



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

July 26, 2023

Seaview Inn LLC
c/o Peter Kyriakides
240 Aquidneck Ave
Middletown RI 02842

Freshwater Wetlands Permit

Re: Wetlands Application No. 22-0499 in reference to the location below:

Approximately 650 feet southwest of intersection of John Clarke Road and Silva Lane, approximately 575 feet northwest of the intersection of John Clarke Road and 138A/Aquidneck Ave, nearest utility pole no. 2-5, assessor's plat 115, lot 54, 240 Aquidneck Ave, Middletown, RI.

Dear Mr. Kyriakides:

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 hotel buildout, with pervious paver lot, impervious sidewalk, outdoor pavilion, revised sand filter, restoration, and with clearing, grading, 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 May 15, 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 3.7.3A of the Rules, this project meets the General Variance and a **Freshwater Wetlands Permit** may be issued under the following terms and conditions:

Terms and Conditions for Wetlands Application No. 22-0499:

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 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 15, 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 permit conflict with the approved site plans, these terms and conditions shall be deemed to supersede the site plans.

4. 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.
5. 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.
6. Within ten (10) days of the receipt of this permit, you must record this permit in the land evidence records of the Town of Middletown and supply this Program with written documentation obtained from the Town showing this permit was recorded.
7. 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.
8. Any material utilized in this project must be clean and free of matter that could pollute any jurisdictional area.
9. 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.
10. 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.
11. Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls must be removed.
12. 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. Operation and maintenance shall be as described in the plan entitled, "Soil Erosion and Sediment Control Plan For: Wyndham Newport Hotel (Phase II), 240 Aquidneck Avenue Middletown, RI 02842", dated November 28, 2022, revised April 25, 2023, and received by RIDEM on May 15, 2023, as prepared by Northeast Engineers & Consultants, Inc.
13. 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, buffer, floodplain, or other jurisdictional areas and the functions and values provided by such freshwater wetlands, buffers, and floodplains.

14. 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. You must notify this Program in writing upon completion of the required plantings for a compliance inspection by a Program representative.
15. 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.
16. Any plantings which fail to survive one full growing season shall be replaced. Replacement plantings shall be similarly guaranteed for one full growing season.
17. 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.** These revisions include the following:
 - a) The correct terminology Buffer Zones and Jurisdictional Areas have been added to the site plan to reflect the current Rules (250-RICR-150-15-3). The tributary river to Easton's Pond receives a 200-foot Buffer/Buffer Zone, and 200-foot Jurisdictional Area. The term Riverbank Wetland no longer applies under the current Rules.
 - b) You must plant sixteen (16) trees along the limits of disturbance to screen the adjacent Buffer within the Buffer Zone. These trees must be either Eastern Red Cedar (*Juniperus virginiana*), or Eastern White Pine (*Pinus strobus*), five (5) feet tall after planting, and spaced 20-feet on center.

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.

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 Lucianna Faraone Coccia of this office (telephone: 401-222-6820, ext. 2777270) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Supervising Environmental Scientist
Office of Water Resources
Freshwater Wetlands Program

MDW/LFC/lfc

Enclosure: Approved site plans

cc: Mohamed Freij, PE, PLS, Supervising Environmental Engineer IV, DEM OWTS Program
Bruce Ahern, DEM Office of Compliance and Inspection
Jack Kane, Building Official, Middletown
Jeremy Rosa, Northeast Engineers & Consultants, Inc

RECORDED: Aug 04, 2023 09:36A
DOC #: 00001274
RECEIPT #: 67608
WENDY J. W. MARSHALL, TOWN Clerk
TOWN of MIDDLETOWN, RI