



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

October 11, 2024

Tiverton Heights LP
c/o Chris Harkins, Partner
1907 East Main Road
Tiverton, RI 02871

Application for Renewal

Re: Application No. 17-0150 in reference to the location below:

Approximately 1500 feet west of Fish Road, approximately 2000 feet northwest of the intersection of Fish Road and Souza Road, Utility Pole Nos. 52 through 56, Assessors Plat 110, Lot 127, Tiverton, RI.

Dear Mr. Harkins:

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 September 6, 2024. It is our understanding that you are requesting renewal of the permit issued for Application No. 17-0150. The original permit was issued on September 28, 2021, to Tiverton Heights, LP, for alterations to freshwater wetlands at the above-referenced location.

This Program has completed an inspection of 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 ("Rules"). It is our determination, therefore, that the permit may be renewed.

This renewal is valid until September 28, 2025, 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").**

A copy of the original permit letter of September 28, 2021, 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 be advised, you must have the approved site plans, stamped by RIDEM Freshwater Wetland Program, available on site at all times, per Condition No. 6 of your original wetland permit to remain in compliance. Additionally, per Condition no. 10, a sign displaying your wetland permit number must be posted on site.

Application No. 17-0150

Please contact Claire Swift of this office (telephone: 401-537-4183) should you have any questions regarding this letter.

Sincerely,

A handwritten signature in blue ink that reads "Martin D. Wencek". The signature is fluid and cursive, with a long horizontal stroke at the end.

Martin D. Wencek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
MDW/CVS/cvs

Enclosure – Original Permit letter dated September 28, 2021



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

September 28, 2021

CERTIFIED MAIL

Tiverton Heights, LP
c/o Chris Harkins, Partner
1907 East Main Road
Tiverton, RI 02871

Re: Wetland Application No. 17-0150, and RIPDES File Number RIR101613 in reference to the location below:

Approximately 1,500 feet west of Fish Road, by utility pole Nos. 52 through 56; approximately 2,000 feet northwest of the intersection of Fish Road and Souza Road, Assessor's Plat 110, Lot 127, Tiverton, RI.

"Appendix A"

PERMIT TO ALTER FRESHWATER WETLANDS

Dear Mr. Harkins:

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 October 2, 2020 for Application No. 17-0150 and has been accomplished in accordance with the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1, specifically in 250-RICR-150-15-1.10. 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 11, 2021 and by the DEM on September 22, 2021 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 April 12, 2021. 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 Application No. 17-0150; RIPDES No. RIR101613:

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 determination also includes your final authorization to discharge storm water associated with construction activity under the **2018 RIDPES General Permit for Stormwater Discharge During Construction Activity ("CGP")**. For future references and inquiry, your permit authorization number is RIPDES No. **RIR101613**.
3. 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 April 12, 2021. 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.
4. 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.
5. You must notify this Program in writing of the anticipated start date, and of your contractor's contact information, by submitting the Notice of Start of Construction Form prior to commencement of any permitted site alterations or construction activity. You must also notify this Program in writing upon completion of the project, including submittal of the Notice of Termination Form. The Start of Construction Form and the Notice of Termination can be found on the webpage: dem.ri.gov/stormwaterconstruction
6. 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.
7. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Tiverton and supply this Program with written documentation obtained from the Town showing this permit was recorded.
8. The effective date of this permit is the date this letter was issued. This permit expires one (1) year from the date of this letter unless renewed pursuant to 250-RICR-150-15-1.10(G)(6).
9. Any material utilized in this project must be clean and free of matter which could pollute any freshwater wetland.

10. 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.
11. 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/programs/benviron/water/permits/swcoord/pdf/cpg092618.pdf>.
12. 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.
13. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of staked hay bales or silt fence must be removed.
14. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, 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 assumed by another person or organization.
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. 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.
17. 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.

Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9) and 250-RICR-150-15-1.11(D) of the Rules, as applicable, any properly recorded and valid permit is automatically transferred to the new owner upon sale of the property. Pursuant to the provisions in 250-RICR-150-15-1.7(A)(9)(c), within ten (10) days of any property transfer, the subsequent transferee must notify the Department by forwarding a certified copy of the deed of transfer.

Please be aware that the RIDEM's Rules and Regulations Governing the Establishment of Various Fees (250-RICR-30-00-1) 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.

If you have not already done so, or in order to check on the status of their review, please contact the U.S. Army Corps of Engineers to determine federal permit requirements on your project. Write the Corps' New England District, Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751; website: <https://www.nae.usace.army.mil/Missions/Regulatory/or> email at ce-naer@usace.army.mil. Please note that the Department of the Army authorization must be obtained before any work is initiated in areas subject to Corps jurisdiction.

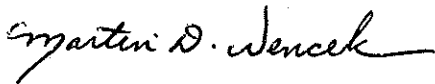
You are required to comply with the terms and conditions of this permit and to carry out this project in compliance with the Rules at all times. Failure to do so may result in an enforcement action against you by the DEM.

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.

If you have any questions regarding this matter, you may contact me or Claire Swift 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

Enclosures: Approved Site Plans (Appendix B)
Consent Agreement

ec: Mary Dalton, Administrative Adjudication Division
Mary Kay, Esq., Chief, DEM, Office of Legal Services
Christina Hoefsmit, Legal Counsel, DEM
Eric Beck, Chief, DEM, Office of Water Resources
William Landry, Esq.
Alex Kostra, U.S. Army Corps of Engineers, New England District
Chuck Horbert, Deputy Administrator, DEM, Stormwater Program
Jeff Willis, R.I. Coastal Resources Management Council
Alan Libby, DEM, Division of Fish, Wildlife and Estuarine Resources
Rick Rogers, Tiverton Director of Public Works
Bill Moore, Tiverton Building Official
Thomas Ramotowski, Tiverton Conservation Commission
Susan Gill, Chair, Tiverton Planning Board
Louise Durfee
Kate McPherson, Save The Bay
Carolyn Machado
Carol J. Herrmann
Stuart B. Hardy
Elizabeth Couto
Scott Rabideau, Natural Resource Services, Inc.
Thomas Principe, Principe Company, Inc.

xc: Kathleen Hughes
Ronald Marsh
Randy J. Machado
Wendy L. Friend
Renee Jones
Rebecca Riley
Muriel McHugh
Claudia Linhares
Alice LePage
Cecile Byrne
Susan E. Anderson
Gayle Lawrence
Paul and Barbara Costa
Nancy J. and Aldege J. Cormier
Douglas Gray