



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

February 6, 2023

City of Newport  
Joseph Nicholson Jr., City Manager  
43 Broadway  
Newport, RI 02840

**Freshwater Wetlands Permit**

Re: Application No. 22-0476 for the property and project located:

At 15 Wickham Road and approximately 400 feet north and west of the intersection of Wickham Road and Ruggles Avenue, near Utility Pole No. 2, Assessor's Plat 41, Lots 2 and 300, Newport, RI.

Dear Mr. Nicholson:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Application for a Freshwater Wetlands Permit** as described in Rule 3.11 of the Rules and Regulations Governing the Administration and Enforcement of the Fresh Water Wetlands Act, 250-RICR-150-15-3 ("Rules"). This review included a site inspection of the above referenced property ("subject property") and an evaluation of the proposed demolition and removal of the existing buildings and paved areas and for the construction of a new school with associated utility connections (city water and sewer), athletic field, access roads, paved parking areas, stormwater mitigation systems, with clearing, grading, soil disturbance, 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 January 13, 2023.

Our observations of the subject property, review of the site plans and evaluation of the proposed project reveals that alterations of jurisdictional areas are proposed. However, pursuant to Rule 3.7.3B of the Rules, this project meets the Variance Criteria for Public and Governmental Bodies, and a **Freshwater Wetlands Permit** may be issued under the following terms and conditions:

**Terms and Conditions for Wetlands Application No. 22-0476: and RIPDES No. RIR102421:**

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. **RIR102421**.
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 13, 2023. A copy of the site plans stamped approved by the DEM is enclosed. Changes or revisions to the project that would alter jurisdictional areas 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. The Start of Construction Form 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 city 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 City of Newport and supply this Program with written documentation obtained from the City showing this permit was recorded.
8. The effective date of this permit is the date this letter was issued. This permit expires five (5) 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 jurisdictional area.
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 freshwater wetland, buffer, floodplain, area subject to storm flowage, or area subject to flooding or other jurisdictional areas 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 freshwater wetland, buffer or

floodplain, area subject to storm flowage, or area subject to flooding or other jurisdictional areas until documentation is provided that this responsibility has been assigned to another entity. The approved long-term operation and maintenance plan must be strictly followed. The approved long-term operation and maintenance plan shall be as described in the plan entitled, "Stormwater Operation and Maintenance Plan, Long Term Pollution Prevention Plan, William S. Rogers High School, 15 Wickham Road, Newport, Rhode Island, Assessor's Map 41, Lots 2 & 300; Prepared for City of Newport, C/o Joseph Nicholson, City Manager, 43 Broadway, Newport, RI 02840", dated October 24, 2022, dated received 10/15/2022, indicated as Prepared by Pare Corporation, 8 Blackstone Valley Place, Lincoln, RI 02865.

15. You are obligated to install, utilize, follow and maintain 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 wetland and buffers or areas subject to storm flowage and the functions and values provided by such freshwater wetlands and buffers or areas subject to storm flowage.
16. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plans within buffer zones or detailed in this permit, must be installed as soon as possible after completion of final grading; weather and season permitting.
17. Buffer Zone restoration plantings of trees and/or shrubs proposed between the project and any adjacent freshwater wetland areas and buffers, except for necessary replacement, must be allowed to develop naturally without being subjected to mowing or manicuring.
18. Per Rule 3.7.1(B)4, the creation of a new buffer is required. Plantings required in the buffer are as depicted on the approved plans on the overall planting plan on Sheet 56 of 59 (see Condition No. 22 below).
19. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
20. Artificial lighting installed must be directed away from all vegetated wetland and buffer areas. Where this is not possible, the use of deflectors to concentrate lighting away from vegetated wetlands must be employed.
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. Specifically, the Limit of Disturbance has been revised on Sheet 5 of 59, to enclose all work proposed, including the staging and stockpiling areas, and the sheets have been re-numbered consecutively. This project must take place in compliance with these revisions.
23. Any change in the pretreatment units indicated on the site plan will necessitate an application for permit modification.

24. If the pretreatment unit requires entering into a 2-year maintenance contract (which the proposed use of the Cascade Separator® device does), the owner shall provide a written estimate of the product installation date within 90 days of the issuance of the permit and must provide a copy of the required two-year maintenance contract within 90 days that estimated installation date.

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 or jurisdictional areas 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-150-15-3.9.3.

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, Principal Environmental Scientist  
Office of Water Resources  
Freshwater Wetlands Program  
NLF/JAL/jal

Enclosure: Approved site plans

ec: Neal Personeus, DEM Stormwater Program  
Nicholas Pisani, PE, DEM Stormwater Program  
Ashley Blauvelt, Environmental Engineer IV, DEM OLRSM  
Amy Silva, Supervising Environmental Scientist, CRMC  
Ted Isabella, Town of Newport Building Official  
David Potter, PE, Pare Corporation  
Seaver Anderson, Pare Corporation