



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

March 18, 2022

Schoolyard Properties, LLC  
c/o Jay Picotte  
19 Brenton Road  
Newport, RI 02840

Re: Wetland Application No. 21-0298 & RIPDES No. RIR101627 in reference to the location below:

Approximately 300 feet south of Harrison Avenue, approximately 520 feet southwest of the intersection of Harrison Avenue and Brenton Road, Utility Pole Nos. 23 through 27, Assessor's Plat 41, Lot 14, Newport, RI.

Dear Mr. Picotte:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program, ("Program") has completed its review of your proposed residential subdivision including four single-family homes with an attached garage, pervious driveways, swimming pools, rain gardens, underground utility lines, and landscaped yards, as illustrated and detailed on site plans submitted with your application. The site plans referenced by this letter and on file with this Program were received on January 27, 2022, with attached detail Drawing No. C-8 received February 8, 2022.

Our inspection reveals that freshwater wetlands regulated by the DEM are present on or in close proximity to the subject property. Review of your proposed project, however, reveals that this project does not represent an alteration to these freshwater wetlands. It is our determination therefore that a permit for this project pursuant to the Freshwater Wetland Act (R.I. Gen. Laws § 2-1-18 et seq.) or the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1, is not required. This Determination is **specific to the proposed site alterations illustrated and detailed on site plans on file with this Program and is further predicated on the following:**

1. Adequate measures are employed during and after site alterations to control soil erosion and to prevent any sediment from such erosion being deposited in any freshwater wetlands. You should consult the Rhode Island Soil Erosion and Sediment Control Handbook for appropriate methods to control erosion and prevent sediment from leaving your project site.
2. This determination does not authorize you to modify your project in such a way as to result in the following:
  - a. An increase in the rate and/or volume of surface water runoff flowing into, or draining or diverting from these wetlands; or
  - b. A diversion of groundwater into or away from these wetlands; or
  - c. A modification to the quality of water reaching these wetlands, which could change their natural character.

3. 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, shrub plantings as prescribed along the pervious path for "Lot 4" shall consist of inkberry shrubs (*Ilex glabra*), planted four to five feet on center, three to four feet tall after planting.**
4. Rain gardens and pervious driveways shall be maintained in accordance with the 2010 RI Stormwater Design Manual and the State of RI Stormwater Management Guidance for Individual Single-Family Residential Lot Development.
5. No proposed grade changes are illustrated on the reviewed site plans specifically associated with each of the four proposed dwelling structures. Accordingly, it is understood that no permanent grade changes are proposed associated with building activities associated with any of the four dwellings, and that other than rain garden installation, existing grades will be maintained as the final grade after construction. Permanent grade changes are depicted and have been reviewed for the rain gardens on each of the four subdivision lots.

Please note that this Determination is specific to this proposed project as illustrated on the reviewed site plans, is valid for four (4) years from the date of this letter and does not remove your obligation to obtain any local, state or federal approvals or permits required by ordinance or law.

Kindly be advised that this determination is not equivalent to a determination of the type or extent of freshwater wetlands on the subject property. Should you wish to obtain such verification, you may submit an application in accordance with 250-RICR-150-15-1.

The Program has also reviewed this project in accordance with the standards of the 2020 RIPDES General Permit for Stormwater Discharge Associated with Construction Activity ("CGP"). This determination includes your final authorization to discharge stormwater associated with construction activity under the CGP. For future references and inquiry, your permit authorization number is **RIPDES No. RIR101627**.

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](http://dem.ri.gov/stormwaterconstruction).

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 are available at: <http://www.dem.ri.gov/programs/benviron/water/permits/ripdes/pdfs/cgp092620.pdf>.

Please be aware that the DEM's Rules and Regulations Governing the Establishment of Various Fees, 250-RICR-30-00-1, require that RIPDES CGP permit holders 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 31<sup>st</sup> 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. A copy of the NOT can be found attached to the CGP on the web page referenced above.

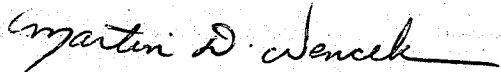
You are responsible for the proper installation, operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands until such time that you document that this responsibility has been assumed by another person or organization. You are also responsible for ensuring that your project complies at all times with the RIPDES CGP.

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

**Any modification to your project that would result in an alteration to freshwater wetlands, or allowing your project to result in an alteration to freshwater wetlands, requires a permit from this Program. Unauthorized alterations to freshwater wetlands are subject to enforcement action.**

Enclosed please find one (1) copy of your site plans stamped REVIEWED by this Program. Please contact Claire Swift of this Office (telephone: 401-222-6820, ext. 277-7418) should you have any questions.

Sincerely,



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

MDW/CVS/cvs

Enclosure: Reviewed Site Plan  
Detail Drawing C-8

cc: William Hanley, City of Newport Building Official  
Jeremy J. Rosa, PE, Northeast Engineers & Consultants, Inc.