



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

April 15, 2025

Bel Air Realty, LLC, The Narragansett Electric Company and The Town of North Smithfield  
c/o Bel Air Realty, LLC  
Anthony DelVicario  
43 Creston Way  
Warwick, RI 02886

**Freshwater Wetlands Permit**

Re: Application No. 23-0263; RIPDES RIR102604 for the property and project located:

Approximately 1000 feet northwest of Mattity Road at Utility Pole No. 25, and approximately 1,175 feet northwest from the intersection of Mattity Road and Brookside Drive, Assessor's Plat 10, Lot 218, North Smithfield, RI and continuing northwest along Douglas Pike, west along the utility ROW and ending approximately 450-feet west of Snake Hill Road, Burrillville, RI.

Dear Mr. DelVicario:

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 construction of a solar array, stormwater management areas including two sediment basins, an infiltration pond, and stone trenches, construction of a paved bike path on a historic railroad bed with parallel stone trench for stormwater management, vegetative clearing, grading, temporary erosion control and utility interconnections as illustrated and detailed on site plan sets submitted with your application. The site plans titled "Douglas Pike Solar" received on April 9, 2025, and the "Overall Landscape Plan" received on March 3, 2025 have been combined into one plan set (See Condition No. 24 below) and labeled Volume I. The interconnection site plan titled "The Narragansett Electric Company Douglas Pike Solar Interconnection Project-Feeder Upgrade (127W40/43)" was received by the DEM on November 13, 2024, with revised page 9 received on December 31, 2024, and labeled Volume II.

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 3.7.3A of the Rules, this project meets the General Variance Criteria, and a **Freshwater Wetlands Permit** may be issued under the following terms and conditions:

**Terms and Conditions for Wetlands Application No. 23-0263: and RIPDES No. RIR102604:**

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

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authorization number is RIPDES No. **RIR102604**. 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 the following dates:

The plans titled "Douglas Pike Solar" were received on April 9, 2025, and the "Overall Landscape Plan" received on March 3, 2025 (Vol. I) The interconnection site plan titled "The Narragansett Electric Company Douglas Pike Solar Interconnection Project-Feeder Upgrade (127W40/43)" was received by the DEM on November 13, 2024, with revised page 9 received on December 31, 2024, (Vol. II). A copy of the site plans stamped approved by the DEM is enclosed.

Changes or revisions to the project and interconnection (unless an exempt activity per the Rules) that would alter freshwater wetlands, buffers and 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 town representatives 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 Towns of North Smithfield and Burrillville 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 System Operation & Maintenance Plan, Douglas Pike Solar, Located in North Smithfield, RI; Applicant: Bel Air Realty, LLC", dated 12/13/2023, Revised 04/18/2024, dated received 4/23/2024, indicated as prepared by DiPrete Engineering and in accordance with the Best Management Practices as detailed in Volume II and documents provided.
15. The table of Water Quality (WQ) Stone Trench dimensions on Sheet 13 shall be revised to indicate 608' length dimension for Trench 10.
16. As part of the inspection program the owner must ensure that the emergency drain out valves for each infiltration basin are maintained in the closed position and not discharging flow.
17. With respect to the proposed use of the infiltration basin sites as temporary sediment basins, upon final preparation of these site for their use as infiltration basins, the owner must provide infiltration rate testing to confirm that the design infiltration rates of these basins have been restored. If these rates are not restored the owner must provide further restorative efforts and/or redesign, including submitting an associated permit modification application.
18. 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 or other jurisdictional areas.
19. All plantings of shrubs, trees or other forms of vegetation as shown or detailed on the approved plans or detailed in this permit within freshwater wetland jurisdictional areas, must be installed as soon as possible after completion of final grading; weather and season permitting. Plants proposed within the 150-foot Buffer Zone of Rankin Brook must utilize native shrub and tree species only. For example, Eastern Redbud shall be substituted for a native dogwood or similar from the native species listed on the landscaping plans.
20. 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.
21. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.

22. If installed, artificial lighting 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.
23. An environmental consultant, experienced in soil erosion and sediment control, and preferably a Certified Professional in Erosion & Sediment Control, must be employed prior to the commencement of site alterations to monitor this project and to ensure compliance with the terms and conditions of this permit as well as the implementation of the Soil Erosion & Sediment Control Plan. This Program must be notified in writing of the consultant chosen to comply with this condition and must receive immediate written notification of any sedimentation or disturbance beyond the approved limits of disturbance, with a written explanation of all actions taken to correct such problems.
24. 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.
25. 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, the landscape plan has been combined with the "Douglas Pike Solar" plan set for a total of 17 sheets and the sheets have been renumbered to be 1 of 17 through 17 of 17. Additionally, the table of Water Quality (WQ) Stone Trench dimensions on Sheet 13 of 17 has been revised to indicate a 608<sup>±</sup> length dimension for Trench 10. In addition, Volume II has been renumbered sequentially to include all sheets.
26. Perimeter fencing must provide a 6 to 8-inch gap between the bottom of the perimeter fencing and the ground to facilitate small wildlife passage.

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 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-150-15-3.9.3.

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 Sam Dufresne of this office (telephone: 401-537-4220) should you have any questions regarding this letter.

Sincerely,

*Nancy L. Freeman*

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

Enclosure: Approved site plans

cc: Paul Zwolenski, Town Administrator, Town of North Smithfield (co-applicant)  
Kathy Castro, Vice President of Distribution, The Narragansett Electric Company (co-applicant)  
Neal Personeus, DEM Stormwater Program  
Brenna Guay, DiPrete Engineering  
Tim Twohig, DiPrete Engineering  
Adam Rosenblatt, Senior Wetland Scientist, VHB  
James Masse, The Narragansett Electric Company  
Raymond Pendergast, Director of Public Works, Town of North Smithfield  
Leo Cote, Building Inspector, Town of North Smithfield  
Steven Detonnancourt, Zoning Official, Town of Burrillville