



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF WATER RESOURCE
235 Promenade Street
Providence, Rhode Island 02908

August 24, 2022

The Preserve at Boulder Hills, LLC
c/o Paul Mihailides
87 Kingston Road
Richmond, RI 02898

Permit Renewal

RE: Application No. 19-0122 in reference to the location below:

Approximately 1,000 feet west-southwest of Kingstown Road (RI Route 138), by Utility poles 146 to 151, and approximately 2,900 feet east-southeast of intersection of Richmond Road with Interstate 95, Assessor's Plat 5B, Lot 38, and Assessor's Plat 6B, Lots 2 and 4, Richmond, RI.

Dear Mr. Mihailides:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Application for Renewal in accordance with Rule 1.11(B) of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1 ("Rules"), received on August 12, 2022.

It is our understanding that you are requesting renewal of the permit issued for Application No. 19-0122. The original permit was issued on April 29, 2020 to The Preserve at Boulder Hills, LLC. This permit expired on April 29, 2021.

This Program has completed an inspection of 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 April 29, 2023 and expires on that date.

Please be advised that this is considered the second of three renewals allowed pursuant to Rule 1.9(D)(5)(c).

A copy of the original permit letter of April 29, 2020 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 me at this office (telephone: 401-222-6820, ext.2777403) should you have any questions regarding this letter.

Sincerely,

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

Enclosure: Original Permit Letter dated April 29, 2020

cc: Kyle Ferreira, DEM, OWTS Program
Craig Carrigan, Carrigan Engineering

Office of Water Resources/Permitting Section/Tel.401-222-6820/FAX:401-222-6177

WTPREN.DOT



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

August 3, 2020

Paul Mihailides
The Preserve At Boulder Hills, LLC
87 Kingstown Road
Richmond, RI 02898

REVISED PERMIT

Re: Application No. 19-0122 in reference to the property and proposed project located approximately 1000 feet west-southwest of Kingstown Road (RI Route 138), by utility pole numbers 146 to 151; approximately 2900 feet east-southeast of the intersection of Kingstown Road and Interstate 95; Assessor's Plat 5B, Lot 38, and Assessor's Plat 6B, Lots 2 and 4, Richmond, RI.

Dear Mr. Mihailides:

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 installation of a water line, an electric conduit, and lighting along the previously approved access road as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received by the DEM on July 22, 2020.

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 July 22, 2020. 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 Town of Richmond and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. This revised permit expires one (1) year from the date of issue of the original letter of April 29, 2020 unless renewed pursuant to 250-RICR-150-15-1.9(D)(5).

Please be advised that in accordance with condition number 22 of the original permit dated April 29, 2020, you must notify this Program in writing of an environmental consultant to 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. Upon commencement of the work which may occur only after the sediment controls have been verified by a Program representative (verification accomplished on July 31, 2020), DEM must receive monthly written progress reports from the consultant regarding compliance with this permit until such time that the project is complete.

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 April 29, 2020 (copy enclosed) remain in effect.

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 me at this office at (telephone: 401-222-6820) should you have any questions regarding this letter.

Sincerely,



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

Enclosure: Approved revised site plan
Letter dated April 29, 2020

ec: Antony Santilli, Town of Richmond Building Official
Shawn Lacey, Town of Richmond Planner
Mike Wierbonics, U.S. Army Corps of Engineers, New England District
Craig Carrigan, P.E., Carrigan Engineering, Inc.
Dave Manoni, MTM Development Corp.



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

CERTIFIED MAIL

April 29, 2020

Paul Mihailides
The Preserve at Boulder Hills
MTM Development Corporation
87 Kingstown Road
Richmond, RI 02898

PERMIT TO ALTER FRESHWATER WETLANDS

RE: Wetlands Application No. 19-0122; RIPDES File No. RIR1010954; Groundwater Discharge/UIC File No. 001711, in reference to the location below:

Approximately 1000 feet west-southwest of Kingstown Road (RI Route 138), by utility pole numbers 146 to 151; approximately 2900 feet east-southeast of the intersection of Kingstown Road and Interstate 95; Assessor's Plat 5B, Lot 38, and Assessor's Plat 6B, Lots 2 and 4, Richmond, RI.

Dear Mr. Mihailides:

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 access road with associated culvert, wildlife crossings, retaining wall, water line, grading, stormwater controls and plantings as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on January 24, 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 one letter relating to your application which was submitted during the public notice period. This letter expressed no concern regarding your project's impacts to freshwater wetland values. This Program reviewed this letter together with all supporting documents and evaluated the potential impacts from the project upon the values mentioned in the letter. The Program has determined that the comments contained within this letter does not constitute an objection of a substantive nature per 250-RICR-150-15-1.10(D)(3). Therefore, a public hearing pursuant to R.I.G.L. Section 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.**

Terms and Conditions for Wetlands Application No. 19-0122; RIPDES No. RIR1010954; Groundwater Discharge/UIC No. UIC 001711:

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. This application review has also included review of any stormwater infiltration system subject to the DEM Groundwater Discharge Rules, 250-RICR-150-05-4 (Rules for the Discharge of Non-Sanitary Wastewater and Other Fluid to or Below the Ground Surface).
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. **RIR101954**.
3. 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 January 24, 2020. 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.
4. 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.
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 or city/town 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 Richmond 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 four (4) years from the date of this letter unless renewed pursuant to the Rules.
9. Any material utilized in this project must be clean and free of matter that 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 and the Program issues a Notice of Completion of Work.

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. A site inspection by a representative of this Program must be conducted prior to any road construction as authorized in this permit. Only upon acknowledgement from the Program representative that the erosion and sediment controls are adequately in place and functional will the work to complete the new road be allowed to proceed. Such erosion and sediment 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 must be removed.
14. 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 any such time that documentation is provided noting this responsibility has been assigned to another entity.
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. 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.
17. 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.
18. 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.
19. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
20. Artificial lighting is not authorized along the driveway/roadway where it crosses freshwater wetlands.
21. The installation of utilities is not authorized within or adjacent to this road through the subject wetland areas as part of this permit.

22. 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. Upon commencement of the work which may occur only after the sediment controls have been verified by a Program representative, DEM 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.
23. 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.
24. The long-term operation and maintenance plan shall be strictly followed. The long-term O&M Plan shall be that entitled "The Preserve at Boulder Hills-Phase 2, Stormwater BMP Operation and Maintenance Plan", dated April 5, 2019, and received by this Program on April 19, 2019.

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. 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 cenae-r@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. Your Army Corps of Engineers File Number is **NAE-2019-02686**.

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.

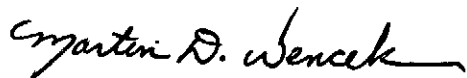
If you are aggrieved by this decision, you may, within thirty (30) days of the receipt of this letter, request an adjudicatory hearing in writing. This request must be sent directly to the DEM Administrative Adjudication Division ("AAD"), One Capitol Hill, Second Floor, Providence, RI 02903. A copy of 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 Jane Kelly at this office (telephone: 401-222-6820, ext. 7420).

Sincerely,



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

MDW/JEK/jek

Enclosure: Approved Site Plans

xc: Bruce Ahern, DEM, Office of Compliance and Inspection
Antony Santilli, Town of Richmond Building Official
Shawn Lacey, Town of Richmond Planner
Mike Wierbonics, U.S. Army Corps of Engineers, New England District
Nick Pisani, DEM, Stormwater Program
Scott Rabideau, Natural Resource Services, Inc.
Craig Carrigan, P.E., Carrigan Engineering, Inc.
Dave Manoni, MTM Development Corp.