



**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT**

OFFICE OF WATER RESOURCES

235 Promenade Street
Providence, Rhode Island 02908

February 6, 2024

Johnston Public Schools
Joseph Polisena Jr., Major
1385 Hartford Ave
Johnston, RI, 02919

Freshwater Wetlands Permit

RE: Application No. **23-0222** for the property and project located:

Approximately 800 feet northwest of Cherry Hill Road, and approximately 600 feet east of its intersection with Atwood Avenue, Assessor's Plat 47, Lots 8 & 9, Johnston, RI.

Dear Mr. Polisena Jr.:

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 Elementary School, access road, parking areas, utilities, stormwater treatment structures and associated landscaping as illustrated and detailed on site plans submitted with your application. The most recently revised site plans were received by the DEM on January 10, 2024.

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, this project meets Rule 3.7.3B of the Rules for 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. 23-0222; RIPDES No. RIR102582; Groundwater Discharge/UIC No. 002214:

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. This application review has also included review of any stormwater infiltration system subject to the DEM Groundwater Discharge Rules (Rules for the Discharge of Non-Sanitary Wastewater and Other Fluid to or Below the Ground Surface), 250-RICR-150-05-4.
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. **RIR102582**. This RIPDES CGP permit is not transferable to any person except after written notice to the Director, in the form of a Permit Transfer Form available on the RIDEM Stormwater Construction Permitting website.

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 10, 2024. 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. The Start of Construction Form 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 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 long-term operation and maintenance plan shall be strictly followed. The long-term operation and maintenance plan shall be that entitled "Stormwater Operation and Maintenance Plan, Long Term Pollution Prevention Plan, Johnston Elementary School—RIDE Stage III, Atwood Avenue, Johnston, Rhode Island, Assessor's Map 47, Lot 8 & 9; Prepared for: Johnston Public Schools, 1385 Hartford Avenue, Johnston, RI 02919", dated October 2023, dated received 10/19/2023, as prepared by Pare Corporation, 8 Blackstone Valley Place, Lincoln, RI 02865.
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 wetland, buffer or floodplain, area subject to storm flowage or area subject to flooding or jurisdictional areas and the functions and values provided by such freshwater wetlands, buffer or floodplain, area subject to storm flowage or area subject to flooding
16. 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.
17. Mitigation or screen 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. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
19. 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, a temporary limit of disturbance has been added to Landscape Plan 3 to allow for screening plantings.
20. Infiltration chambers are limited to the proposed MC-4500 units. Any change to an "approved equivalent" will necessitate application for a permit modification to the RIDEM Freshwater Wetlands Program.
21. The proposed segmental-bloc retaining wall must be designed by a geotechnical professional engineer. As per the submitted detail the wall reinforcement (specifically, the tie-back system) shall not interfere with the underground infiltration systems or their associated impermeable liners. The owner must provide an as-built detailed cross-section plans demonstrating that this condition has been met.
22. The owner must provide an annotated photographic record of the construction of the two proposed underground infiltrating sand filter practices and the proposed surface infiltrating sand filter basin. The photographic record will need to show all aspects of each installation, including installation of each sand filter layer, installation of the pertinent impermeable liners beneath and/or down-gradient of the practices, the installation of proposed anti-seepage barriers, and the installation of the installation of the proposed segmental-block retaining wall and tie-back system. This document shall be provided to the Freshwater Wetlands Program File.

23. 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.

Pursuant to the provisions in 250-RICR-150-15-3.8.13 and 250-RICR-150-15-3.14.4(A), as applicable, any properly recorded and valid Freshwater Wetlands 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 (and/or subject you to the enforcement provisions of the U.S. Army Corps of Engineer's regulations.)


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 Lucianna Faraone Coccia of this office (telephone: 401-537-4225) should you have any questions regarding this letter.

Sincerely,


Andy Charpentier, Environmental Scientist III
Office of Water Resources
Freshwater Wetlands Program

ASC/LFC/lfc

Enclosure: Approved site plans

ec: Neal Personcus, DEM Stormwater Program
Edward Civito, Johnston Building Official
DEM UIC Program
David Potter, Pare Corporation
Lauren Gluck, Pare Corporation