



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

July 30, 2021

MDR Realty II, LLC
C/o Mark Grenga
PO Box 91012
Johnston, RI 02919

REVISED PERMIT

Re: Application No. 19-0232 and RIPDES File No. RIR101941 in reference to the property and proposed project located approximately 300 feet east of West Main Road, approximately 830 feet north of the intersection of West Main Road and Forest Avenue, at 1235 West Main Road, Assessor's Plat 106, Lot 87, and Assessor's Plat 112, Lot 14, Middletown, RI.

Dear Mr. Grenga:

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 Commercial Site Redevelopment that includes construction of a new automobile dealership, associated parking areas, landscaping, lighting, utilities and modifications to the existing stormwater management system as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received by the DEM on June 29, 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, 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 June 29, 2021. 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 city/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 Middletown and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. The stormwater best management practices operation and maintenance plan shall be strictly followed.

Telephone 401.222.4700 | www.dem.ri.gov | Rhode Island Relay 711

7. All fill material shall be clean and free of matter that could cause pollution of the waters of the State, unless otherwise specified in the plans and report or approved by the RIDEM Office of Land Revitalization and Sustainable Materials Management.
8. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. This project must take place in compliance with these revisions. Specifically, the plan set has been renumbered as sheets 1 through 6 of 6.
9. This revised permit expires four (4) years from the date of issue of the original letter of December 17, 2019 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 December 17, 2019 (copy enclosed) remain in effect.

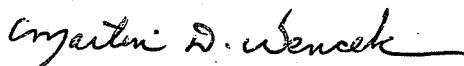
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with 250-RICR-150-15-1 at all times. Failure to do so may result in an enforcement action by the Program.

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 Jane Kelly of this office at (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 plan
Letter dated December 17, 2019

cc: Joseph Camara, DEM Stormwater Program
Eric Beck, Chief, Office of Water Resources, Permitting
Jack Kane, Town of Middletown Building Official
Robert Hanley, Town of Middletown Interim Public Works Director,
Michael E. Russell, P.E., LDEC, LLC



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

April 28, 2020

MDR Realty II, LLC
C/o Mark Grenga
PO Box 91012
Johnston, RI 02919

REVISED PERMIT

Re: Application No. 19-0232 and RIPDES File No. RIR101941 in reference to the property and proposed project located approximately 300 feet west of West Main Road, approximately 830 feet north of the intersection of West Main Road and Forest Avenue, at 1235 West Main Road, Assessor's Plat 106, Lot 87, and Assessor's Plat 112, Lot 14, Middletown, RI.

Dear Mr. Grenga:

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 Commercial Site Redevelopment that includes construction of a new 33,162 square foot car dealership, associated landscaping, lighting, utilities and includes modifications to the existing stormwater management system as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received by the DEM on February 05, 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 February 05, 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 city/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 Middletown and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.

6. This revised permit expires four (4) years from the date of issue of the original letter of December 17, 2019 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 December 17, 2019 (copy enclosed) remain in effect.

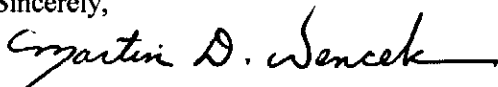
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with 250-RICR-150-15-1 at all times. Failure to do so may result in an enforcement action by the Program.

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 Jane Kelly of this office at (telephone: 401-222-6820 ext. 7420) 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 plan
Letter dated December 17, 2019

cc: Joseph Camara, DEM Stormwater Program
Tom O'loughlin, Director of Public Works, Town of Middletown
Michael E. Russell, LDEC, LLC



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

December 17, 2019

MDR Realty II, LLC
c/o Mark Grenga
P.O. Box 910123
Johnston, RI 02919

Insignificant Alteration – Permit

RE: Wetlands Application No. 19-0232, and RIPDES File Number RIR101941 in reference to the property and proposed project located:

Approximately 300 feet west of West Main Road, approximately 830 feet north of the intersection of West Main Road and Forest Avenue, at 1235 West Main Road, Assessor's Plat 106, Lot 87, and Assessor's Plat 112, Lot 14, Middletown, RI.

Dear Mr. Grenga:

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 car dealership redevelopment, including new building construction, parking areas, lighting, utility installation, and stormwater control structures as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on December 16, 2019.

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 250-RICR-150-15-1.9 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act, 250-RICR-150-15-1 (Rules), this project may be permitted as an **insignificant alteration** to freshwater wetlands under the following terms and conditions:

Terms and Conditions for Wetlands Application No. 19-0232; RIPDES File No. RIR101941:

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 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. **RIR101941**.

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 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 documentation is provided that this responsibility has been assigned to another entity. Operation and maintenance shall be as described in the plan entitled, "Stormwater Best Management Practices Operation and Maintenance Plan for: MDR Realty II, LLC Located at: 1235 West Main Road AP106 Lot 87 Middletown, Rhode Island Prepared for MDE Realty II, LLC PO Box 91012 Johnston, RI 02919", most recently revised on December 3, 2019, as prepared by Land Development Engineering & Consulting, LLC.
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.
18. 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, the site plan sheet labeled as "EXCON" has been numbered as sheet 2 of 10.

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.

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.

3. This permit is specifically limited to the project and site alterations as detailed on site plans submitted with your application and received by the DEM on December 16, 2019. The specific limits of disturbance for this project are noted on sheet 5 of 10. Also, please be advised that site plan sheet 8 of 10 (Landscaping Plan) has NOT been furnished with any plan sets and therefore has not been authorized as part of this permit. A copy of the site plans (sheets 1 through 7 of 10 and 9 and 10 of 10) stamped approved by the DEM is enclosed. Changes or revisions to the project that would alter freshwater wetlands including stormwater design revisions 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/stormwater construction](http://dem.ri.gov/stormwater%20construction)
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 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 Middletown 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 for this project must be clean and free of matter that could pollute any freshwater wetland or the waters of the State unless otherwise specified in the plans and report or approved by the RIDEM Office of Waste Management.
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.
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>.

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.

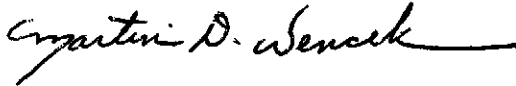
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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 250-RICR-150-15-1.8(C).

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.

Please contact Jane Kelly of this office (telephone: 401-222-6820, x7420) should you have any questions regarding this letter.

Sincerely,



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

Enclosure: Approved site plans

ec: Neal Personeus, Office of Water Resources, Stormwater Program
Kevin Gillen, DEM, Office of Waste Management
Thomas O'Loughlin, Town of Middletown, Director of Public Works
John Kane, Town of Middletown, Building Official
Michael Russell, LDEC, LLC