



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

March 10, 2023

Sitewell Park, LLC.
c/o Douglas Nani, Manager
152 President Avenue
Providence, RI 02903

REVISED PERMIT

Re: Application No. 21-0162 in reference to the location below:

2113 Hartford Avenue. Approximately 1,500 feet south of Hartford Avenue, by utility pole number 137-50, approximately 1,300 feet southwest of the intersection of I-295 and Hartford Pike, Assessor's Plat 54, Lots 34 and 80, Johnston, RI.

Dear Mr. Nani:

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 modifications to the proposed stormwater practices treating the proposed subdivision and construction of a 5-building commercial site with paved roads, parking areas, and wetland restoration as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received by the DEM on February 23, 2023.

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 23, 2023. 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 Johnston 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 permit letter unless renewed pursuant to 250-RICR-150-15-1.9(D)(5).
7. The long-term operation and maintenance plan shall be strictly followed. The long-term operation and maintenance plan shall be that entitled "Stormwater System Operation & Maintenance Plan, Johnston Crossing, located in Johnston, RI; Applicant: Sitwell Park, LLC", dated November 20, 2020, Updated on January 20, 2023, and received by this Program on February 22, 2023, as prepared by DiPrete Engineering.
8. The property owner must enter into a maintenance contract/agreement for any and all proprietary water quality treatment devices as shown on the approved plans (e.g., hydrodynamic separators, water quality cartridge/ filtering devices). The agreement(s) must be executed with a maintenance provider who is pre-certified by the manufacturer of said proprietary device(s) and must have a minimum duration of 2 years. The owner must provide RIDEM with a copy of the executed maintenance agreement(s) no later than one month following satisfactory installation of the proprietary treatment device(s), and each agreement shall reference the attached RIDEM permit number.

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 (copy enclosed) remain in effect.

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.

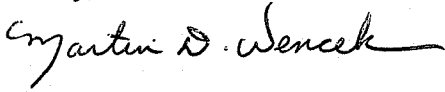
You are required to comply with the terms and conditions of this revised permit and to carry out this project in compliance with 250-RICR-150-15-1 at all times. Failure to do so may result in an enforcement action by the Program.

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

Sincerely,



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

MDW/RJL/rjl

Enclosure: Approved revised site plans
 Letter dated February 18, 2022

ec: Neal Personeus, DEM Stormwater Program
 Arnold Vecchione, Johnston Town Director of Public Works
 Edward Civito, Johnston Town Building Official
 Todd Greene, PE, GZA GeoEnvironmental, Inc.
 Len Bradley, Jr. PE, DiPrete Engineering, Inc.



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

February 18, 2022

Sitewell Park, LLC
c/o Douglas Nani, Manager
152 President Avenue
Providence, RI 02903

Insignificant Alteration – Permit

Re: Wetland Application No. 21-0162; RIPDES File Number RIR102207 in reference to the location below:

Approximately 1,500 feet south of Hartford Avenue, by utility pole number 137-50, approximately 1,300 feet southwest of the intersection of I-295 and Hartford Pike, Assessor's Plat 54, Lots 34 and 80, Johnston, RI.

Dear Mr. Nani:

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 remediation of the property from its previous function as a landfill and initiating construction of a 5 building commercial site with paved roads, parking areas, stormwater structures, rip rap slopes adjacent to remediated areas, and wetland restoration in the form of grading and revegetation of portions of the remediated areas as illustrated and detailed on site plans submitted with your application. These site plans were most recently received by the DEM on January 24, 2022.

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. 21-0162; RIPDES No. RIR102207:

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 **2020 RIDPES General Permit for Stormwater Discharge During Construction Activity ("CGP")**. For future references and inquiry, your permit authorization number is RIPDES No. **RIR102207**.
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, 2022. 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 Johnston 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.

15. The long-term operation and maintenance plan shall be strictly followed. The long-term O&M Plan shall be that entitled "Stormwater System Operation & Maintenance Plan, Johnston Crossing, Located in Johnston, RI; Applicant: Sitewell Park, LLC", dated 11/20/2021, prepared by DiPrete Engineering, updated on January 21, 2022, and received by this Program on January 24, 2022.
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. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.
18. Any plantings which fail to survive one full growing season shall be replaced. Particular emphasis is being placed on the two restored wetland areas adjacent to wetland flags A4 through A16, and C1 through C14. Replacement plantings shall be similarly guaranteed for one full growing season, with species substitution allowable provided the replacement plants are similar native species suited to that particular habitat type.
19. 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.
20. 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 and must receive quarterly written progress reports from the consultant regarding compliance with this permit, including any corrective measures that were necessary to alleviate any non-compliance issues until such time that the project is complete. Additionally, monitoring of the two wetland restoration areas adjacent to wetland flags A4 through A16, and C1 through C14 shall be conducted for up to two years after the restoration areas have been revegetated (see permit condition number 18).
21. 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.
22. 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, with the addition of two Wetland Restoration Plan sheets to the plan set, the entire set has been renumbered to reflect a total of 23 sheets.

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.

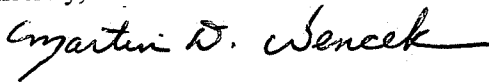
In permitting the proposed alterations, the DEM assumes no responsibility for damages resulting from faulty design or construction.

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. Also please be advised that removal of any solid materials off the subject property must be within the parameters allowed by the DEM Office of Land Revitalization and Sustainable Materials Management

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

Sincerely,



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

Enclosure: Approved site plans

ec: Eric Beck, Administrator, Office of Water Resources
Nick Pisani, DEM Stormwater Program
Kelly Owens, DEM, Office of Land Revitalization and Sustainable Materials Management
Rachel Simpson, DEM, Office of Land Revitalization and Sustainable Materials Management
Jeff Crawford, DEM, Office of Land Revitalization and Sustainable Materials Management
Robert F. Parker, Johnston Town Director of Public Works
Edward Civito, Johnston Town Building Official
Thomas Deller, Johnston Town Planner
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