



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

October 24, 2023

Estate of James Stephen Marshall  
c/o Rae E. Macdonough, Administratrix  
2103 Harriet Ave, #104  
Minneapolis, MN, 55405

### REVISED PERMIT

**Re:** Application No. 22-0160 and RIPDES No. RIR102358 in reference to the property and proposed project located:

At 590 Ten Rod Road, and approximately 1300 feet southeast of the intersection of Ten Rod Road and Hallville Road, near Utility Pole No. 104, Assessor's Plat 37/1, Lot 5, Exeter, RI.

Dear Ms. Marshall:

The Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Application for Permit Modification to the permitted solar array and has evaluated your proposed modifications to the stormwater mitigation systems and associated written materials, new lined grass channels, additional erosion control features, the depth and length of level stone trenches have been increased, an additional 10-foot-wide access was added between the solar panels and stormwater basins for small equipment maintenance access, landscaping and other associated revisions as illustrated and detailed on revised site plans submitted with your application. The revised site plans were received by the DEM on August 17, 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 August 17, 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 town representative upon request.

5. Within ten (10) days of the receipt of this revised permit, you must record this revised permit in the land evidence records of the Town of Exeter and supply this Program with written documentation obtained from the Town showing this revised permit was recorded.
6. The long-term operation and maintenance plan shall be strictly followed. The long-term O & M Plan shall be that entitled "Stormwater Operation & Maintenance Plan, Exeter Ten Solar, 590 Ten Rod Road, Exeter, Rhode Island; Prepared for: Renew Solar RI Exeter Ten, LLC, 396 Springfield Avenue, Second Floor, Summit, New Jersey 07901; Owner: Rae E. Macdonough, 2103 Harriet Ave. #104, Minneapolis, MN 55405", bearing latest revision date of August 15, 2023, dated received 8/17/2023, indicated as Prepared by: TRC Engineers, Inc., 404 Wyman Street, Suite 375, Waltham, Massachusetts, 02451.
7. Additional level stone trenches shall be added as needed to control any rill erosion that may develop on the site, especially in the areas beneath the solar panel drip edges.
8. The topsoil to be placed to establish the vegetative cover must have a minimum organic matter content of 5% by dry weight as per the Rhode Island Soil Erosion and Sediment Control Handbook (RISESCH).
9. The use of compost filter socks must meet the minimum sizing standards of the Rhode Island Soil Erosion and Sediment Control Handbook (RISESCH). Specifically, sizing and spacing of compost filter socks must be in accordance with Section Six: Sediment Control Measures, Straw Wattles, Compost Tubes and Fiber Rolls, Figure 2: Recommended Spacing and Diameter Requirements for Compost Filter Socks.
10. This Program has made specific revisions to the approved site plans. These revisions are clearly marked in red on the approved plans and include the following:
  - The area crosshatched in red on Sheet No. 7 of 26 is for the installation of native trees and shrubs only. No other work is authorized in the area crosshatched in red. No clearing of existing native trees and shrubs is authorized to install the proposed plantings. Any clearing of groundcover is only to allow for the creation of a small, plantable area sufficient for each proposed plant. Please note that the proposed Black Spruce and Atlantic White Cedar may be substituted out for another native evergreen species more suitable to the soil conditions present (e.g. Eastern Red Cedar, White Pine).
  - The site plan sheets have been re-numbered consecutively (1 of 26 through 26 of 26).

This project must take place in compliance with these revisions.

11. This revised permit expires July 20, 2026, unless renewed pursuant to the Rules.

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 July 20, 2022 (copy enclosed) remain in effect.

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 Jessica Lord of this office at (telephone: 401-222-6820 ext. 2777416) should you have any questions regarding this letter.

Sincerely,

*Nancy L. Freeman*

Nancy L. Freeman, Environmental Scientist III  
Freshwater Wetlands Program  
Office of Water Resources  
NLF/JAL/jal

Enclosure:     Approved revised site plan  
                  Original Permit dated July 20, 2022

ec:     Neal Personcus, DEM Stormwater Program  
          Robert Shappy, Director of Public Works, Town of Exeter  
          William DePasquale, Town Planner, Town of Exeter  
          Payson Whitney, PE, TRC Companies, Inc.  
          Jason Ringler, TRC Companies, Inc.  
          Laura Lefebvre, PE, TRC Companies, Inc.  
          Kelley Morris Salvatore, Darrow Everett LLP



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

July 20, 2022

James Marshall  
590 Ten Rod Road  
Exeter, RI 02822

**Insignificant Alteration – Permit**

**RE:** Wetlands Application No. 22-0160 in reference to the property and proposed project located:

At 590 Ten Rod Road, and approximately 1300 feet southeast of the intersection of Ten Rod Road and Hallville Road, near Utility Pole No. 104, Assessor's Plat 37/1, Lot 5, Exeter, RI.

Dear Mr. Marshall:

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 construction of solar array infrastructure, with associated crushed stone access road, utility poles, overhead and underground wires, security fence, four stormwater basins, Reinforced Concrete Pipe (RCP) replacement culvert, clearing, grading, and soil disturbance as illustrated and detailed on site plans submitted with your application. These site plans were received by the DEM on May 5, 2022, and the Revised Sheet No. 7 of 16 received by the DEM on July 7, 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. 22-0160; RIPDES No. RIR102358:**

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. **RIR102358**.
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 May 5, 2022 and July 7, 2022 (Sheet 7). 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](http://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 Exeter 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 shall be strictly followed. The long-term O & M Plan shall be as described in the plan entitled "Stormwater Operation & Maintenance Plan, Nautilus Exeter Ten Solar, AP 37, Block 1, Lot 5, 590 Ten Rod Road, Exeter, Rhode Island; Prepared for: Nautilus

Solar, Exeter Ten, LLC, 396 Springfield Avenue, Second Floor, Summit, New Jersey 07901; Applicant/ Owner: Nautilus Solar, Exeter Ten, LLC, 396 Springfield Avenue, Second Floor, Summit, New Jersey, 07901", dated April 27, 2022, as prepared by: ESS Group, LLC-A TRC Company, 404 Wyman Street, Suite 375, Waltham, Massachusetts, 02451.

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. All construction activities involving soil disturbances within watercourses must be limited to the low flow period (i.e., the period from July 1 to October 31 of any calendar year). Soil disturbance in these watercourses must temporarily cease in the event of any abnormally high stormwater runoff event during the low flow period.
17. 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.
18. 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.
19. Additional level stone trenches shall be added as needed to control any rill erosion that may develop on the site, especially in the areas beneath the solar panel drip edges.
20. The topsoil to be placed to establish the vegetative cover must have a minimum organic matter content of 5% by dry weight as per the Rhode Island Soil Erosion and Sediment Control Handbook (RISESCH).
21. The use of compost filter socks must meet the minimum sizing standards of the RISESCH. Specifically, sizing and spacing of compost filter socks must be in accordance with Section Six: Sediment Control Measures, Straw Wattles, Compost Tubes and Fiber Rolls, Figure 2: Recommended Spacing and Diameter Requirements for Compost Filter Socks.

Please note that if additional off-site poles and overhead wires or trenching are proposed that require vegetative clearing in Freshwater Wetlands for the interconnection route to the regional grid (i.e. they do not meet the Exempt Activities per the Rules), then a separate application is needed.

**Please be advised that this Program acknowledges that a turtle sweep will be conducted prior to commencement of any permitted site alterations and associated construction activity. This Program also understands that if any turtles are encountered, they will be re-located to an area outside of the Limit of Disturbance (LOD). Specifically, if any box turtles are encountered, please re-locate them to the upland area between the special aquatic site and the swamp/stream in the south-southwestern portion of the site; if any wood turtles (or other turtles) are encountered, please re-locate them to an area along the banks of Fisherville Brook within the swamp.**

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 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.

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 Jessica Lord of this office (telephone: 401-222-6820, ext. 277-7416) 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: Neal Personeus, DEM Stormwater Program  
Scott Buchanan, State Herpetologist, DEM Division of Fish and Wildlife  
Stephen P. Mattscheck, Director of Public Works, Town of Exeter  
Ron DeFrancesco, Building Official, Town of Exeter  
William DePasquale, Town Planner, Town of Exeter  
Jason Gold, P.E., ESS Group, LLC  
Jason Ringler, Senior Scientist, ESS Group, LLC