



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

CERTIFIED MAIL

January 21, 2021

22 v2 Holdings Company, LLC
C/o John Peters
23 Hurst Lane
Tiverton, RI 02878

CORRECTED PERMIT TO ALTER FRESHWATER WETLANDS

Re: Wetland Application No. 19-0103 in reference to the location below:

Approximately 230 feet west of Aquidneck Avenue, approximately 980 feet west of the intersection of William Canning Boulevard and Aquidneck Avenue, Assessors Plat 203, Lot 121, Tiverton, RI.

Dear Mr. Peters:

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 increased parking area to service new loading docks, installation of a retaining wall, site grading, and installation of a stormwater management system 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 21, 2020. 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. Gen. Laws § 2-1-18 *et seq.*) and the procedures set forth in 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.

This Program received three 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 250-RICR-150-15-1.10(D)(3)(c). Therefore, a public hearing pursuant to R.I. Gen. Laws § 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 Wetlands Application No. 19-0103:

1. This letter is the DEM's permit for this project under the R.I. Fresh Water Wetlands Act, R.I. Gen. Laws § 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 plans submitted with your application and received by the DEM on August 21, 2020. 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 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.
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 city/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 Tiverton 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 one (1) year from the date of this letter unless renewed pursuant to 250-RICR-150-15-1.10(G)(6).
8. Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland or waters of the State.
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 must be removed.

12. You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, stormwater treatment 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 documentation is provided that this responsibility has been assigned to another entity. Operation and maintenance shall be as described in the plan entitled, "Maintenance and Operations Report, Ecologic Insulation Inc., 79 Aquidneck Drive, Tiverton, RI 02878, Plat: 203 Lot: 102", dated May 10, 2019, dated June 27, 2019. This Report shall be strictly followed.
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 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.
15. 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.
16. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
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.
18. The site plans and the operation and maintenance report shall be modified with a design requirement to add organic matter [i.e. add 20% (by volume) of well-aged (6-12 months), well-aerated, leaf compost (or approved equivalent) to the planting soil mixture] to the filter bed of the bioretention basin.
19. This Program has made a specific revision to the approved site plans on sheet C.02. This revision is clearly marked in red on the approved plans. This project must take place in compliance with this revision. Specifically, the existing roof storm drain that currently discharges stormwater in a northwesterly direction towards the abutting parcel listed as Plat D-15, Lot 50 shall be extended approximately 130 feet in a westerly direction parallel to the building underneath the proposed level graded concrete pad. This drainage shall discharge at the bottom of the proposed retaining wall and be allowed to flow on to a 3-foot by 3-foot level spreader consisting of crushed stone within the approved limits of disturbance.
20. The areas on the subject property that have been revegetated/restored in accordance with the restoration directive in accordance with DEM Office of Compliance and Inspection File FW-18-135 must be allowed to naturally revegetate.

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.

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 Department 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.

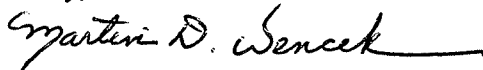
If you are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), One Capitol Hill, Second Floor, Providence, RI 02903. A copy of the request should 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 250-RICR-10-00-1.7(B) of the DEM Rules and Regulations for the Administrative Adjudication Division, 250-RICR-10-00-1. Section 250-RICR-10-00-1.7(B) provides:

"The request for a 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 an adjudicatory hearing 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 250-RICR-10-00-1, R.I. Gen. Laws Chapter 42-35-1 et seq., 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 Andrew Charpentier of my staff at this office (telephone: 401-222-6820).

Sincerely,



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

MDW/mdw

Enclosure: Approved Site Plans

ec: Joe Camera, DEM Stormwater Program
Bruce Ahern, DEM, Office of Compliance and Inspection
Bill Moore, Town of Tiverton, Building Official
Eric Cordis, Narragansett Engineering, Inc.
Scott P. Rabideau, Natural Resource Services, Inc.
William Smith, Civil Engineering Concepts, Inc.

xc: Derek Howard
Sabrina Arruda
David Destremps



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235 Promenade Street
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January 19, 2021

22 v2 Holdings Company, LLC
C/o John Peters
23 Hurst Lane
Tiverton, RI 02878

PERMIT TO ALTER FRESHWATER WETLANDS

Re: Wetland Application No. 19-0103 in reference to the location below:

Approximately 230 feet west of Aquidneck Avenue, approximately 980 feet west of the intersection of William Canning Boulevard and Aquidneck Avenue, Assessors Plat 203, Lot 102, Tiverton, RI.

Dear Mr. Peters:

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 increased parking area to service new loading docks, installation of a retaining wall, site grading, and installation of a stormwater management system 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 21, 2020. 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. Gen. Laws § 2-1-18 *et seq.*) and the procedures set forth in 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.

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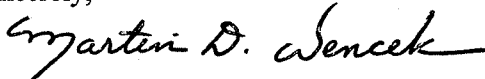
If you are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), One Capitol Hill, Second Floor, Providence, RI 02903. A copy of the request should 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 250-RICR-10-00-1.7(B) of the DEM Rules and Regulations for the Administrative Adjudication Division, 250-RICR-10-00-1. Section 250-RICR-10-00-1.7(B) provides:

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

Sincerely,



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

MDW/mdw

Enclosure: Approved Site Plans

ec: Joe Camera, DEM Stormwater Program
Bruce Ahern, DEM, Office of Compliance and Inspection
Bill Moore, Town of Tiverton, Building Official
Eric Cordis, Narragansett Engineering, Inc.
Scott P. Rabideau, Natural Resource Services, Inc.
William Smith, Civil Engineering Concepts, Inc.

xc: Derek Howard
Sabrina Arruda
David Destremps



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

September 13, 2019

22 v2 Holdings Company, LLC
c/o John Peters
23 Hurst Lane
Tiverton, RI

Re: Wetlands Application No. 19-0103 in reference to the location below:

Approximately 230 feet west of Aquidneck Drive, approximately 980 feet west of its intersection with William S. Canning Blvd., at 79 Aquidneck Drive, Assessor's Plat 203, Lot 121, Tiverton, RI.

Dear Applicant:

Please be advised that the DEM's Freshwater Wetlands Program is unable to complete our review of your Application at the above-referenced site at this time. The enclosed review comments indicate what must be revised and/or provided so that we may continue to process your application. Please provide this information as soon as possible. If we do not receive this information within (1) one year of the date of this letter your application will be considered closed pursuant to the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1.

Please reference the application number provided above in all communications regarding your application. If you have any questions, please call Jane Kelly at (401) 222-6820, ext. 7420.

Sincerely,

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

MDW/JEK/jek

Enclosure: Technical review comments

ec: Neal Personeus, Office of Water Resources, Stormwater Program
Neal K. Hingorany, MS, PLS, Narragansett Engineering, Inc.
Kamal Hingorany, PE, Narragansett Engineering, Inc.
Scott Rabideau, Natural Resources Services, Inc.

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
FRESHWATER WETLANDS PROGRAM**

APPLICATION NUMBER: 19-0103
APPLICANT: 22 v2 Holdings Co., LLC

BIOLOGIST: Jane Kelly
ENGINEER: Joe Camara

Technical Review Comments of Documents Received by RI DEM on May 16, 2018.

BIOLOGICAL REVIEW COMMENTS:

Site plans

1. The site plans depict a portion of a watercourse that is labeled “ existing stream <10’ ”, and an associated “200-foot perimeter wetland”. Please revise the site plans to depict the watercourse as a **River** (Sucker Brook), which is **greater than 10 feet wide (>10’ wide)**, and the associated **200-foot Riverbank Wetland**.
2. Please explain the meaning of the dashed red line labeled “10’ O/S to veg wetland limit of permanent disturbance but extended to our LOD”.
3. The limit of proposed disturbance must enclose all proposed work. Please revise the plans accordingly.
4. Please revise the site plans to depict the restoration of unauthorized altered freshwater wetlands, including all areas of fill removal and all plantings installed to comply with DEM Office of Compliance and Inspection requirements enumerated in the Notice of Intent to Enforce dated October 23, 2018 (OCI File no. FE-135). If necessary, add another plan sheet.

Site work

1. Please relocate Flag A6 ~10 feet to the east.
2. Two sets of unlabeled stakes are present at the site. One set has faded pink paint, the other has orange flags. Please label the stakes to identify what they represent.

Radius Map

1. Please label the state line boundary between Rhode Island and Massachusetts.
2. Please label the westerly-abutting lot depicted between the subject property and AP 103, Lot 114.

Abutters List

1. AP 13 Lots 46 through 50, 74 through 77, and 84-85 are labeled as AP 15 on the radius map. Please clarify and revise the abutters list and/or radius map accordingly.

ENGINEERING REVIEW COMMENTS:

Interim Review Findings:

- 1) The project is not located within identified 100-year flood zones.
- 2) Drainage Issues – Final review to be completed upon receipt of responses to the issues explained in the comments below.

Review Comments:

- (1) According to section 8.23 of the Stormwater Management Design and Installation Rules the top of the filtering system shall be located at least 3 feet above the seasonal high groundwater table. The distance between the proposed bioretention basin and the test pits is over 100' and the soil test pit results indicate that the groundwater depths at the site are 12" and 24" below grade. Therefore, please provide 1 test pit within the proposed limits of the bioretention basin.
- (2) The soil profiles shown on sheet C.03 of the site plans indicate that the seasonal high groundwater tables are 12" and 24" above the original grade. Please correct the discrepancies that are shown on the soil profiles.
- (3) Page A-2 of the Appendix-A checklist indicates that Sucker Brook has a TMDL for Enterococcus. If the water quality volume is not infiltrated, then the engineer will need to revise the design calculations. Please ensure that the water quality calculations are consistent with the requirements listed within the RIDEM guidance document "Water Quality Goals and Pollutant Loading Analysis Guidance for Discharges to Impaired Waters"
- (4) Page 2 of the drainage report indicates that the reason for the decrease in impervious area is because it is proposed that 4,777 sf of existing pavement will be replaced with a pervious gravelpave material. However, section 8.5 of the Stormwater Management Design and Installation Rules defines impervious cover as those surface that cannot effectively infiltrate rainfall consisting of surfaces such as building rooftops, pavement, sidewalks, driveways, compacted gravel (i.e. driveways and parking lots). According to the stormwater report the infiltration rate of the soil is 0.27 in/hr. Therefore, please revised the water quality calculations to address this discrepancy.
- (5) According to the cross section on sheet C.02 of the site plans a new area of pavement with a slope of 4% is shown beyond the edge of the existing building and the RIDEM noticed that Sheet C0.2 has a net increase in impervious area. However, the HydroCAD analysis has a net decrease in total impervious area (pre-development 24,530sf, post-development 22,297sf). Therefore, please correct this discrepancy and update the HydroCAD analysis for the 1.2-inch, 10yr and 100yr storm events.
- (6) Please update Sheet C.02 of the site plans to clearly show the areas of the site that will be redeveloped (i.e. repaved areas or site areas with new impervious). The site plans must be revised to clearly show the locations of the following impervious surfaces (i.e. pavement areas that will remain undisturbed, gravel areas, gravelpave system location, new pavement and repaved areas). The new impervious surfaces and the impervious areas that will be redeveloped/repaved (i.e. removal of existing pavement down to an erodible surface) need to be included in the water quality calculations.
- (7) Based on the soil evaluations the natural soils below the original grade are silty loams. An infiltration rate equal to 0.27 in/hr was used in the HydroCAD analysis. However, section 8.22(D)(2) of the Stormwater Management Design and Installation Rules indicates that pervious soils required for infiltrating permeable pavement practices is 0.5 in/hr or greater. The depth to groundwater table is 12 to 24 inches and water quality practices require a separation from the groundwater table and bedrock of at least 3 feet. Therefore, the gravelpave system shown on sheet C.03 of the site plans cannot be used to treat the water quality volume. Permeable paving practices need to be designed by an engineer to be consistent with the Rhode Island Stormwater Design and Installation Standard Manual Figure 5-11 (example cross section of porous asphalt).
- (8) On the site plans please provide a design specification for the 24-inch bioretention soils that is consistent with section 8.23(D)(4) of the Stormwater Management Design and Installation Rules.

- (9) Sheet C.05 of the site plans indicates that the top of the bioretention berm is at elevation 188.00ft. However, the HydroCAD analysis indicates that the top of the bioretention area is 187.50ft. Therefore, please revise the HydroCAD analysis.
- (10) According to the Stormwater Management Design and Installation Rules a rain garden is not listed as an approved water quality practice. Please remove the rain garden detail that is shown on Sheet C.05 of the site plans.
- (11) Please provide pre-development and post-development mapping on 24" by 36" sheets. The drawing needs to clearly show the locations of the watersheds that discharge to the stormwater practices (i.e. bioretention basin and swales). Page K-2 of the RISDISM provides guidance for the preparation of pre-development and post-development conditions drainage area maps. If the bioretention basin will receive stormwater runoff from paved areas, then please revise the stormwater management system to include a minimum pretreatment volume of at least 25% of the water quality volume.
- (12) Please confirm that the existing swales can safely convey the 10-year storm. Please provide design calculations for the swales that are shown on sheet C.02 of the site plans. The site plans should be revised to include details that provides the dimensions of the swales.
- (13) Please provide rip-rap sizing calculations for the 4ft by 2ft broad-crested weir outlet.
- (14) The site plans need to be revised to clearly show the locations of the erosion and sediment controls (i.e. at the limit of disturbance).
- (15) A sediment forebay is not shown on sheet C.02 of the site plans. Please correct the typo within the operation and maintenance plan that has O & M requirements for a sediment forebay.
- (16) The surface runoff exceeding the capacity of bioretention basin shall be evaluated to preclude erosive concentrated flow during the overbank events. The peak velocity for the 1-year storm must be non-erosive (3.5-5.0 feet/second).

CONCLUDING COMMENTS:

1. Please submit three (3) copies of revised site plans and two (2) copies of revised documents to the Department.
2. In order to facilitate the review of future revisions to your project, please address each of the above items in writing.
3. If you have any questions regarding this letter or the processing of your application, or with respect to any of the above-noted biological review comments, please contact Jane Kelly at 401-222-4700, ext. 7420.
4. If you have any questions with respect to the above engineering review comments, please contact Joe Camara at 401-222-4700 ext. 7620.

Kindly be advised that processing of your application may not continue until you resolve the items noted above. Thank you for your anticipated cooperation in this matter.