



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

January 19, 2022

BB/WW Properties LLC
c/o Brian Bucci, Manager Member
PO Box 6187
Warwick, RI 02887

Insignificant Alteration – Permit

Re: Wetlands Application No. 21-0155 in reference to the location below:

Approximately 150 feet northeast of Old Louisquisset Pike, Utility Poles 364, 365, & 367, approximately 750 southwest of its intersection with Eddie Dowling Highway (Rt. 146A), Assessor's Plat 13, Lots 111, 123, & 143, North Smithfield, RI.

Dear Mr. Bucci:

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 demolition of the two residences on the lots and construction of a 30-unit condominium building with associated paved parking areas, utility connections (town water and sewer), boulder retaining wall, drainage with underground infiltration system and infiltration pond for stormwater treatment, with clearing, grading, landscaping and associated site alterations as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on October 19, 2021.

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, 250-150-15-1, 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. 21-0155; RIPDES No. RIR102042; Groundwater Discharge/UIC No. 002045:

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 (Rules for the Discharge of Non-Sanitary Wastewater and Other Fluid to or Below the Ground Surface), 250-RICR-150-05-4.
2. This determination also includes your final authorization to discharge storm water associated with construction activity under the **2020 RIDPES General Permit for Stormwater Discharge During Construction Activity ("CGP")**. For future references and inquiry, your permit authorization number is RIPDES No. **RIR102042**.
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 October 19, 2021.

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

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 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 North Smithfield 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.
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/ripdes/pdfs/cgp092620.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 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. The long-term "Operation and Maintenance Plan" (O & M Plan) shall be strictly followed. The long-term O & M Plan shall be that entitled "Stormwater System Operation & Maintenance Plan Old Louisquisset Pike North Smithfield, Rhode Island AP 13 Lots 111, 124, & 143 Applicant: BB/WW, Properties, LLC c/o Brian Bucci" w/Date Issued 10-14-2021. Please note that the following corrections are to be made to the O & M Pan. Please update The O & M Plan Report accordingly:

- a) Cover Sheet – The Cover Sheet currently cites the Applicant's location as "AP 13 Lots 111, 124, & 143". However, all other documentation states that the subject project's location is "AP 13, Lot Nos. 111, 123 & 143. Please revise accordingly.
 - b) Page 7 – There are, at minimum, nine (9) places where the word "should" is used as part of the instructions. Please replace the word "should" with the word "must".
15. If at any time during this project there is evidence of a "Recognized Environmental Concern" as defined in ASTM E-1527-13, soils must be sampled to determine if they exceed the soil objectives outlined in 250-RICR-140-30-1, "Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases", Rule 1.6.1(c) effective 1-8-19, ("Remediation Regulations"). If the soil sampling exceeds Table 1 or Table 2 in Rule 1.9.2 of the Remediation Regulations, the RIDEM Office of Water Resources (OWR) and Office of Land Revitalization and Sustainable Materials Management (OLRSMM) must be notified.
 16. 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.
 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.
 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. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically, an additional row of Arborvitae (*Thuja occidentalis*) must be planted 10 feet on center, at least 4-6 feet tall after planting in the approximate locations indicated in red on the site plans. Wherever Arborvitae is utilized, it must be at least 4 feet tall after planting. In addition, two of the permanent buffer marker locations have been revised accordingly. This project must take place in compliance with these revisions.
 20. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
 21. Any artificial lighting installed 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. Also prior to commencement of any site alterations, permanent buffer zone markers must be installed along the limit of disturbance at the locations indicated on the approved site plans on Sheet 7, in order to provide permanent reference points on site that are clear to present and future property owners. Acceptable permanent type markers include 4" x 4" pressure treated timber posts, galvanized

fence posts with cap, or granite or concrete bounds. Markers must extend a minimum twenty-four (24) inches above grade. A permanent-type tag or sign labeled "RIDEM Buffer Zone" must be placed on each marker. A permanent-type fence at least twenty-four (24) inches tall placed along the limits of disturbance and similarly labeled may be substituted where desired. No alterations of any kind are permitted beyond these markers without first obtaining the necessary permit from this Program.

23. Immediately upon installation of the buffer zone markers, this Program must be contacted to arrange an on-site inspection. Once proper installation has been confirmed by this Program, work may be initiated on the project as herein approved.
24. 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), 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.

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 Rene Legault of this office (telephone: 401-222-4700, ext. 2777732) should you have any questions regarding this letter.

Sincerely,

Nancy L. Freeman

Nancy L. Freeman, Principal Environmental Scientist
Office of Water Resources
Freshwater Wetlands Program
NLF/RJL/rjl

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

Enclosure: Approved site plans

ec: Neal Personeus, DEM Stormwater Program
DEM UIC Program
Raymond J. Pendergast, Jr., North Smithfield Director of Public Works
Kerry Anderson, North Smithfield Building Official
Jason P. Clough, PE, DiPrete Engineering, Inc.