



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

CERTIFIED MAIL

July 10, 2023

John Dell'Oro, Member
Farnum Pike Development, LLC
40 Byron Randall Road
North Scituate, RI 02857

PERMIT TO ALTER FRESHWATER WETLANDS

RE: Application No. 20-0202 in reference to the location below:

Approximately 250 feet northeast of Farnum Pike, (at building No. 301), Utility Pole Nos. 171 & 172, and approximately 800 feet north its intersection with George Washington Highway, Assessor's Plat 46, Lot 58, Smithfield, RI.

Dear Mr. Dell'Oro:

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 paved access road, 9,900 square foot warehouse building, paved parking, stormwater treatment structures and associated landscaping as described and detailed in the material and information submitted in support of your application and on site plans received by the DEM on October 25, 2022. 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. General Laws (R.I.G.L.) Section 2-1-18 et seq.) and the procedures set forth in Rule 9.05 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules).

This Program received one (1) letter relating to your application which were submitted during the public notice period. This letter expressed concern regarding your project's impacts to freshwater wetland values. This Program reviewed this letter 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 **Rule 1.10D (3)(c)**. 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.**

Permit Terms and Conditions for Application No. 20-0202:

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 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 October 25, 2022 (see permit

- condition number 10 below). 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 immediately prior to the commencement of site alterations and 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 Smithfield 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 effective date 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.
 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. The Limit of Disturbance (LOD) depicted on Sheet 4 of 11 of the approved plans is the approved limit of disturbance. No clearing or soil disturbance of any type is permitted beyond this limit of disturbance.
 11. 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.
 12. The long-term operation and maintenance plan shall be strictly followed. The long-term O&M Plan shall be that entitled "Long-Term Operation and Maintenance Plan for Stormwater Management Facilities Constructed in the Development of: Proposed site development, Farnum Pike Development, LLC, 301 Farnum Pike, AP46, Lot 58, Smithfield, Rhode Island; Prepared for: Farnum Pike Development, LLC, John Dell'Oro, 40 Byron Randall Road, North Scituate, RI 02857", dated august 2020, Revised July 2022, dated received 7/14/2022, prepared by GRA, a division of GM2, Inc., 200 Main Street, Pawtucket, RI 02860
 13. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
 14. You are responsible for the proper 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.

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. The approved soil cap to prevent direct exposure to non-compliant surface soils must be replaced after work is conducted and the owner and contractor must comply with the Soil Management Plan (SMP) approved by the Department in a written approval dated October 26, 2018, Exhibit C and attached to the Environmental Land Use Restriction dated November 7, 2018.
17. A copy of the Completion Report must be forwarded to the attention of Jeffrey Crawford, RI DEM-Office of Land Revitalization and Sustainable Material Management.
18. 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.
19. 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.
20. Artificial lighting along the driveway/roadway where it crosses freshwater wetlands is not authorized in this permit.
21. 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.
22. 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.

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.

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 cenaer@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.

In permitting the proposed alterations, the Program 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"), 235 Promenade Street, Providence, RI 02908. 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 Rule 7.00(b) of the "Administrative Rules of Practice and Procedure for the Department of Environmental Management Administrative Adjudication Division for Environmental Matters", (AAD Rules). AAD Rule 7.00(b) provides:

"The request for 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 the AAD Rules, Chapter 42-35-1 et seq. of the R.I.G.L., 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 Andrew Charpentier of my staff at this office (telephone: 401-222-4700, ext. 2777414).

Sincerely,



Martin D. Wencek, Permitting Supervisor
Office of Water Resources/Permitting Section
Freshwater Wetlands Program
MDW/AC/ac

Enclosure: Approved Site Plans

cc: Mary Dalton, Administrator, Administrative Adjudication
Mary E. Kay, Assistant Director & Chief Legal Counsel, DEM's Director's Office
Kevin Kotelly, U.S. Army Corps of Engineers, New England Division
Christopher McWhite, Smithfield Building Official
Bruce Ahern, Office of Compliance and Inspection
Jeffrey Crawford, RI DEM-Office of Land Revitalization and Sustainable Material Management.
Donald T. Burns, Chairman, Smithfield Conservation Commission