



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

September 3, 2021

Newport National Real Estate LLC (NNRE)  
c/o John M. Pereira, Manager  
295 Canal Street, Suite 500  
Malden, MA 02148-7309

**Insignificant Alteration – Permit**

Re: Application No. 21-0185 for the property and project located:

Approximately 300 feet east of Mitchells Lane and approximately 2100 feet northeast of its intersection with Fayal Lane, near Utility Pole No. 60, Assessor's Plat 123, Lot 18, Middletown, and Assessor's Plat 66, Lot 4, Portsmouth, RI.

Dear Mr. Pereira:

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 restoration of two portions of the existing Aquidneck Land Trust Sakonnet Greenway Trail paths, with filling, grading, culvert installation, and re-shelling a portion of the cart path as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on August 27, 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-RICR-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. 21-0185:

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 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 August 27, 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 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 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. The Start of Construction Form can be found on the webpage: [dem.ri.gov/stormwaterconstruction](http://dem.ri.gov/stormwaterconstruction).
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 Middletown and the Town of Portsmouth and supply this Program with written documentation obtained from the Towns showing this permit was recorded.
7. 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.
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.
10. 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.
11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
12. 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.
13. All construction activities involving soil disturbances within watercourses or wetlands must temporarily cease in the event of any abnormally high stormwater runoff event.
14. 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.
15. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans. Specifically, site plan notes on Sheet C-100-M that conflict

with the proposed project or depict activities no longer proposed have been crossed off in red to avoid confusion. In addition, the invert elevation (172.752) and outlet elevation (172.263) for DP-1 M have been redlined onto the site plans for clarification as discussed. This project must take place in compliance with these revisions.

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 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.** Please note that at least delineated Wetland A (previously approved detention basin) and Wetland D as shown on the approved plans were not previously identified by the Department (under the now expired permits) as regulated Freshwater Wetlands. A determination has not been made on whether or not these areas are regulated wetlands today under this review of improvements to the existing trail. 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 Jessica Lord of this office (telephone: 401-222-3961, ext. 77416) 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/JAL/jal

Enclosure: Approved site plans

ec: Brandon Faneuf, PWS, Ecosystem Solutions, Inc,  
Eric Cordis, PE, Narragansett Engineering, Inc.  
Neal Hingorany, PLS, Narragansett Engineering, Inc  
Chris Costa, Town of Middletown Building Official  
Gareth Eames, Town of Portsmouth Building Official