



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

March 7, 2019

Prescott Point, LLC
Christopher Bicho, Managing Member
c/o Landings Real Estate Group
543 Thames Street
Newport, RI 02840

REVISED PERMIT

Re: Application No. 16-0112 and RIPDES File No. 101406 in reference to the location below:

Approximately 1,350 feet west of West Main Road, and approximately 2,000 feet southwest of its intersection with Redwood Road, Assessor's Plat 104, Lot 7 Middletown, Assessor's Plat 55, Lot 1A Portsmouth, RI

Dear Mr. Bicho:

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 proposed development consisting of 90 single-family condominium units, an assisted living building, six single-family homes, utilities, two community leach fields, amenities, parking areas, stormwater treatment systems and landscaping as illustrated and detailed on revised site plans submitted with your application. Revised site plan sheets 18 through 21 and 28 through 31 of 43 were received by the DEM on January 16, 2019; all remaining sheets were received on November 2, 2018.

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, 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 January 16, 2019 and November 2, 2018. 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 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 or Town representative upon request.
5. Within ten (10) days of the receipt of this revised permit, you must record this permit in the land evidence records of the Towns of Middletown and Portsmouth and supply this Program with written documentation obtained from each Town showing this revised permit was recorded.
6. If the footprint of proposed Unit 9-14 will be larger than depicted on the approved site plans this building's footprint in *not* to be shifted west. This will ensure adequate distance between the limits of disturbance and the wetland to allow for construction and living space for future occupants.
7. The long-term operation and maintenance plan shall be strictly followed. The long-term O & M Plan shall be that entitled "Stormwater System Operations and Maintenance Plan, Prescott Point Single Family Development, Assessor's Map 55, Lot 1A (Portsmouth), Assessor's Map 104, Lot 7 (Middletown), West Main Road and Freedom Trail Drive, Middletown / Portsmouth, RI; Prepared For: Landings Real Estate Group", dated revised October 2018 and received by this Program on November 2, 2018.
8. The following hydrodynamic separator models and sizes shall be used at the following locations:
 - For pretreatment for Sand Filter 201-SF, provide a Stormceptor-TM Model STC 450i,
 - For pretreatment for Sand Filter 202A-SF provide a Stormceptor-TM Model STC450i.
 - For pretreatment for Sand Filter 203-SF, provide a Stormceptor-TM Model STC 450i,
 - For pretreatment for Sand Filter 204A-SF provide a Stormceptor-TM Model OSR 065.
9. This revised permit expires four (4) years from the date of issue of the original permit letter (i.e. on September 16, 2020) unless renewed pursuant to 250-RICR-150-15-1.9(D)(5).

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 September 16, 2016 (copy enclosed) 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.

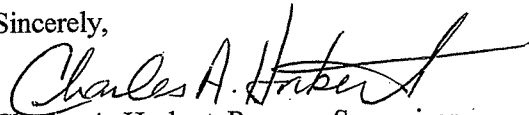
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with 250-RICR-150-15-1 at all times. Failure to do so may result in an enforcement action by the Program.

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 Andrew Charpentier of this Program (telephone: 401-222-4700 ext. 7414) should you have any questions regarding this letter.

Sincerely,



Charles A. Horbert, Program Supervisor
Freshwater Wetlands Program
Office of Water Resources
CAH/AC/ac

Enclosure: Approved revised site plans
 Letter dated September 16, 2016

cc: Gareth Eames, Portsmouth Building Official
 Jack Kane, Middletown Building Official
 Jeremy Rosa, P.E., Northeast Engineers & Consultants, Inc.



September 16, 2016

Prescott Point, LLC
Christopher Bicho, Managing Member
c/o Landings Real Estate Group
543 Thames Street
Newport, RI 02840

Insignificant Alteration – Permit

Re: Application No. 16-0112 and RIPDES File No. RIR 101406 in reference to the location below:

Approximately 1,350 feet west of West Main Road, and approximately 2,000 feet southwest of its intersection with Redwood Road, Assessor's Plat 104, Lot 7 Middletown, Assessor's Plat 55; Lot 1A Portsmouth, RI

Dear Mr. Bicho:

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 development consisting of 90 single-family condominium units, an assisted living building, six single-family homes and all associated utilities, two community leach fields, amenities, parking areas, stormwater treatment systems and landscaping as illustrated and detailed on site plans submitted with your application. The most recently revised site plans were received by the DEM on August 3, 2016.

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: 16-0112 & RIPDES No.: RIR101406:

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 3, 2016. 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 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 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 four years from the date of issue 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 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 that 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 entity. Long term maintenance shall conform to the O & M Plan entitled "Stormwater Systems Operations and Maintenance Plan; Prescott Point Single-Family Development" as dated December 18, 2015 and prepared by Northeast Engineers & Consultants, Inc.
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. 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.

15. This permit supersedes a previous permit issued by the DEM for the subject property under Application No. 07-0168.
16. This Program has made a specific revision to the approved site plans. This revision is clearly marked in red on the approved plans. Specifically, with respect to proposed detention Pond 202, the width of the vee/trapezoidal weir with invert at 47.0' shall be modified to a one foot (1.0') width so as to be consistent with the information presented in the submitted drainage analysis. This project must take place in compliance with this revision.

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. **RIR101406**.

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.

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 the Rules.

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. 16-0112

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Please contact Andrew Charpentier of this office (telephone: 401-222-6820 x 7414) should you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles A. Horbert". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles A. Horbert, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/AC/ac

Enclosure: Approved site plans

cc: Mohamed Freij, RIDEM OWTS Program
Traci Lima, RIPDES Program
Gareth Eames, Portsmouth Building Official
Geraldyn E. Small, P.E., Northeast Engineers & Consultants, Inc.