with the conditions of the 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.

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

Sincerely,

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

Enclosure: Permit dated August 22, 2018



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

February 25, 2020

Kendan, LLC
c/o Donovan and Sons, Inc.
613 Aquidneck Avenue
Middletown, RI 02842

RE: Application No. 15-0033 **Application for Renewal** for the site located approximately 220 feet south of Gooding Avenue, approximately 200 feet southeast of the intersection of Gooding Avenue and Broadcommon Road, Assessor's Plat 111, Lot 1, Bristol, RI.

Dear Mr. Donovan:

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 October 10, 2019.

It is our understanding that you are requesting renewal of the permit issued for Application No. 15-0033. The original permit was issued on August 22, 2018 to Kendan, LLC for alterations to freshwater wetlands at the above-referenced location.

This Program understands that at this time, no work has commenced at the site and has found that your project, at this time, is in conformance with those conditions set forth in the original permit as well as the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1. It is our determination, therefore, that the permit may be renewed. This renewal is valid until August 22, 2020 and expires on that date.

A copy of the original permit letter of August 22, 2018 is enclosed for your convenience. It is your responsibility to maintain compliance with the conditions of the 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.

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

Sincerely,

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

MDW/mdw

Enclosure: Permit dated August 22, 2018



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

August 22, 2018

CERTIFIED MAIL

Kendan, LLC
c/o Donovan and Sons, Inc.
613 Aquidneck Avenue
Middletown, RI 02842

Re: Wetland Application No. 15-0033; RIPDES File No. RIR101247; and UIC No. 001650 in reference to the location below:

approximately 220 feet south of Gooding Avenue, approximately 200 feet southeast of the intersection of Gooding Avenue and Broadcommon Road, Assessors Plat 111, Lot 1, in the Town of Bristol, Rhode Island.

"Appendix A"

PERMIT TO ALTER FRESHWATER WETLANDS

Dear Mr. Donovan:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has reevaluated your Application to Alter a Freshwater Wetland regarding the project proposed at the above referenced property ("subject property"/"site"). This reevaluation is in response to settlement negotiations involving the original decision issued by this Office on March 30, 2016 for Application No. 15-0033 and has been accomplished in accordance with Rule 10.10 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules"). That decision was contested by you in your appeal to the DEM Administrative Adjudication Division for Environmental Matters (AAD). As a result of your appeal, settlement negotiations were entered to seek resolution of the contested issues and a Consent Agreement has been entered between you and the DEM. This consent agreement was executed by you on August 9, 2018, and by the DEM on August 22, 2018, and is enclosed herein as a matter of record.

As a result of settlement negotiations, the Program has reviewed and evaluated a revised project proposed by you and as described by revised site plans received by the Program on May 14, 2018. The revised site plan is noted as Appendix B in the above-mentioned consent agreement. The Program has determined that the revised project does not represent a random, unnecessary, or undesirable alteration of freshwater wetlands. Therefore, the Program, in response to our evaluation and the fully executed consent agreement, 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 Wetland Application No. 15-0033:

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 plan submitted with your application and received by the DEM on May 14, 2018. A copy of the site plan 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 plan, these terms and conditions shall be deemed to supersede the site plan.
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 Bristol 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 August 22, 2019 and may be renewed after this date pursuant to Rules 10.07F and 11.02.
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 or 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 consisting of staked hay bales, straw wattles or silt fence must be removed.
12. 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.
13. The planting 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.
14. Any plantings which fail to survive one full growing season shall be replaced in-kind. Replacement plantings shall be similarly guaranteed for one full growing season.
15. 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.
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. 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.
18. An environmental consultant, experienced in site assessments and measures necessary to protect sensitive aquatic environments or sensitive ecosystems, must be employed prior to the commencement of site alterations to monitor this project and to ensure compliance with the terms and conditions of this permit. This Program must be notified in writing of the consultant chosen to comply with this condition and must receive monthly written progress reports from the consultant regarding compliance with this permit until such time that the project is complete, or this Program issues a Notice of Completion of Work.

19. 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 (sheet 7 of 10) 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.
20. Immediately upon installation of the buffer zone markers, this Program must be contacted to arrange an on-site inspection. Once proper installation has been confirmed by this Program, work may be initiated on the project as herein approved.
21. This Program has made a specific revision to the approved site plans. This revision is clearly marked in red on the approved plans. This project must take place in compliance with this revision. Specifically, nine (9) additional Northern White Cedar trees measuring five feet tall must be installed along the Limit of Disturbance immediately west of wetland flag A21 continuing in a westerly direction eight feet on center to the edge of the Perimeter Wetland. Also, the swamp on the subject property has been appropriately labeled.

Pursuant to the provisions of Rules 7.09 and 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. **RIR101247**. 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 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 001650** 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 affected.
- 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 Pre-Construction Notification ("PCN") activity under the Rhode Island General Permit (General Permit No. NAE-2016-2264), (RI GP). You can view this permit at: http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/RI/Rhode_Island_General_Permits_2017.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.

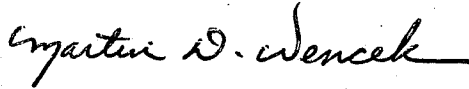
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction. This permit does not remove your obligation to obtain any local, state, or federal approvals or permits required by ordinance or law and does not relieve you from any duties owed to adjacent landowners with specific reference to any changes in drainage.

Application No. 15-0033

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

Sincerely,



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

Enclosure: Approved Site Plans (Appendix B)
Consent Agreement

xc: David Kerins, Administrative Adjudication Division
Mary Dalton, Clerk, Administrative Adjudication Division
Tricia Quest, Esq., DEM Office of Legal Services
Eric Beck, Chief, DEM Office of Water Resources
Dianne M. Williamson, Community Development Director, Town of Bristol
Richard J. Pimenta, Building Official, Town of Bristol
Taylor Bell, U.S. Army Corps. Of Engineers
Mary Shekarchi, Esq.
Mollie Titus, DiPrete Engineering, Inc.
Scott Rabideau, Natural Resource Services, Inc.