

Tab 7



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

May 22, 2006

**INTERIM LETTER OF COMPLIANCE
CASE NO. 96-014**

George K. C. Lee,
Chairman & Chief Executive Officer
GeoNova Development Company, LLC
c/o Greenberg Traurig, LLP
200 Park Avenue, 14th Floor
New York, NY 10166

RE: Ocean State Steel Property, 300 Bourne Avenue, East Providence, Rhode Island

Dear Mr. Lee:

In the matter of the above referenced site, the Rhode Island Department of Environmental Management's (the Department's) Office of Waste Management (OWM) has to date received the following documents submitted on behalf of GeoNova Development Company (GeoNova) and Solucorp Industries Limited (Solucorp):

1. Site Investigation Report, Ocean State Steel Property, 310 Bourne Avenue, East Providence, Rhode Island (SIR), prepared by BATG Environmental of CT, L.L.C. (BATG), dated March 2003, received March 12, 2003;
2. Letter to the Department from Richard A. Sherman, Esquire, of Edwards & Angell, LLP (E&A), Re: GeoNova Development Company, LLC, Ocean State Steel Property, 300 Bourne Avenue, East Providence, Rhode Island, Case No. 96-014, RIEDC Certificate of Critical Economic Concern issued April 30, 2003 (copy enclosed), dated May 16, 2003;
3. Site Investigation Report Addendum 1, Ocean State Steel Property, 310 Bourne Avenue, East Providence, Rhode Island (SIR Addendum 1), prepared by BATG, dated October 24, 2003;
4. Site Investigation Report Addendum 2, Ocean State Steel Property, 310 Bourne Avenue, East Providence, Rhode Island (SIR Addendum 2), prepared by BATG, dated December 10, 2003;
5. Letter to the Department from BATG, Re: Ocean State Steel Property, 300 Bourne Avenue, East Providence, RI, Site Investigation Report Comments Response, Case No. 96-014, dated December 10, 2003;



6. Letter to the Department from BATG, Re: Former Ocean State Steel Property, 300 Bourne Avenue, East Providence, Rhode Island, Responses to 2/13/04 DEM Comments on Site Investigation Report Addendum 2, Case No. 96-014, dated February 25, 2004;
7. Letter to the Department from Richard A. Sherman, Esquire, E&A, Re: Geo Nova Development Company, LLC, Former Ocean State Steel Property, East Providence, Rhode Island, C.A. No. 96-014, dated March 3, 2004, documenting that the Public Notice requirements were completed, including copies of the Notification to Abutters, dated February 25, 2004, and the Affidavit of Publication in the Providence Journal, dated March 1, 2004;
8. Letter to the Department from Richard A. Sherman, Esquire, E&A, Re: Geo Nova Development Company, LLC, Former Ocean State Steel Property, East Providence, Rhode Island, C.A. No. 96-014, dated March 30, 2004, documenting that the Supplementary Public Notice requirements were completed;
9. Remedial Action Work Plan, Ocean State Steel Property, 310 Bourne Avenue, East Providence, Rhode Island (RAWP), prepared by BATG, dated April 8, 2004;
10. Completion Report for the Allis-Chalmers Transformer and PCB Impacted Soil and Concrete, (Former Ocean State Steel Property, in the City of East Providence, Rhode Island, prepared by BATG, dated February 2005, received March 4, 2005 (the PCB Report);
11. Remedial Action Closure Report, Former Ocean State Steel Property, 310 Bourne Avenue, East Providence, Rhode Island, Case No. 96-014 (consisting of 8 volumes), prepared by Red Technologies, LLC (RED), dated March 31, 2005 (the Closure Report);
12. Sediment Sampling of Omega Pond and the Seekonk River, Former Ocean State Steel Site, 300 Bourne Ave., East Providence, RI, Case No. 96-014, prepared by RED, dated April 4, 2005 (the Sediment Report);
13. Topographic Survey Plan, Map 203 – Block 1 – Lot 4, Map 303 – Block 13 – Lots 4 & 5, Roger Williams Ave & Bourne Ave. – East Providence, RI, (consisting of 5 - 24" x 36" sheets), prepared by Waterman Engineering Co. (WEC), dated March 13, 2003, submitted on June 17, 2005;
14. Addendum Number 1 to Remedial Action Closure Report, Former Ocean State Steel Property, 310 Bourne Avenue, East Providence, Rhode Island, Case No. 96-014, prepared by RED, dated July 22, 2005 (Addendum 1);
15. Correspondence from Phyllis Shiller, Phoenix Environmental Laboratory Director, Re: Ocean State Steel, dated December 8, 2005, received via e-mail December 13, 2005;
16. Addendum Number 2 to Remedial Action Closure Report, Former Ocean State Steel Property, 310 Bourne Avenue, East Providence, Rhode Island, Case No. 96-014, prepared by RED, dated January 2006, received January 11, 2006 (Addendum 2);

17. Letter to the Department from Richard A. Sherman, Esquire, E&A, Re: Geo Nova Development Company LLC, Closure Report Comments 3 Letter dated April 13, 2006, Case No. 96-014, dated April 25, 2006;
18. Ocean State Steel Property, 300 Bourne Avenue, East Providence, RI, Addendum Number 3 to Remedial Action Closure Report, Case No. 96-014, prepared by RED, dated April 27, 2006, (Addendum 3); and
19. Letter to the Department from Richard A. Sherman, Esquire, E&A, Re: Former Ocean State Steel Property, 300 Bourne Avenue, East Providence, Rhode Island, Case No. 96-014, dated May 18, 2006, received May 19, 2006, including copies of the recorded Environmental Land Usage Restriction (ELUR), and letter from National Grid regarding compliance with the ELUR concerning ELUR area C.

Based upon the information contained in these submittals the Department has concluded that the above referenced property is in compliance with the Remediation Regulations at this time.

Be advised that the Department reserves the right to require additional actions under the aforementioned Remediation Regulations at the subject property should any of the following occur:


- A. Conditions at the site, previously unknown to the Department are discovered;
- B. Information, previously unknown to the Department becomes available;
- C. Policy and/or regulatory requirements change;
- D. Groundwater monitoring at the site is discontinued without specific Department approval; or
- E. Any of the aforementioned parties or any future holder (s) of any interest in the property fails to adhere to the terms and conditions of the ELUR and/or the SMP for the Property.

In addition, the Department anticipates promptly executing the Release and Termination of Consent Agreement and Conservation Restriction, regarding the Consent Agreement (RCRA CA-92-60) dated August 4, 1992 by and between the Department and Ocean State Steel, Inc. and related Conservation Restriction, dated May 29, 1992 executed by Ocean State Steel, Inc. and recorded in the City of East Providence Records of Land Evidence on October 19, 1992 at 2:57 P.M. An original of the Release and Termination will be sent to you by mail upon execution.

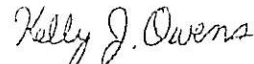
Nothing in this Interim Letter of Compliance relieves the responsible party or the site from compliance with all other applicable State or Federal regulations.

If you have any questions regarding this letter or wish to arrange another meeting, please contact me by telephone at (401) 222-2797 x7109 or by e-mail at joseph.martella@dem.ri.gov.

Sincerely,


Joseph T. Martella II, Senior Engineer
RIDEM/Office of Waste Management

Authorized by:


Kelly J. Owens, Supervising Engineer
RIDEM/Office of Waste Management

cc: Terrence D. Gray, P.E., Assistant Director, RIDEM/AW&C
Leo Hellested, P.E., Chief, RIDEM/OWM
Jeffrey Crawford, RIDEM/OWM
John Langlois, Esq., RIDEM/OLS
Frank Battaglia, EPA Region 1, RCRA
Jeanne Boyle, Planning Director, East Providence
Richard A. Sherman, Esq., E&A
Robin Main, Esq., H&K
Jason Barroso, RED
Philip Peterson, BATG
John Hartley, GZA

Tab 8



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370
FAX: (401) 783-3767

ASSENT

CRMC File No.: 2007-02-058

CRMC Assent No.: A2007-02-058

Whereas,
of

**City of East Providence
East Point Development Project
145 Taunton Avenue
East Providence, RI 02914**

has applied to the Coastal Resources Management Council for assent to: Construct a mixed use (commercial/residential) development at the former Ocean State Steel property in East Providence; the project includes construction on the Omega Pond and Seekonk River shorelines; construction on the Omega Pond shoreline has been deferred to RIDEM; work on the Seekonk River shoreline (19.5 acres) includes the construction of a riprap revetment backed by a vertical concrete flood zone protection wall and a steel sheet-pile bulkhead to be constructed along the northwest portion of the site; a fringe salt marsh will be established along the shoreline to compensate for wetland filled for revetment construction; included with the project is the construction and establishment of a 50' wide shoreline greenway which will include a public access pathway; the project is being considered under CRMC's Urban Coastal Greenway Policy for the Metro Bay Region; a Special Exception is required for the filling of coastal wetlands bordering the Type 4 waters of the Seekonk River; and represents that they are the owners of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: **Construct a mixed use (commercial/residential) development at the former Ocean State Steel property in East Providence; the project includes construction on the Omega Pond and Seekonk River shorelines; construction on the Omega Pond shoreline has been deferred to RIDEM; work on the Seekonk River shoreline (19.5 acres) includes the construction of a riprap revetment backed by a vertical concrete flood zone protection wall and a steel sheet-pile bulkhead to be constructed along the northwest portion of the site; a fringe salt marsh will be established along the shoreline to compensate for wetland filled for revetment construction; included with the project is the construction and establishment of a 50' wide shoreline greenway which will include a public access pathway; the project is being considered under CRMC's Urban Coastal Greenway Policy for the Metro Bay Region; a Special Exception is required for the filling of coastal wetlands bordering the Type 4 waters of the Seekonk River; located at plat Map 203, Block 1, Parcel 4; Map 203, Block 13, Parcels 14 & 15; Map 304, Block 1, Parcel 8; Roger Williams & Bourne Avenue, East Providence, RI, in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before July 24, 2010 after which date this assent is null and void, (unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date).**

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to applicant's property to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date thereof, after which time this permission shall terminate necessitating either complete removal or a new application.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

A copy of this Assent shall be kept on site during construction.

Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State

standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit.

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.

Permits, licenses or easements issued by the Council are valid only with the conditions and stipulation under which they are granted and imply no guarantee of renewal. The initial application or an application for renewal may be subject to denial or modification. If an application is granted, said permit, license and easement may be subject to revocation and/or modification for failure to comply with the conditions and stipulations under which the same was issued or for other good cause.

ATTENTION: ALL STRUCTURES AND FILLED AREAS IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.

SPECIFIC STIPULATIONS OF APPROVAL

General Stipulations

- A. The applicant shall record this assent in its entirety in the land evidence records of the City of East Providence within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.
- B. The approved site plan shall be those entitled "East Pointe, East Providence, Rhode Island," in 31 sheets by North East Engineers and Consultants, Inc, having a final cover sheet revision date of February 11, 2008 and bearing CRMC's approval stamp dated 5-22-2008. Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.
- C. The approved landscaping plans shall be "Landscape, signage and lighting plans for East Pointe....," sheets L-1 through L-5 by the Gifford Design Group, Inc., having a cover sheet last revised 5/22/2007.
- D. This CRMC Assent shall be valid only for the project specified by the plans approved by this CRMC Assent. No changes to the shoreline protection facilities, wetland mitigation plan, greenway, public access or associated parking facilities, etc., shall be allowed under this Assent or by any future application to modify this Assent. In addition, other than minor "footprint" modifications which retain the approved setback, there shall be no changes to the residential buildings which comprise the seaward row of proposed multi (3-4) family dwelling units bordering the Seekonk River Shoreline. Any and all changes including those noted herein and/or any other changes which the CRMC determines to represent a substantive modification to the approved development shall require a new CRMC review and approval.
- E. Prior to any work associated with this project, a UCG Easement shall be submitted to the CRMC for review and approval. Once approved by the CRMC, the Easement shall be recorded in the Land Evidence Records in the City of East Providence. All rules for use of the greenway and a greenway management plan shall be included as attachments to the easement.
- F. Prior to any work associated with this project, the applicant shall obtain Sewer connection approvals from the Narragansett Bay Commission and the City of East Providence Sewage Treatment Facility.
- G. A work plan detailing construction sequencing and timing shall be submitted to the CRMC for written approval upon selection of construction contractor and prior to initiation of construction.

- H. The RIDEM Soils Management Plan and Remedial Action Work Plan shall be strictly adhered to ("ELUR Permit 96-014"). Final RIDEM permit resolution shall be required for "ELUR Area A" disturbance, prior to initiation of construction.
- I. Within 30 days of Assent issuance of the CRMC Assent, the applicant shall submit a greenway parking plan which specifically identifies the public parking spaces available for public access to the greenway. This plan shall provide "mock-ups" of appropriate signage to delineate these spaces on site. In addition, all "perpendicular" (access) pathways to the greenway shall be specifically identified along with mock-ups of appropriate signage which directs public access to the greenway. Finally, a mock-up of signage which identifies the rules for public use of the greenway shall be provided. All signs and greenway rules and access provisions shall be subject to CRMC approval.
- J. The "Soil Surcharge Plans for Structural Filling and Settlement" shall be submitted to for written approval prior to construction.
- K. Prior to initiation of construction, the applicant is required to schedule a meeting between the contractor and the CRMC staff. This meeting will be held to clarify and stress the terms of the permit, and to discuss details of erosion and sedimentation controls, methods of construction, construction timing, dewatering, etc.
- L. The proposed shoreline protection structures (steel sheet-pile bulkhead and revetment with backing vertical concrete seawall) shall be constructed prior to the construction of any buildings on the subject property (Seekonk River portion). The greenway and wetland mitigation area (fringe marsh with subaqueous revetment) shall be constructed and established in a linear fashion proceeding along the shore commensurate with the construction of the shoreline protection structures. The construction of any buildings prior to the completion of the shoreline protection facilities will require a separate CRMC authorization and must be consistent with any approval of the Federal Emergency Management Agency.
- M. The barge located along the western shoreline segment shall be removed for disposal at an appropriate upland location. The barge shall be removed prior to the construction of shoreline protection structures proposed for this area of the shoreline.
- N. All greenway plantings shall be restricted to species included on the most recent list of native, sustainable and coastal plants posted on CRMC's Web site.
- O. All Low-Impact Development (LID) techniques to be incorporated into the final design of "large scale" buildings and associated areas (including green roofs and tree box filters) shall require CRMC review and approval.
- P. All project lighting including any shoreline bollards installed in the Greenway shall utilize shielding and glare control to avoid and minimize any illumination of the Seekonk River and its shoreline. No spotlights or other directed or bright lights or illumination shall be directed toward the Seekonk River. The CRMC reserves the right to approve any project lighting and may order the removal or shielding of any lighting determined to be excessive or which results in excess illumination

of the shoreline. All potential purchasers or renters of homes, businesses or other real estate within this development shall be made aware of this requirement through deed restrictions, lease agreements, association covenants and any other appropriate legal doctrines or instruments.

Q. This CRMC Assent does not include any consideration, evaluation or authorization of a future marina. However, due to marina plans on prior preliminary plans submitted for this project, the CRMC herein notifies the applicant that there are significant concerns for the construction of a marina at this site. These concerns include potential interference with an Anadromous fish run restoration project for the Omega Pond / Ten Mile River / Turner Reservoir System, valuable fish habitat and fishing opportunities on the Seekonk River side of the Omega Pond Dam and the marine navigation channel which runs along the western shoreline of the project.

R. The approved wetland construction, monitoring and assessment protocol shall be that presented on pages 23- 26 of the applicant's application narrative entitled "East Pointe, A Mixed Use Development..., Category "B" Application..., prepared for GeoNova Development Company LLC, by Northeast Engineers and Consultants, revised May 2007. On this basis, the specifications contained on pages 23-26 of this document shall be considered stipulations/conditions of approval. Any failure to abide by this protocol shall be considered and enforceable violation of the CRMC Assent. Furthermore, the protocol approved herein may only be modified by the CRMC by a prior written approval. In addition, prior to any work on the project shoreline protection structure, greenway or mitigation wetland, the chosen contractor shall submit a work plan consistent with this protocol for CRMC review and approval.

S. The final subaqueous revetment (breakwater) elevation and the composition and elevation of the wetland substrate to be contained between the shoreline revetment and subaqueous revetment shall be determined and verified on site by the applicant's biologist in cooperation with CRMC Staff.

T. Any and all observations of problems or concerns associated with the construction of the shoreline protection structure, greenway or mitigation wetland shall be reported to the CRMC immediately and, at a minimum, within 48 hours of occurrence.

U. This assent requires a Greenway as shown on the approved site plans.

V. This structure shall be connected to and serviced by municipal sewers.

Earthwork Stipulations

A. The approved soil erosion and sediment control plan(s) shall be that shown on the approved site plans.

B. Throughout the project construction duration, strict adherence to Erosion and Sedimentation control shall be required. Lack of E & S controls, resulting in sedimentation or turbidity to the waters of the State shall be deemed a violation of the permit conditions and subject to enforcement.

- C. Prior to initiation of any grading, construction, or earthwork activity, the approved erosion and sediment controls shall be properly installed and inspected by the site construction foreman. This line shall be maintained as needed and by the proper upland disposal of accumulated sediments until permanent site revegetation is established. No soils nor any other materials shall be allowed to enter beyond this line, neither temporarily nor permanently.
- D. Upon successful stabilization of exposed soils all erosion controls shall be removed from site and disposed of at a suitable, legal upland location.
- E. All catch basins and drains in the area, into which sediment laden waters may flow shall be ringed with haybales staked and toed in 4 inches or protected per Standard "SD" of the RISESCH. These controls shall be properly maintained by timely removal of accumulated sediment and replacement of bales as needed.
- F. All discharges which result from dewatering operations, must flow into sediment traps consisting of staked haybale rings enclosing crushed stone to disperse inflow velocity in accordance with RISESCH Standard "FB". Haybales shall be "toed in" 4 to 6 inches into the ground to prevent underwash of sediments. These devices shall be maintained by removal and proper disposal of accumulated sediments and by replacement of bales and stone as needed. The devices shall not be located on any coastal feature nor in any designated coastal buffer zone. If necessary, a matting device shall be used below the traps. These devices must be completely removed upon completion of dewatering operations.
- G. There shall be no stockpiling or disposal of soils, construction materials, debris, etc., on the coastal feature, within 50 feet of the inland edge of the coastal feature or in coastal waters.
- H. All excess excavated materials, excess soils, excess construction materials, and debris shall be removed from the site and disposed of at an inland landfill or a suitable and legal upland location outside of CRMC jurisdiction. No materials shall be deposited on the coastal feature, within 200 feet of the inland edge of the coastal feature, in coastal waters, or in any areas designated as a CRMC setback or coastal buffer zone.
- I. All fill materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.
- J. All areas of exposed soil which are disturbed by construction and related activities shall be revegetated as immediately as is physically possible so as to minimize erosion and sedimentation. If the season is not conducive to immediate revegetation, all exposed soils shall be temporarily stabilized with hay mulch, jute mat netting or similar erosion control materials. Soil stabilization methods shall be employed during, as well as after, the construction phase to the maximum extent possible.
- K. Excavation and grading shall be limited to the area approved. Excess earthwork beyond that authorized by this assent is not permitted.

L. There shall be no discharge or disposal of hazardous wastes or hazardous materials which may be associated with construction machinery, etc. on the site or in the waterway. All used oil, lubricants, construction chemicals, etc. shall be disposed of in full compliance with applicable State and Federal regulations.

Stormwater Management Stipulations

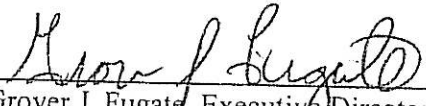
A. A Final Stormwater Management Plan shall be submitted to CRMC for written approval prior to initiation of construction. The plan shall incorporate Low Impact Development (LID) technology and shall treat, to the maximum extent practicable, 100% of the "water quality volume" (one inch rainfall generated from the total site impervious area). The plan shall be consistent with RICRMP Section 300.6 and UCG Section 150.6 standards.

B. A final Operations and Maintenance Plan, reflecting the final Stormwater Management Plan. Shall be submitted to CRMC for written approval prior to initiation of construction.

C. The stormwater management detention ponds shall be installed as soon as practical considering construction scheduling. These ponds must be vegetatively stabilized and functional prior to directing stormwater runoff into the ponds. The applicant shall request a meeting with CRMC staff for an inspection of the detention ponds at the appropriate time and prior to their use.

D. The "Water Quality Drains" shall be inspected by CRMC staff prior to final cover.

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this 28th day of May in the year two-thousand-eight.



Grover J. Fugate, Executive Director
Coastal Resources Management Council

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Tab 9

file - East Pointe



This notice of authorization must be
conspicuously displayed at the site of work.

United States Army Corps of Engineers

~~19~~ 2007

A permit to CONSTRUCT & MAINTAIN A MULTI-USE PROJECT CALLED THE EAST POINTE DEV.
at SEEKONK RIVER, EAST PROVIDENCE, RHODE ISLAND

has been issued to CITY OF EAST PROVIDENCE on SEP. 27, ~~19~~ 2007
GEONOVA DEVELOPMENT CO., LLC

Address of Permittee 145 TAUNTON AVENUE, EAST PROVIDENCE, RI 02914

Permit Number

NAE-2007-819

[Signature]
District Commander



DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO:
ATTENTION OF:

September 27, 2007

Regulatory Division
CENAE-R-PEB
Permit Number: NAE-2007-819

✓ City of East Providence
ATTN: Jeanne M. Boyle
145 Taunton Avenue
East Providence, Rhode Island 02914

Geonova Development Company, LLC
c/o Greenburg Traurig, LLP
200 Park Avenue
New York, New York 10166

Dear Sir/Madam:

Enclosed are two copies of a Department of the Army permit authorizing the work described therein at the mixed use development known as East Pointe. The site is located at the former Ocean State Steel site at Roger Williams Avenue and Bourne Avenue in East Providence, Rhode Island. Your signature is necessary to execute this permit. The authorized work cannot start until we receive a complete, signed copy of the permit. If the conditions are acceptable, please sign both copies and return one signed copy of the entire permit to "Regulatory Division" at the address above. A fee of \$100.00 is required. Please enclose a check made payable to "FAO New England District", and return it with the signed permit copy. Please ensure your address and social security number, or tax identification number for businesses, are on the check.

Please post the enclosed ENG form 4336 (i.e., Notice of Authorization) in a conspicuous location at the job site whenever work is ongoing. You are required to notify us before beginning work so that we may inspect the project. Therefore, please complete and return the attached Work Start Notification Form to this office no later than two weeks before the anticipated starting date.

This authorization requires you to 1. Notify us before beginning work so we may inspect the project, and 2. Submit a Compliance Certification Form. You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.

This permit is a limited authorization containing a specific set of conditions. Please read the permit thoroughly to familiarize yourself with those conditions including any conditions contained on the attached state water quality certification. If a contractor does the work for you, both you and the contractor are responsible for ensuring that the work is done in compliance with the permit's terms and conditions, as any violations could result in civil or criminal penalties.

Our verification of this project's wetland delineation under the January 1987 Corps of Engineers Wetlands Delineation Manual is valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.


Please note that the Department of the Army permit process does not supersede any other federal, state, and/or local agency's jurisdiction.

This letter contains an approved jurisdictional determination for your subject site and a proffered permit for your proposed project. If you object to either this determination or decision, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. A combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form and flow chart explaining the appeals process and your options are enclosed with this letter. If you desire to appeal this determination, you must submit a completed RFA form along with any supporting or clarifying information to me, Regulatory Division Chief at 696 Virginia Road, Concord, Massachusetts 01742. Direct questions regarding the Corps of Engineers appeals process to Ms. Ruth Ladd, Chief, Policy and Technical Analysis Branch at (978) 318-8818 or at the above address.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR, Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP.

If you have any questions regarding this correspondence, please contact Michael Elliott at (978) 318-8131, (800) 343-4789, or use (800) 363-4367 within Massachusetts.

Sincerely,


for Robert V. DeSista
Chief, Regulatory Division

Enclosures

Copy Furnished:

Matthew J. Viana, P.E.
Northeast Engineers & Consultants
55 John Clarke Road
Middletown, RI 02842

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: City of East Providence; Geonova Development Company, LLC		File Number: NAE-2007-819	Date: 9/27/2007
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
X	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cccw/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization in care of "Regulatory Division." If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the District Engineer, in care of the Chief, Regulatory Division, as specified in the last paragraph of the coverletter. Your objections must be received within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization in care of "Regulatory Division." If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer in care of: James W. Haggerty, Regulatory Appeals Review Officer, US Army Engineer Division, North Atlantic Fort Hamilton Military Community, Bldg. 301, General Lee Avenue, Brooklyn, NY 11252-6700 Telephone: (718) 765-7150, E-mail: James.W.Haggerty@nad02.usace.army.mil. The Division Engineer must receive this form within 60 days of the date of this notice.

- **C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer in care of: James W. Haggerty, Regulatory Appeals Review Officer, US Army Engineer Division, North Atlantic Fort Hamilton Military Community, Bldg. 301, General Lee Avenue, Brooklyn, NY 11252-6700. Telephone: (718) 765-7150, E-mail: James.W.Haggerty@nad02.usace.army.mil. The Division Engineer must receive this form within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer in care of: James W. Haggerty, Regulatory Appeals Review Officer, US Army Engineer Division, North Atlantic Fort Hamilton Military Community, Bldg. 301, General Lee Avenue, Brooklyn, NY 11252-6700. Phone: (718) 765-7150, E-mail: James.W.Haggerty@nad02.usace.army.mil. The Division Engineer must receive this form within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district at the address below for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

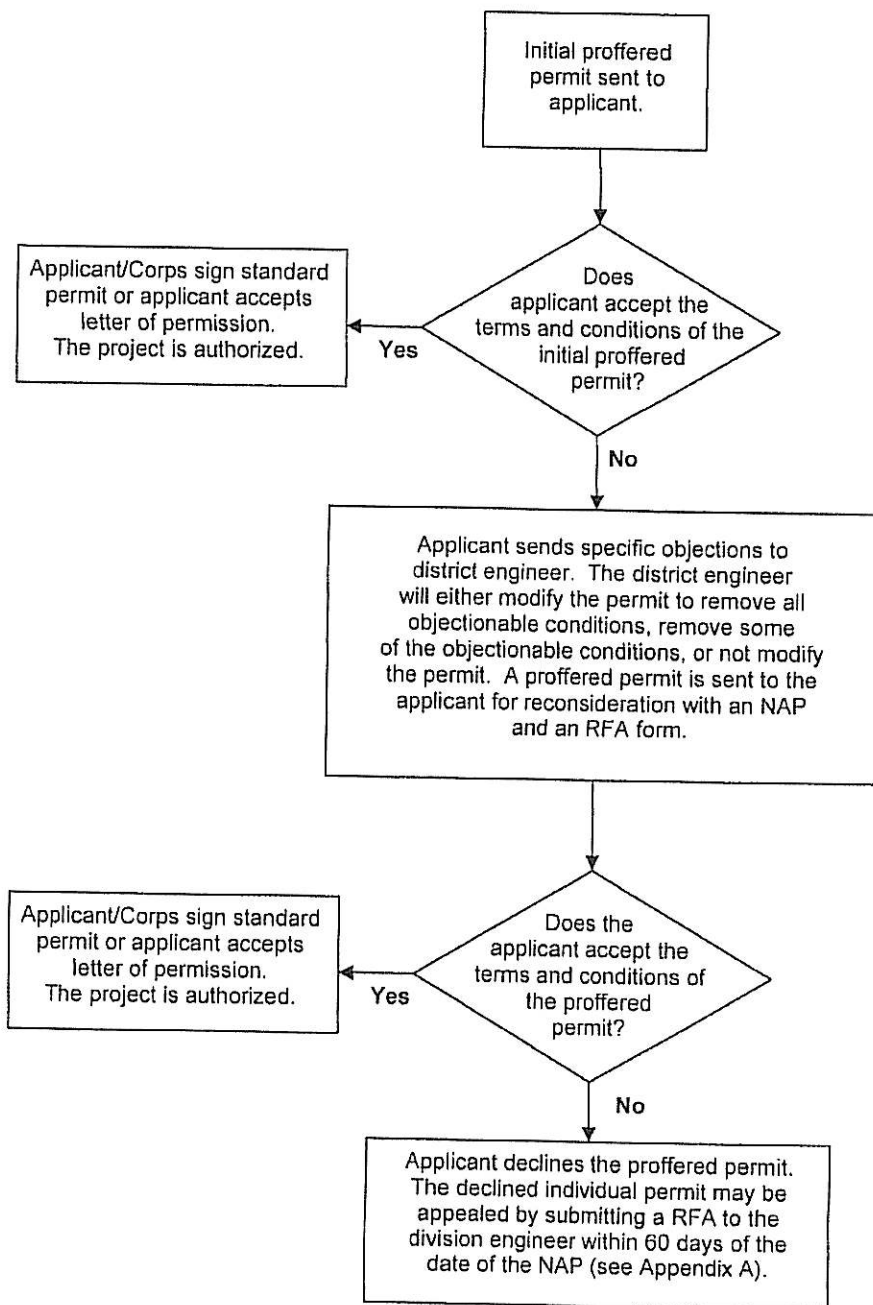
If you have questions regarding this decision and/or the appeal process you may contact Ms. Ruth Ladd at:

Chief, Policy Analysis/Technical Support Branch
Corps of Engineers
696 Virginia Road
Concord, MA 01742 or by calling (978) 318-8818

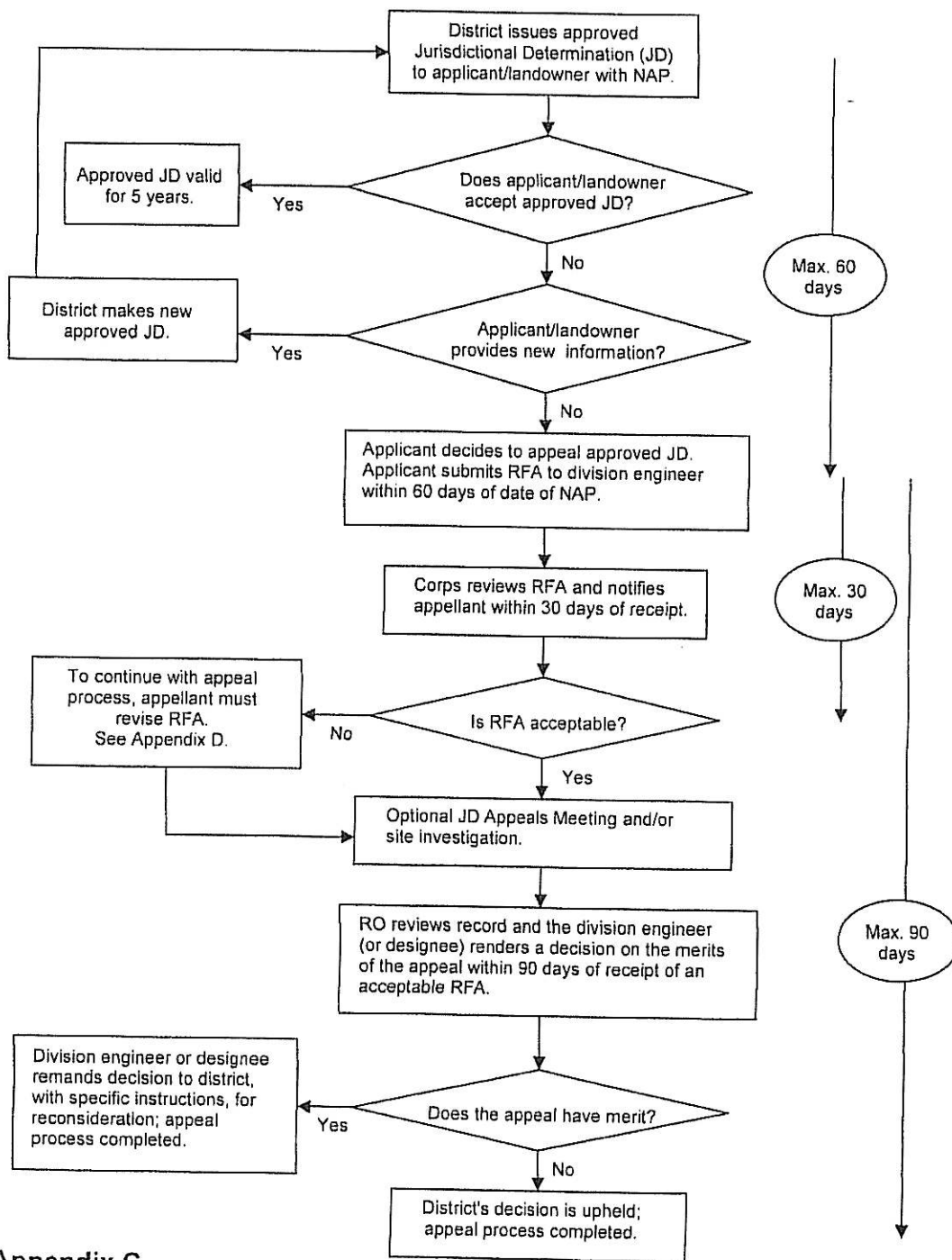
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<hr/> Signature of appellant or agent.	Date:	Telephone number:
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Applicant Options with Initial Proffered Permit



Administrative Appeal Process for Approved Jurisdictional Determination





US Army Corps
of Engineers®
New England District

WORK-START NOTIFICATION FORM
(Minimum Notice: Two weeks before work begins)

* MAIL TO: U.S. Army Corps of Engineers, New England District *
* *
* Policy Analysis/Technical Support Branch *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *

Corps of Engineers Permit No. NAE-2007-819 was issued to the City of East Providence and Geonova Development Company. They are authorized to construct a 1600 linear foot riprap revetment backed by a vertical concrete flood zone protection wall. The riprap revetment will impact 11,149 SF of coastal wetlands. To compensate for this wetlands impact, a 22,545 SF salt marsh will be created as 2:1 mitigation.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

Telephone Numbers: () _____ () _____

Proposed Work Dates: Start _____ Finish _____

Permittee's Signature: _____ Date: _____

Printed Name: _____ Title: _____

FOR USE BY THE CORPS OF ENGINEERS

PM: _____ Submittals Required: _____

Inspection Recommendation: _____



**US Army Corps
of Engineers®**
New England District

(Minimum Notice: Permittee must sign and return notification
within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

USACE Project Number: NAE-2007-819

Name of Permittee: City of East Providence; Geonova Development Co., LLC

Permit Issuance Date: September 27, 2007

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Policy Analysis/Technical Support Branch, ATTN: Marie Farese *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

() _____
Telephone Number

DEPARTMENT OF THE ARMY PERMIT

Permittee City of East Providence; Geonova Development Co., LLC

Permit No. NAE-2007-819

Issuing Office New England District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To construct and maintain a multi-use project called the East Pointe Development. The authorized work includes:

- 1.) Construct a 1600 linear foot riprap revetment backed by a vertical concrete flood zone protection wall. The toe-of-slope of the revetment will impact 11,149 square feet of coastal wetlands.
- 2.) The riprap revetment will impact 11,149 SF of coastal wetlands. To compensate for this wetlands impact, a 22,545 SF salt marsh will be created as 2:1 mitigation. The salt marsh will be created just seaward of the revetment.

Project Location: (Project description continued on page 4)

Seekonk River in East Providence, Rhode Island

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on DECEMBER 31, 2012. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall ensure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for work.

(Special Conditions continued on Page 4)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1414).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

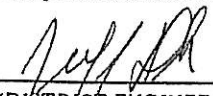
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)

CURTIS L. THALKEN, COLONEL
CORPS OF ENGINEERS

9/27/07

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree)

(DATE)

Project Description (continued from page 1):

3.) A total of 542 cubic yards of fill will be placed below the high tide line (HTL) resulting in 26,324 SF of fill below the HTL. The fill is for the revetment, the substrate for the salt marsh mitigation and a small breakwater to lessen the wave energy on the salt marsh.

4.) A 265-foot long steel sheetpile bulkhead will be installed in the northwest corner of the project.

In accordance with the attached plans and 8.5" x 11" sections of large plan entitled "EASTE POINTE PLAT 203, BLOCK 1, PARCEL 4 PLAT 303, BLOCK 13, PARCEL 4 & 5" dated "FEBRUARY06 revised through "21SEPT07".

(Special Conditions continued from Page 2)

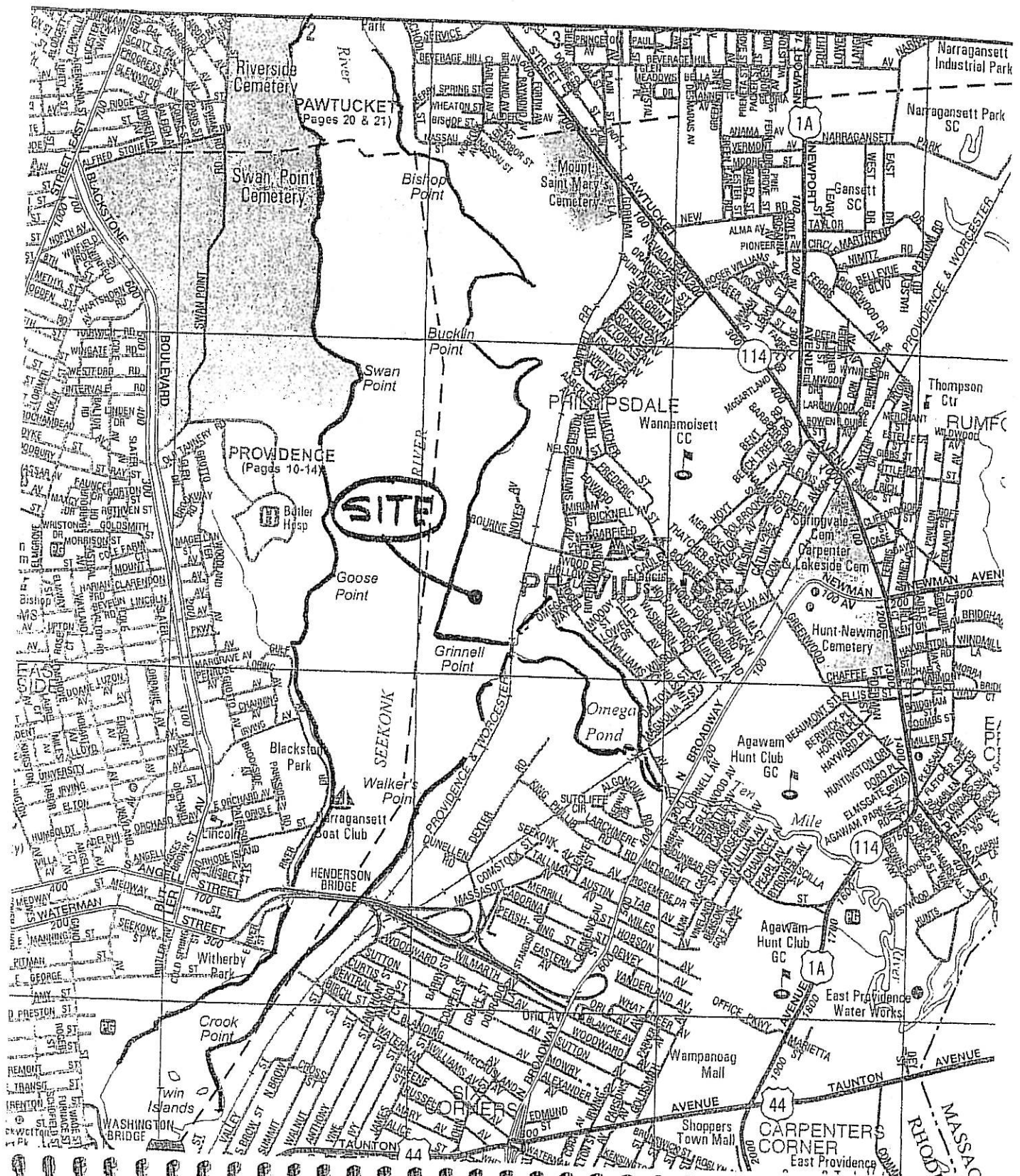
If the permit is issued after the construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. If the permit is issued after receipt of bids or quotes, the entire permit shall be included in the contract or sub-contract as a change order. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

2. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters within or adjacent to the activity authorized herein.

4. A 22,545 SF salt marsh will be created as mitigation for the riprap revetment as shown on the authorized plans and in accordance with the state assent.

5. Public access shall be provided as shown on the authorized plans.



AS I PROVIDE

F

AERIAL PHOTO



East Pointe

A Mixed Use Development
CITY OF EAST PROVIDENCE, RHODE ISLAND

Revised and Supplemental Information
Category "B" Application

To: Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879



PREPARED FOR:
GEONOVA DEVELOPMENT COMPANY, LLC

PREPARED BY:
NORTHEAST ENGINEERS & CONSULTANTS, INC.
55 JOHN CLARKE ROAD
MIDDLETOWN, RI 02842

February 2007
Revised May 2007

MAY 3 4 2007



NORTHEAST ENGINEERS & CONSULTANTS, INC.

STUCK
LAND PLANNING
SURVEYING
ENGINEERING
ARCHITECTURAL
TRANSPORTATION
STRUCTURAL
MATERIALS TESTING

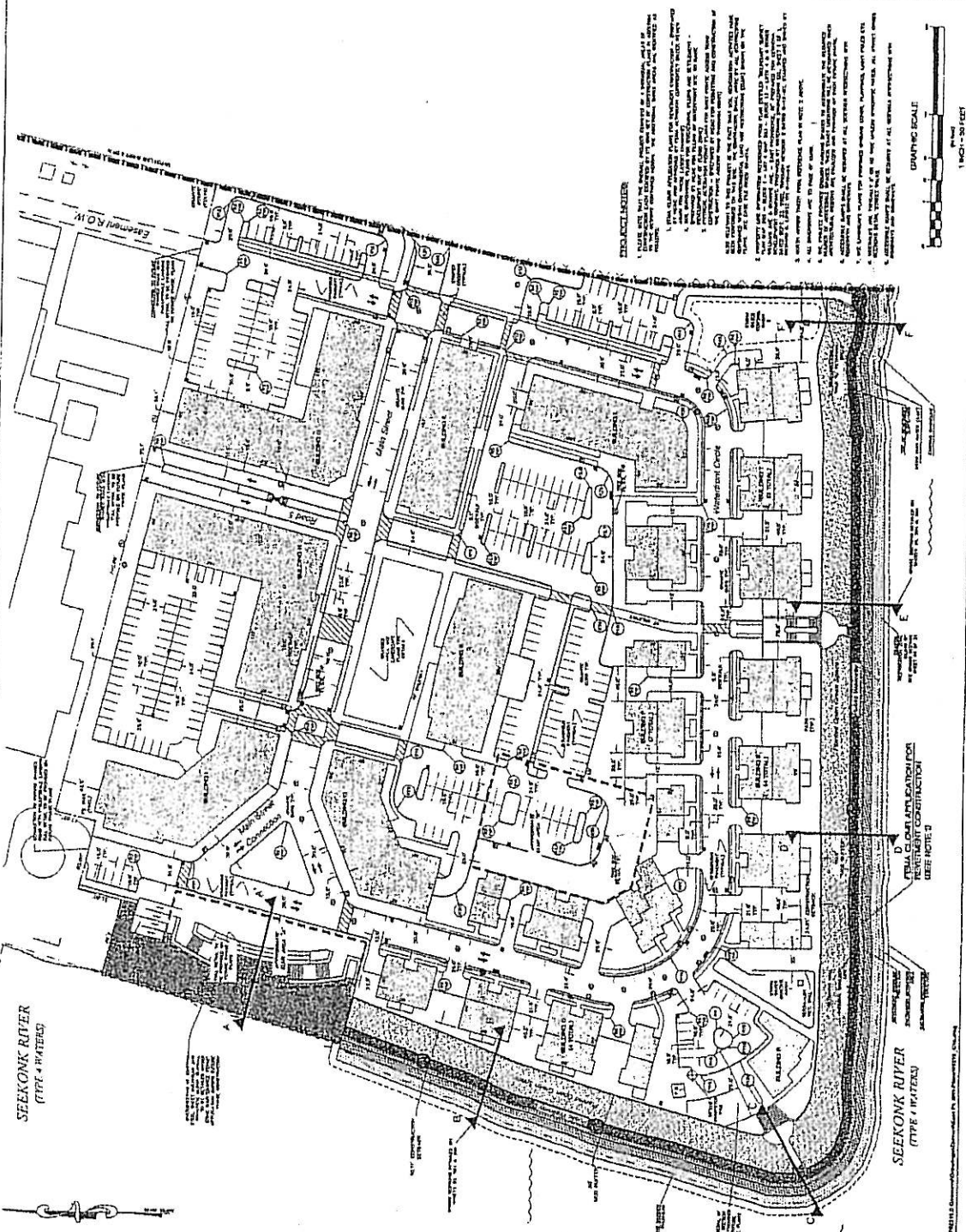
LE

A TRAILER CONSTRUCTION

35 JOHN CLARK ROAD, WESTPORT, MAINE 04091
PHONE (603) 833-8888 FAX (603) 833-8889
WWW.NEENGINEERS.COM

LEGEND	DESCRIPTION
1	EXISTING ROAD RIGHT-OF-WAY
2	PROPOSED ROAD RIGHT-OF-WAY
3	PROPOSED ROAD RIGHT-OF-WAY
4	PROPOSED ROAD RIGHT-OF-WAY
5	PROPOSED ROAD RIGHT-OF-WAY
6	PROPOSED ROAD RIGHT-OF-WAY
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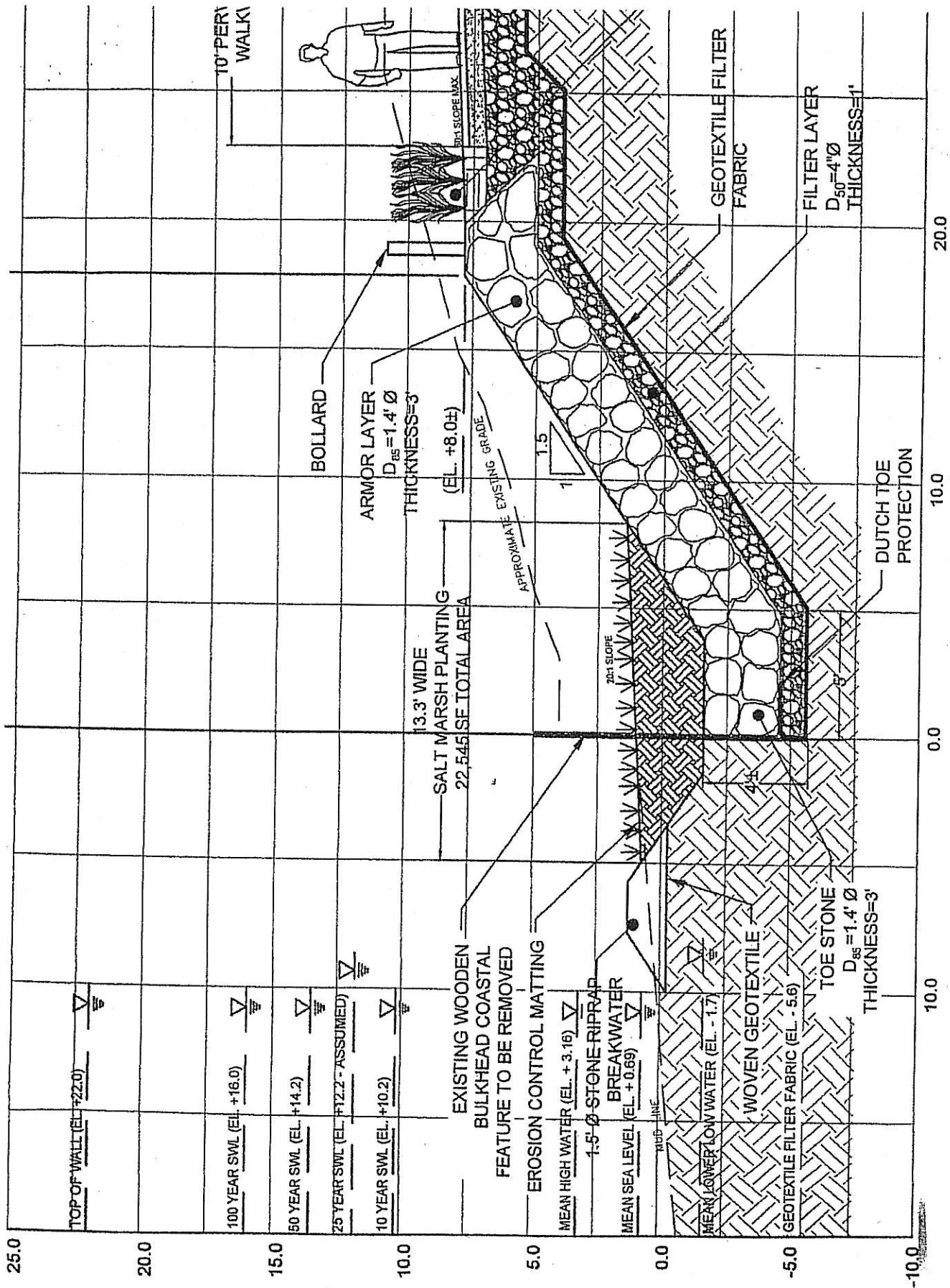
EAST POINTE	
PLAT 202 BLOCK 1, PARCEL 4 PLAT 202 BLOCK 13, PARCEL 4 & 5 PLAT 202 BLOCK 1, PARCEL 8 PLAT 202 BLOCK 1, PARCEL 9 PLAT 202 BLOCK 1, PARCEL 10 PLAT 202 BLOCK 1, PARCEL 11 PLAT 202 BLOCK 1, PARCEL 12 PLAT 202 BLOCK 1, PARCEL 13 PLAT 202 BLOCK 1, PARCEL 14 PLAT 202 BLOCK 1, PARCEL 15 PLAT 202 BLOCK 1, PARCEL 16 PLAT 202 BLOCK 1, PARCEL 17 PLAT 202 BLOCK 1, PARCEL 18 PLAT 202 BLOCK 1, PARCEL 19 PLAT 202 BLOCK 1, PARCEL 20 PLAT 202 BLOCK 1, PARCEL 21 PLAT 202 BLOCK 1, PARCEL 22 PLAT 202 BLOCK 1, PARCEL 23 PLAT 202 BLOCK 1, PARCEL 24 PLAT 202 BLOCK 1, PARCEL 25 PLAT 202 BLOCK 1, PARCEL 26 PLAT 202 BLOCK 1, PARCEL 27 PLAT 202 BLOCK 1, PARCEL 28 PLAT 202 BLOCK 1, PARCEL 29 PLAT 202 BLOCK 1, PARCEL 30 PLAT 202 BLOCK 1, PARCEL 31 PLAT 202 BLOCK 1, PARCEL 32 PLAT 202 BLOCK 1, PARCEL 33 PLAT 202 BLOCK 1, PARCEL 34 PLAT 202 BLOCK 1, PARCEL 35 PLAT 202 BLOCK 1, PARCEL 36 PLAT 202 BLOCK 1, PARCEL 37 PLAT 202 BLOCK 1, PARCEL 38 PLAT 202 BLOCK 1, PARCEL 39 PLAT 202 BLOCK 1, PARCEL 40 PLAT 202 BLOCK 1, PARCEL 41 PLAT 202 BLOCK 1, PARCEL 42 PLAT 202 BLOCK 1, PARCEL 43 PLAT 202 BLOCK 1, PARCEL 44 PLAT 202 BLOCK 1, PARCEL 45 PLAT 202 BLOCK 1, PARCEL 46 PLAT 202 BLOCK 1, PARCEL 47 PLAT 202 BLOCK 1, PARCEL 48 PLAT 202 BLOCK 1, PARCEL 49 PLAT 202 BLOCK 1, PARCEL 50 PLAT 202 BLOCK 1, PARCEL 51 PLAT 202 BLOCK 1, PARCEL 52 PLAT 202 BLOCK 1, PARCEL 53 PLAT 202 BLOCK 1, PARCEL 54 PLAT 202 BLOCK 1, PARCEL 55 PLAT 202 BLOCK 1, PARCEL 56 PLAT 202 BLOCK 1, PARCEL 57 PLAT 202 BLOCK 1, PARCEL 58 PLAT 202 BLOCK 1, PARCEL 59 PLAT 202 BLOCK 1, PARCEL 60 PLAT 202 BLOCK 1, PARCEL 61 PLAT 202 BLOCK 1, PARCEL 62 PLAT 202 BLOCK 1, PARCEL 63 PLAT 202 BLOCK 1, PARCEL 64 PLAT 202 BLOCK 1, PARCEL 65 PLAT 202 BLOCK 1, PARCEL 66 PLAT 202 BLOCK 1, PARCEL 67 PLAT 202 BLOCK 1, PARCEL 68 PLAT 202 BLOCK 1, PARCEL 69 PLAT 202 BLOCK 1, PARCEL 70 PLAT 202 BLOCK 1, PARCEL 71 PLAT 202 BLOCK 1, PARCEL 72 PLAT 202 BLOCK 1, PARCEL 73 PLAT 202 BLOCK 1, PARCEL 74 PLAT 202 BLOCK 1, PARCEL 75 PLAT 202 BLOCK 1, PARCEL 76 PLAT 202 BLOCK 1, PARCEL 77 PLAT 202 BLOCK 1, PARCEL 78 PLAT 202 BLOCK 1, PARCEL 79 PLAT 202 BLOCK 1, PARCEL 80 PLAT 202 BLOCK 1, PARCEL 81 PLAT 202 BLOCK 1, PARCEL 82 PLAT 202 BLOCK 1, PARCEL 83 PLAT 202 BLOCK 1, PARCEL 84 PLAT 202 BLOCK 1, PARCEL 85 PLAT 202 BLOCK 1, PARCEL 86 PLAT 202 BLOCK 1, PARCEL 87 PLAT 202 BLOCK 1, PARCEL 88 PLAT 202 BLOCK 1, PARCEL 89 PLAT 202 BLOCK 1, PARCEL 90 PLAT 202 BLOCK 1, PARCEL 91 PLAT 202 BLOCK 1, PARCEL 92 PLAT 202 BLOCK 1, PARCEL 93 PLAT 202 BLOCK 1, PARCEL 94 PLAT 202 BLOCK 1, PARCEL 95 PLAT 202 BLOCK 1, PARCEL 96 PLAT 202 BLOCK 1, PARCEL 97 PLAT 202 BLOCK 1, PARCEL 98 PLAT 202 BLOCK 1, PARCEL 99 PLAT 202 BLOCK 1, PARCEL 100	
CITY OF EAST PORTLAND OFFICIAL DEVELOPMENT CODE PERMITTING	
PROPOSED LAYOUT PLAN WATERFRONT PARK	
Scale: 1" = 31' Date: 05/10/00	

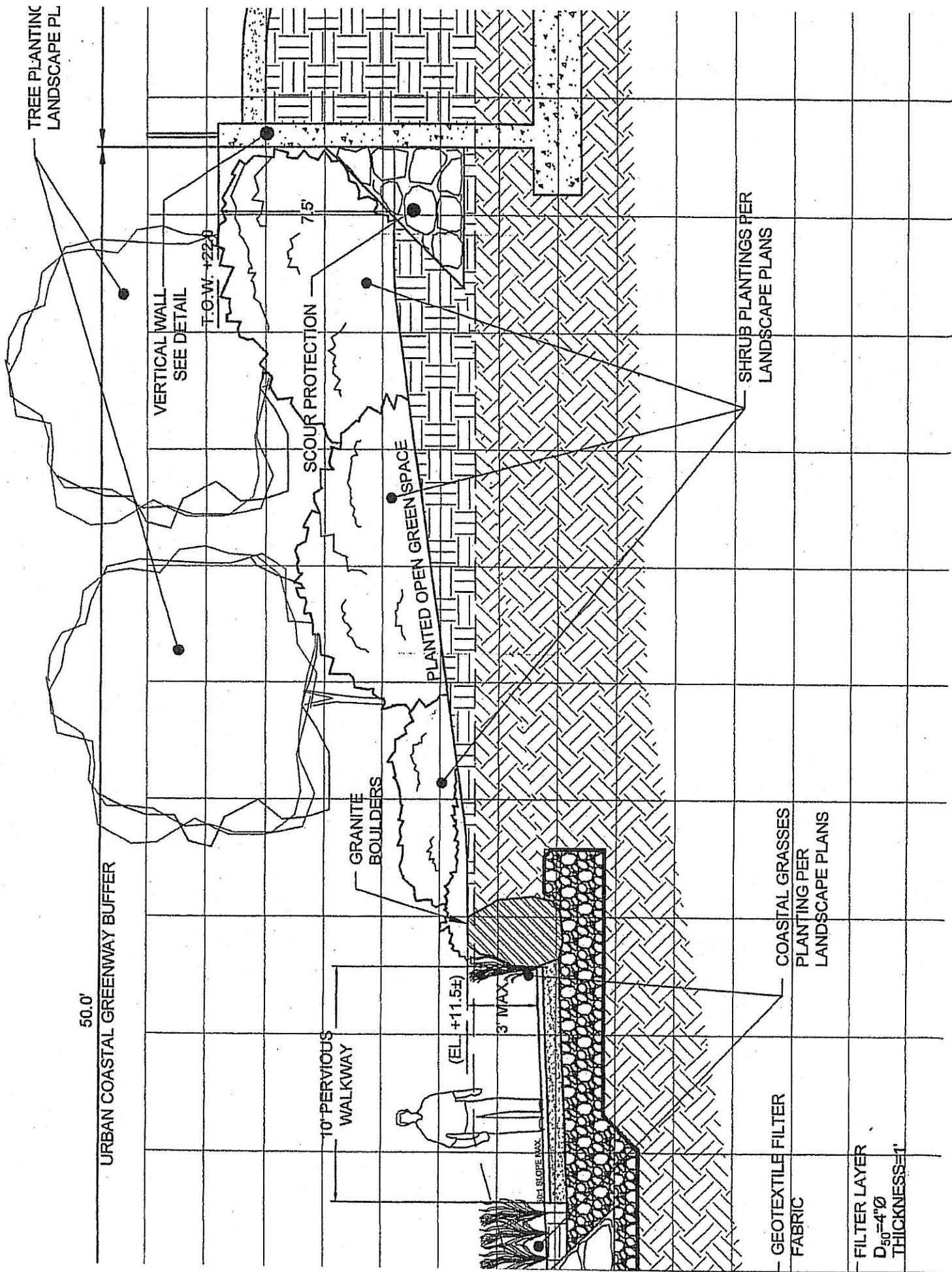


NOTES:

1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE CITY OF EAST PORTLAND HAS REVIEWED THIS PLAN AND HAS GRANTED A PERMIT FOR THE PROPOSED DEVELOPMENT.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF EAST PORTLAND AND THE STATE OF MAINE.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF EAST PORTLAND AND THE STATE OF MAINE.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF EAST PORTLAND AND THE STATE OF MAINE.
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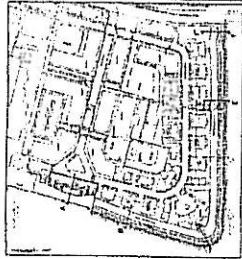




NORTHEAST ENGINEERS
& CONSULTANTS, INC.



A KNOWLEDGE CORPORATION
25 JOHN CLAYTON ROAD, SUITE 200A, RICHMOND, VA 23261
PHONE (804) 781-1111 FAX (804) 781-1112
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REVISION KEY

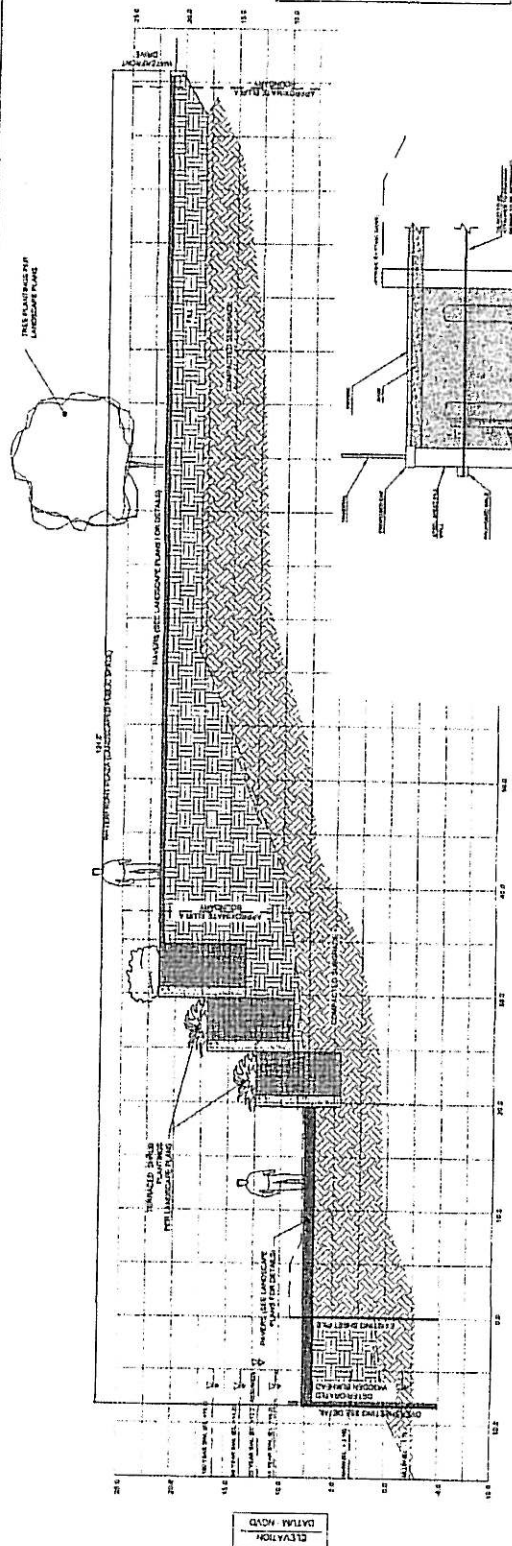
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EAST POINTE
PLAN 201 BLOCK 1, PARCEL 4
PLAN 201 BLOCK 12, PARCEL 4 & 5
ROGER WILLIAMS AVENUE
EAST PRINCEDENCE, PRINCE GEORGE
CITY OF EAST PRINCEDENCE
GEORGIA DEVELOPMENT CO. LLC

REVETMENT CROSS SECTIONS

DET-8
Scale 30' = 1'
Drawing Number 05310.0
Project Name EAST PRINCEDENCE
Project Location EAST PRINCEDENCE, PRINCE GEORGE, GA
Project Date 11/11/11

REVISION KEY



SECTION A-A
VERTICAL SECTION
SCALE 1" = 10'

OVERSHEETING DETAIL

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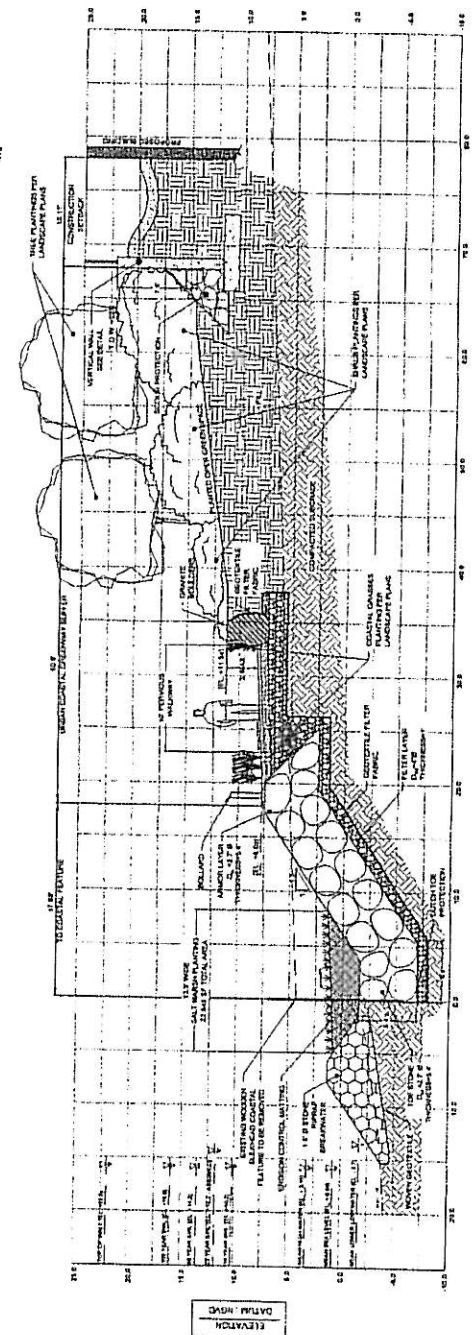
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SECTION B-B
VERTICAL SECTION
SCALE 1" = 10'

OVERSHEETING DETAIL

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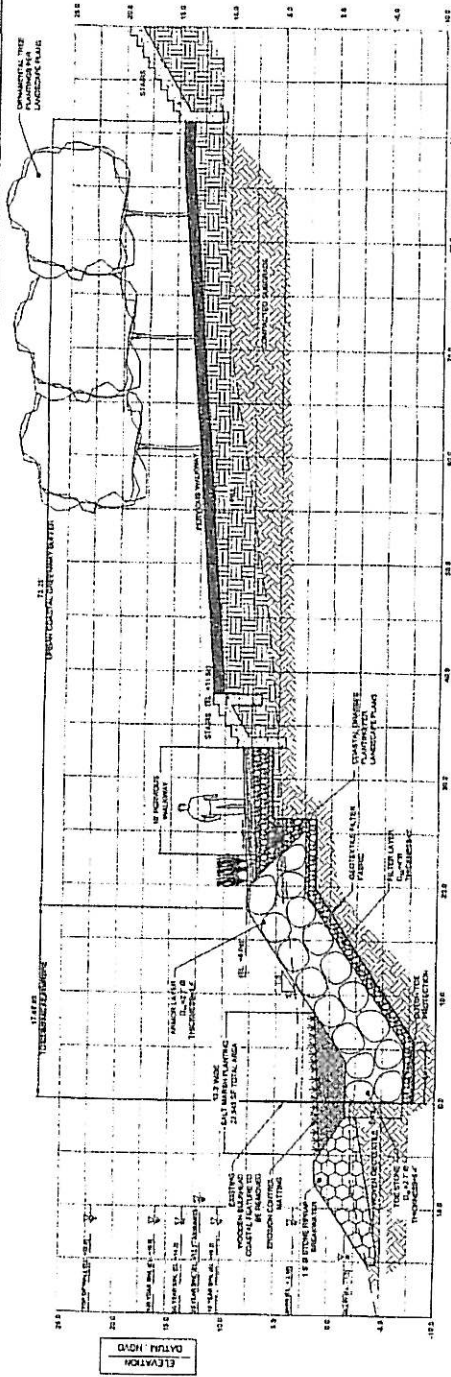
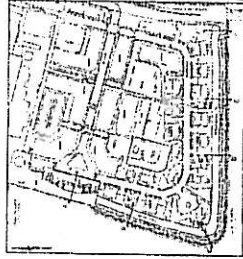
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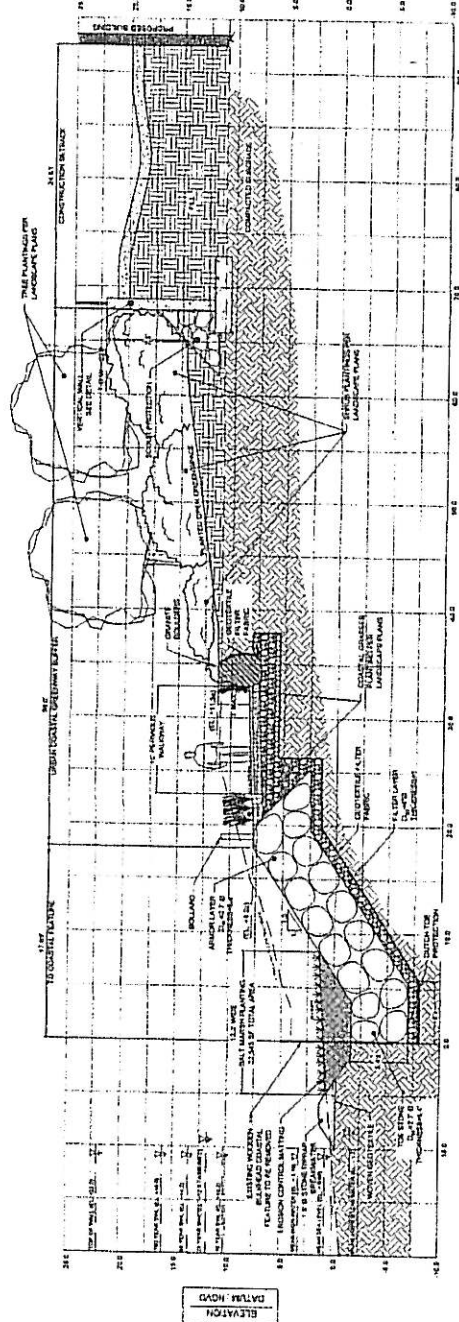
NORTHEAST ENGINEERS
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1500 CLARE ROAD, SUITE 100
PO BOX 1001, EAST PROVIDENCE, RI 02914
WWW.NORTHEASTENGINEERS.COM



SECTION C-C
VERTICAL SCALE 1" = 4'



SECTION D-D
VERTICAL SCALE 1" = 4'

1	REVISIONS BY FIELD/ENGINEER	DATE
2	REVISIONS BY PROJECT MANAGER	DATE
3	REVISIONS BY CIVIL ENGINEER	DATE
4	REVISIONS BY ELECTRICAL ENGINEER	DATE
5	REVISIONS BY MECHANICAL ENGINEER	DATE
6	REVISIONS BY PLUMBING ENGINEER	DATE
7	REVISIONS BY STRUCTURAL ENGINEER	DATE
8	REVISIONS BY LANDSCAPE ARCHITECT	DATE
9	REVISIONS BY ENVIRONMENTAL ENGINEER	DATE
10	REVISIONS BY TRANSPORTATION ENGINEER	DATE
11	REVISIONS BY MATERIALS TESTING	DATE
12	REVISIONS BY OTHER	DATE

EAST POINTE
PLAT 203, BLOCK 1, PARCEL 4
PLAT 303, BLOCK 13, PARCEL 4 & 5
ROGER WILLIAMS AVENUE
EAST PROVIDENCE, RHODE ISLAND
CITY OF EAST PROVIDENCE
GEORGINA DEVELOPMENT CO. LLC

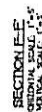
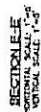
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Sheet No. 1001
Scale 1" = 4'

DESIGNED BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

DATE: 10/1/2010
TIME: 10:00 AM

PROJECT: 1001
SHEET: 1001
SCALE: 1" = 4'

REVISIONS:
1. 10/1/2010: 1001
2. 10/1/2010: 1001
3. 10/1/2010: 1001
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[illegible]

JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers

Revised 8/13/04

DISTRICT OFFICE: NAE

FILE NUMBER & APPLICANT: 2007-819 City of East Providence; Geonova Development Company

PROJECT LOCATION INFORMATION:

State: Rhode Island
County: Providence
Center coordinates of site (latitude/longitude): N41° 50.324' and W71° 22.260'
Approximate size of area (parcel) reviewed, including uplands: 10 acres.
Name of nearest waterway: Seekonk River
Name of watershed: Narragansett Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination ☒ Date: 7 March 2007
Site visit(s) ☒ Date(s): 19 July 2007

Jurisdictional Determination (JD):

- ☒ Preliminary JD - Based on available information, ☒ there appear to be (or) ☐ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- ☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:
- ☒ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.
- ☒ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 21 acres.
- ☒ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
☒ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**
- ☒ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**
- ☒ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- ☒ (2) The presence of interstate waters including interstate wetlands¹.
- ☒ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- ☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- ☒ (4) Impoundments of waters otherwise defined as waters of the US.
- ☒ (5) The presence of a tributary to a water identified in (1) - (4) above.
- ☒ (6) The presence of territorial seas.
- ☒ (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:*

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)☒ Ordinary High Water Mark indicated by:

- ☐ clear, natural line impressed on the bank
- ☐ the presence of litter and debris
- ☐ changes in the character of soil
- ☐ destruction of terrestrial vegetation
- ☐ shelving
- ☐ other:

☒ High Tide Line indicated by:

- ☐ oil or scum line along shore objects
- ☒ fine shell or debris deposits (foreshore)
- ☒ physical markings/characteristics
- ☐ tidal gages
- ☐ other:

☒ Mean High Water Mark indicated by:

- ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:**Basis For Not Asserting Jurisdiction:**☒ The reviewed area consists entirely of uplands.☒ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).☒ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:

- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
- ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
- ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
- ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
- ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
- ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
- ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
- ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
- ☐ Other (explain):

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.☒ Data sheets prepared/submitted by or on behalf of the applicant.

☐ This office concurs with the delineation report, dated 3/16/2006, prepared by (company):

☐ This office does not concur with the delineation report, dated , prepared by (company):

☒ Data sheets prepared by the Corps.☒ Corps' navigable waters' studies:☒ U.S. Geological Survey Hydrologic Atlas:☒ U.S. Geological Survey 7.5 Minute Topographic maps:☒ U.S. Geological Survey 7.5 Minute Historic quadrangles:☒ U.S. Geological Survey 15 Minute Historic quadrangles:☒ USDA Natural Resources Conservation Service Soil Survey:☒ National wetlands inventory maps:☒ State/Local wetland inventory maps:☒ FEMA/FIRM maps (Map Name & Date):☒ 100-year Floodplain Elevation is: (NGVD)☒ Aerial Photographs (Name & Date):☒ Other photographs (Date):☒ Advanced Identification Wetland maps:☒ Site visit/determination conducted on: 19 July 2007 with USF&WS, EPA, RIDEM and agent Northeast Engineers☒ Applicable/supporting case law:☒ Other information (please specify): The Seekonk River is a tidal river that flows into the Providence River and then Narragansett Bay.

Michael Elliott Sept 27, 2007

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DEPARTMENT OF THE ARMY PERMIT

Permittee City of East Providence; Geonova Development Co., LLC

Permit No. NAE-2007-819

Issuing Office New England District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To construct and maintain a multi-use project called the East Pointe Development. The authorized work includes:

- 1.) Construct a 1600 linear foot riprap revetment backed by a vertical concrete flood zone protection wall. The toe-of-slope of the revetment will impact 11,149 square feet of coastal wetlands.
- 2.) The riprap revetment will impact 11,149 SF of coastal wetlands. To compensate for this wetlands impact, a 22,545 SF salt marsh will be created as 2:1 mitigation. The salt marsh will be created just seaward of the revetment.

Project Location: (Project description continued on page 4)

Seekonk River in East Providence, Rhode Island

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on DECEMBER 31, 2012. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall ensure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for work.

(Special Conditions continued on Page 4)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

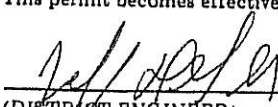
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)

CURTIS L. THALKEN, COLONEL
CORPS OF ENGINEERS

9/27/07

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

Project Description (continued from page 1):

3.) A total of 542 cubic yards of fill will be placed below the high tide line (HTL) resulting in 26,324 SF of fill below the HTL. The fill is for the revetment, the substrate for the salt marsh mitigation and a small breakwater to lessen the wave energy on the salt marsh.

4.) A 265-foot long steel sheetpile bulkhead will be installed in the northwest corner of the project.

In accordance with the attached plans and 8.5" x 11" sections of large plan entitled "EASTE POINTE PLAT 203, BLOCK 1, PARCEL 4 PLAT 303, BLOCK 13, PARCEL 4 & 5" dated "FEBRUARY06 revised through "21SEPT07".

(Special Conditions continued from Page 2)

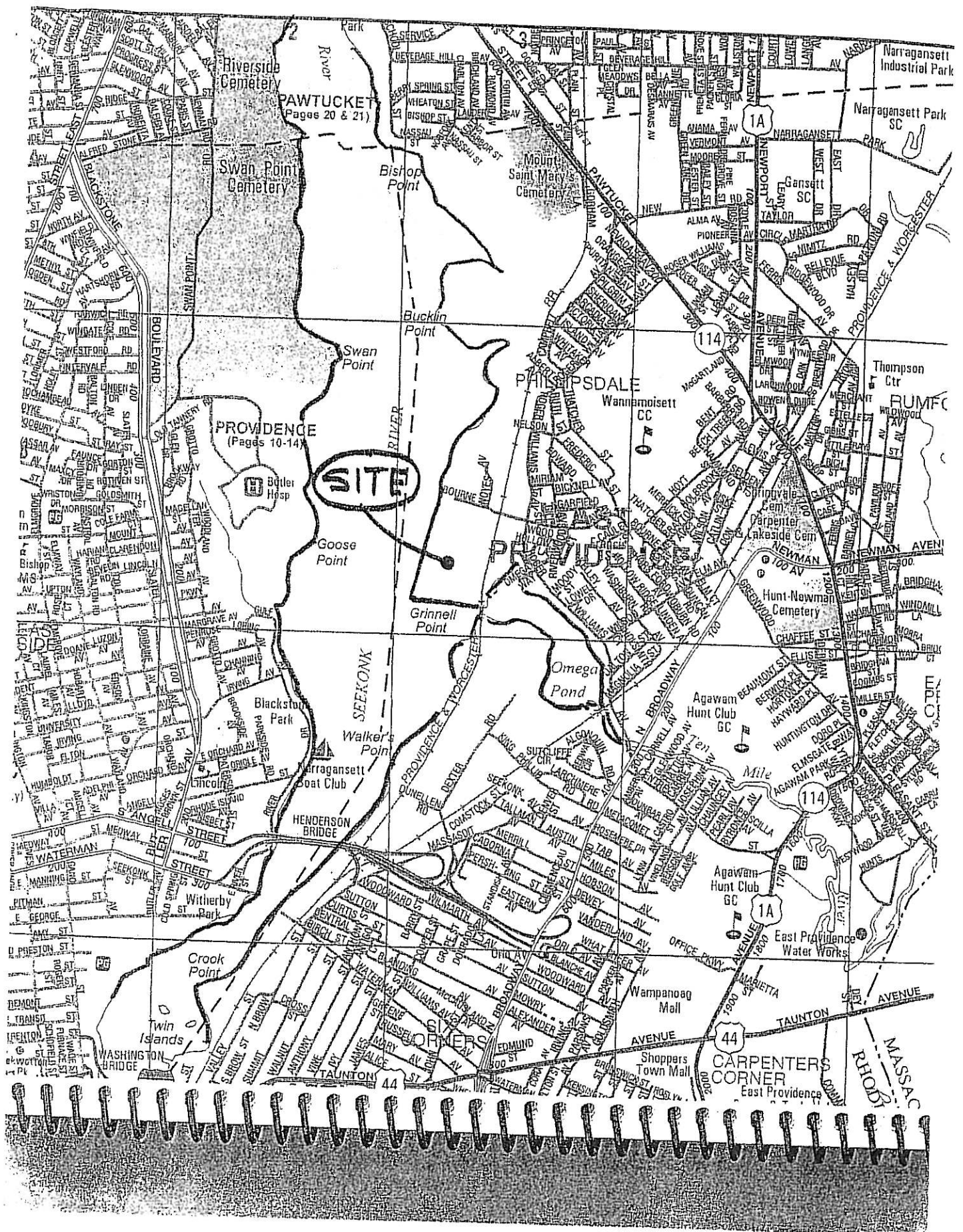
If the permit is issued after the construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. If the permit is issued after receipt of bids or quotes, the entire permit shall be included in the contract or sub-contract as a change order. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

2. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters within or adjacent to the activity authorized herein.

4. A 22,545 SF salt marsh will be created as mitigation for the riprap revetment as shown on the authorized plans and in accordance with the state assent.

5. Public access shall be provided as shown on the authorized plans.



AS I PROVIDED

AERIAL PHOTO



East Pointe

A Mixed Use Development
CITY OF EAST PROVIDENCE, RHODE ISLAND

Revised and Supplemental Information
Category "B" Application

To: Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879



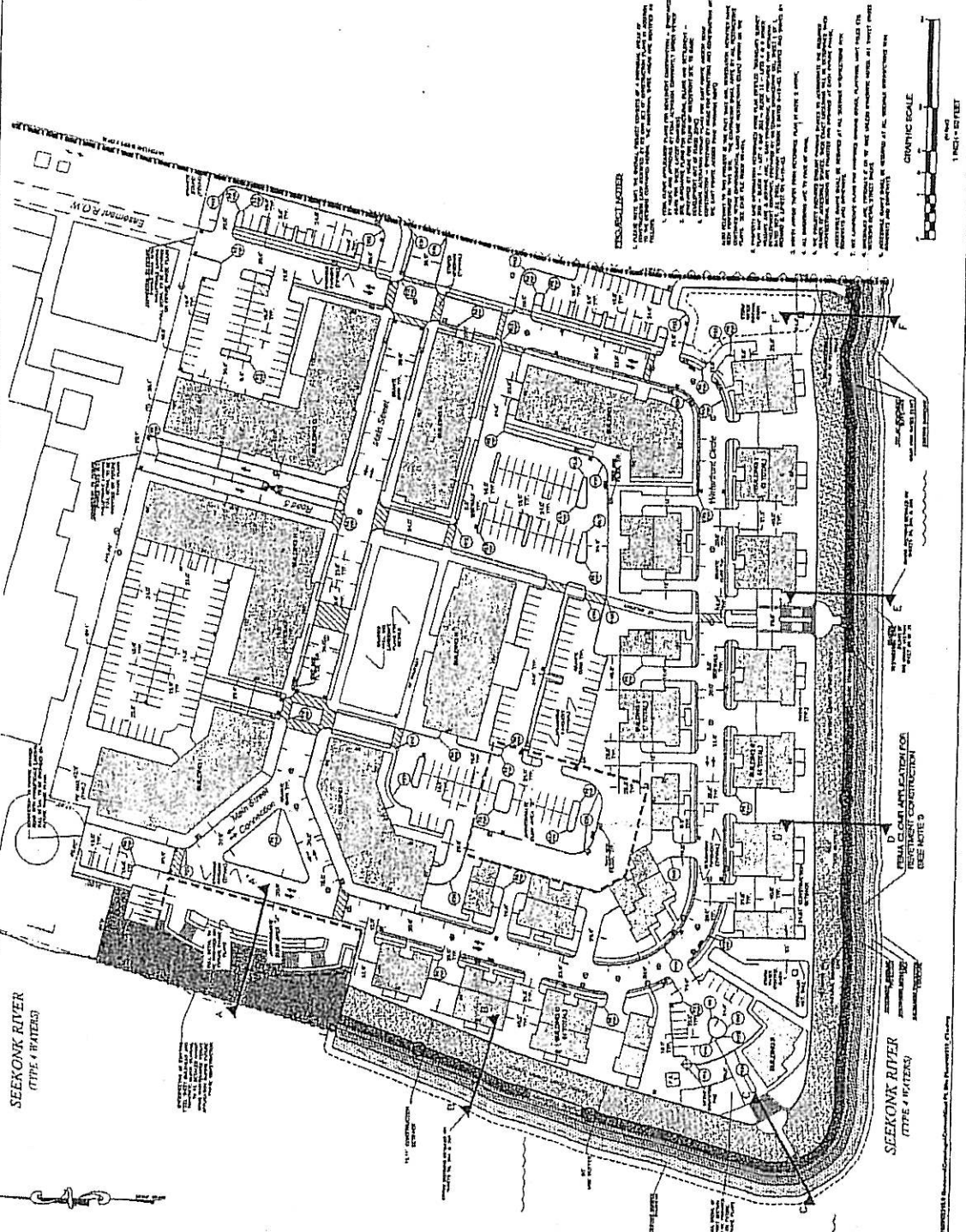
PREPARED FOR:
GEONOVA DEVELOPMENT COMPANY, LLC

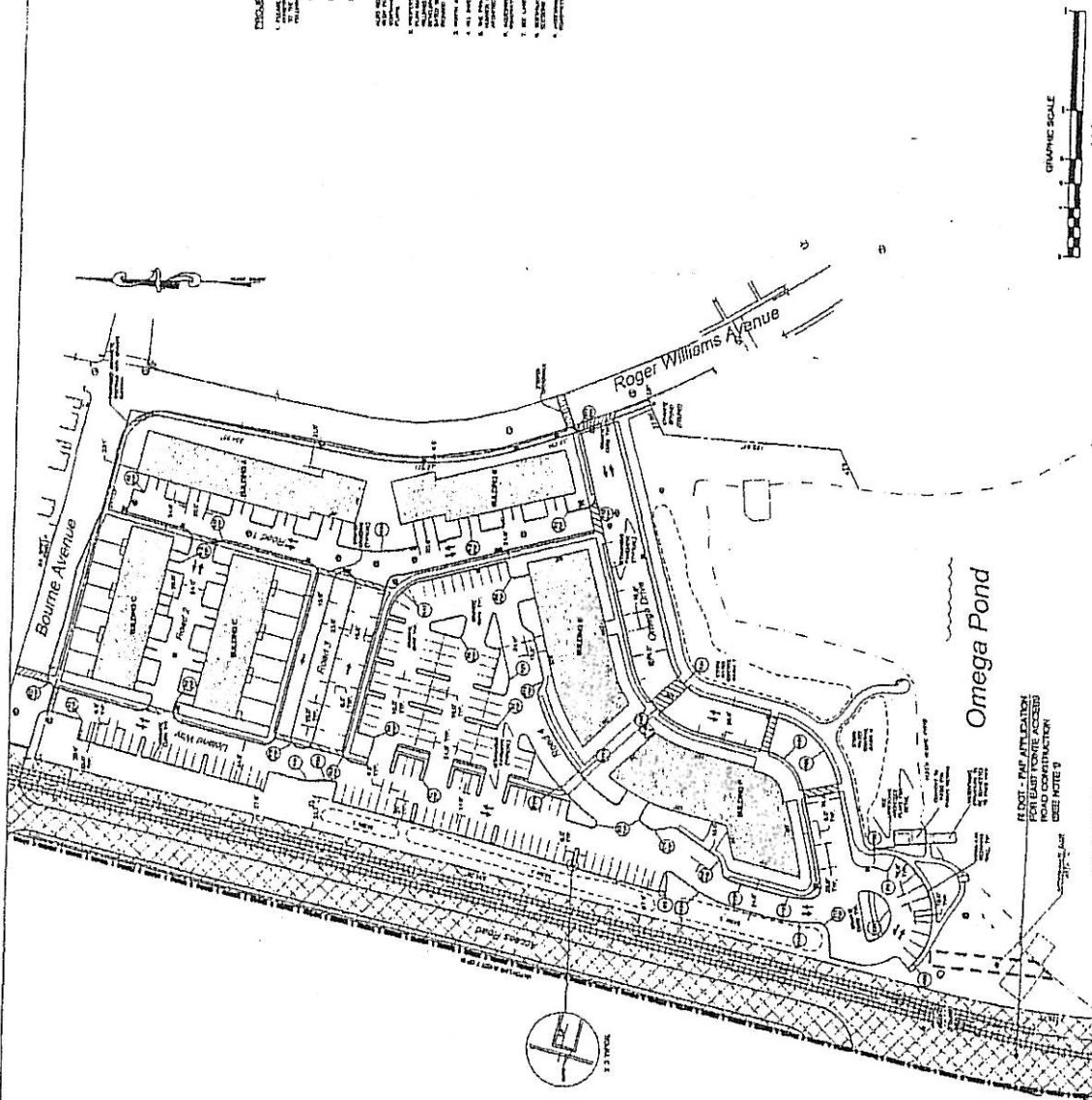
PREPARED BY:
NORTHEAST ENGINEERS & CONSULTANTS, INC.
55 JOHN CLARKE ROAD
MIDDLETOWN, RI 02842

MAY 24 2007

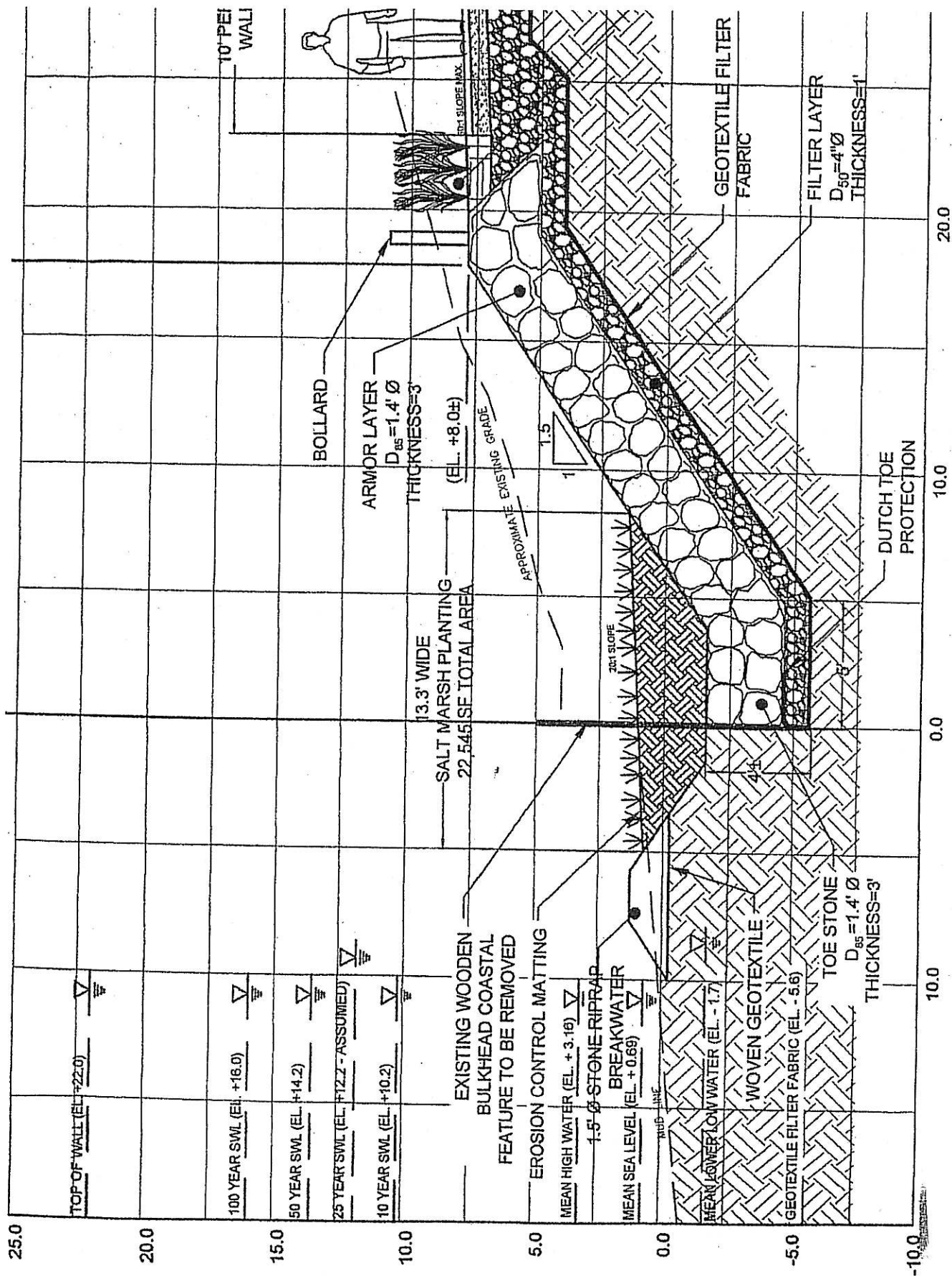
February 2007
Revised May 2007

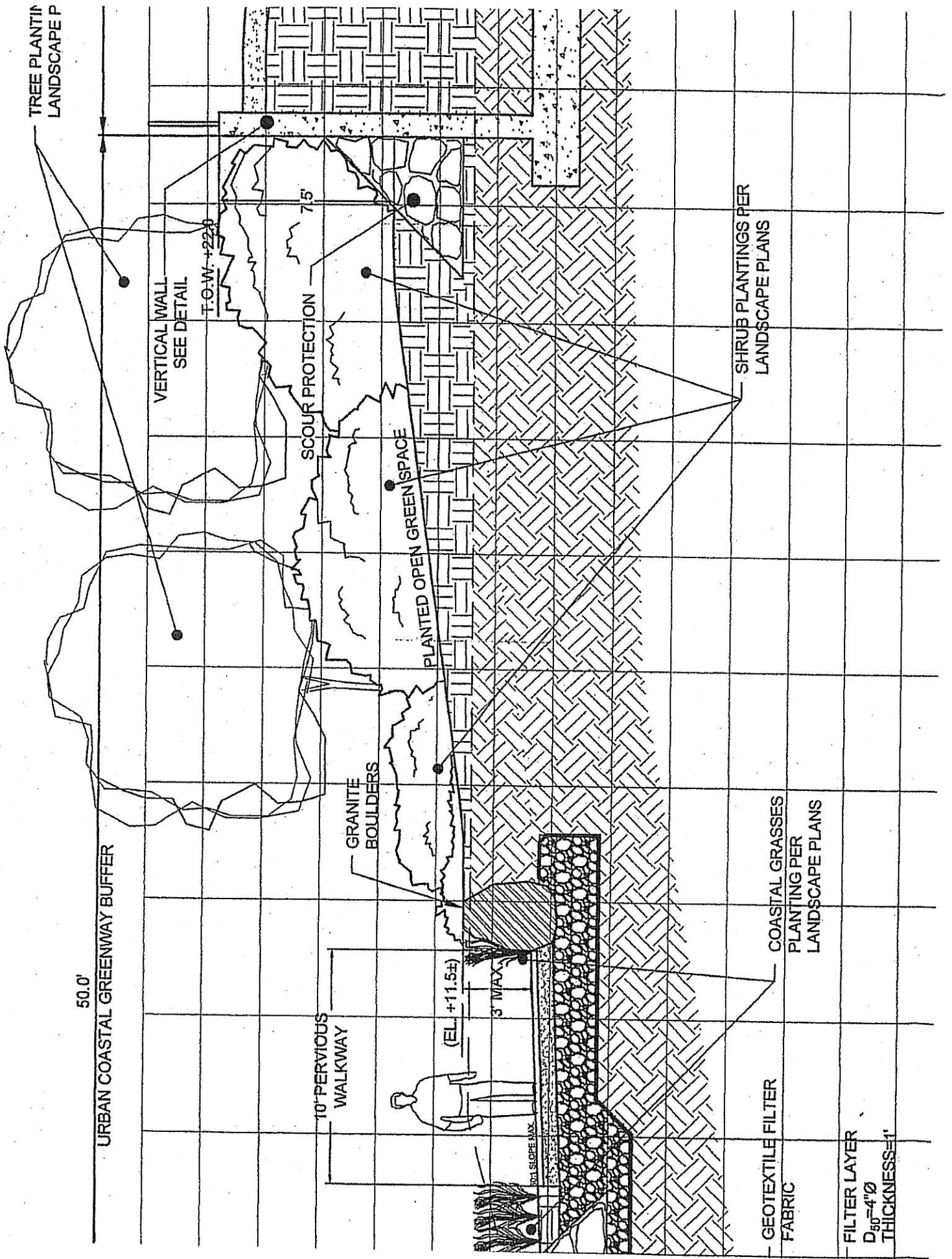




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ELEVATION
 DATUM : NGVD





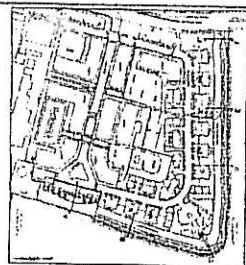
**NORTHEAST ENGINEERS
A CONSULTANTS, INC.**

SE

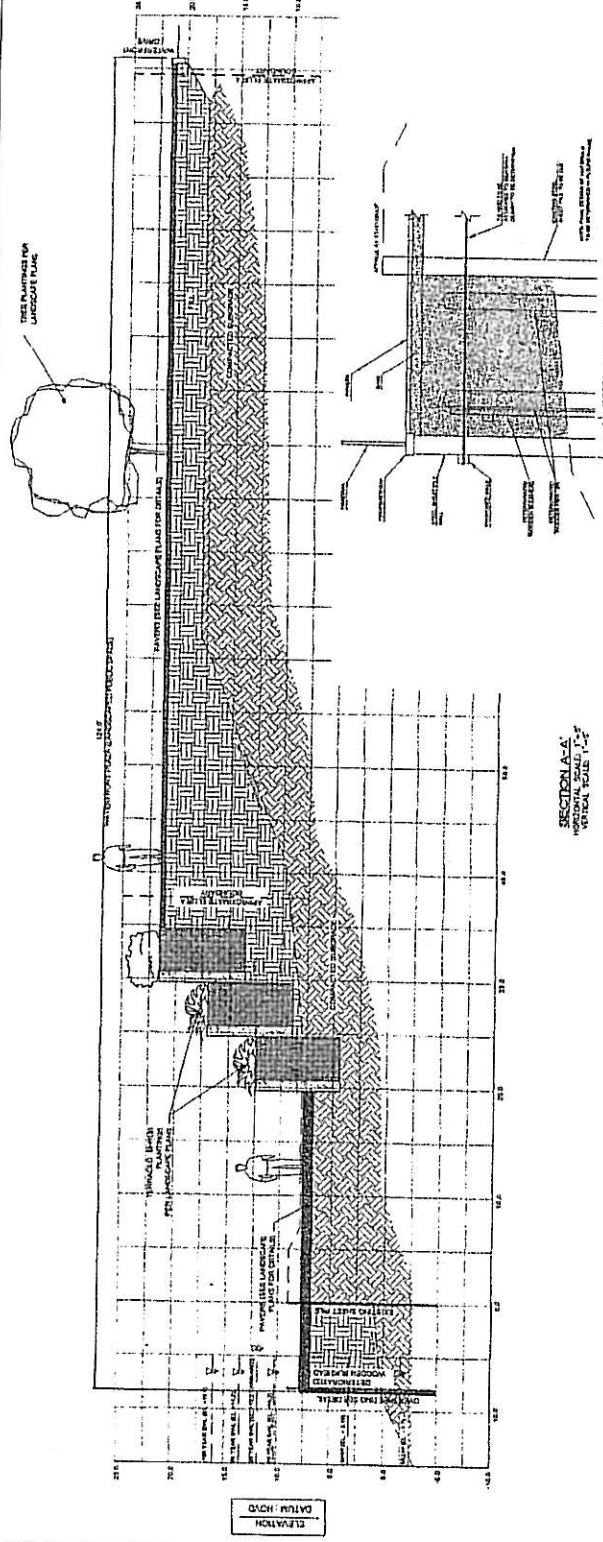
SITE/CIVIL
LAND PLANNING
WATER/PORT
SURVEYING
GEOTECHNICAL
ENVIRONMENTAL
TRANSPORTATION
STRUCTURAL
MATERIALS TESTING

A KNOWLEDGE CORPORATION

31 JOHN CLARKE ROAD, SUITE 200, RIVERIDGE, NY 10917
PHONE: (845) 875-1400 FAX: (845) 875-1409
WWW.NEENGINEERS.COM



SECTION A-A KEY



SECTION A-A
HORIZONTAL SCALE 1"=20'
VERTICAL SCALE 1"=4'

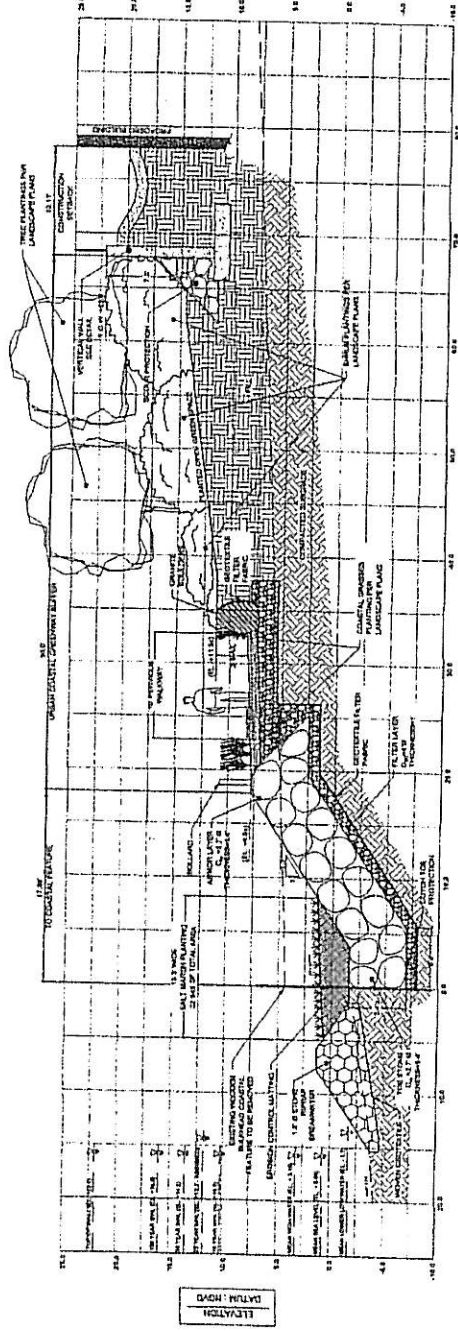
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3	REVISED FOR PERMITS	12/15/2017	W. BLOOM	
4	REVISED FOR PERMITS	12/15/2017	W. BLOOM	

EAST POINTE
PLAT 203, BLOCK 1, PARCEL 4
PLAT 303, BLOCK 13, PARCEL 4 & 5
ROSE WILLIAMS AVENUE
EAST RIVER, RIVERIDGE, NY 10917

CITY OF EAST RIVER
GEOTECHNICAL DEVELOPMENT CO. LLC

REVIEW
CROSS SECTIONS

DET-8
Sheet 30 of 31
00310.0



SECTION B-B
HORIZONTAL SCALE 1"=20'
VERTICAL SCALE 1"=4'

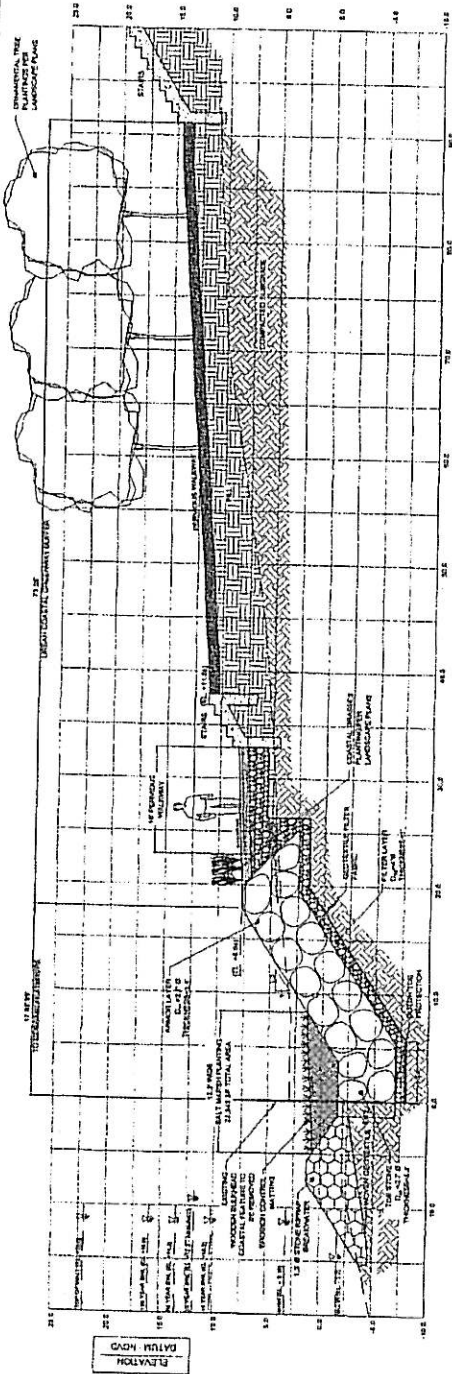
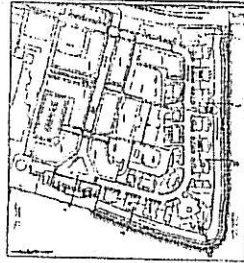
Prepared by: W. Bloom, P.E.
Checked by: W. Bloom, P.E.
Reviewed by: W. Bloom, P.E.

NORTHEAST ENGINEERS & CONSULTANTS, INC.

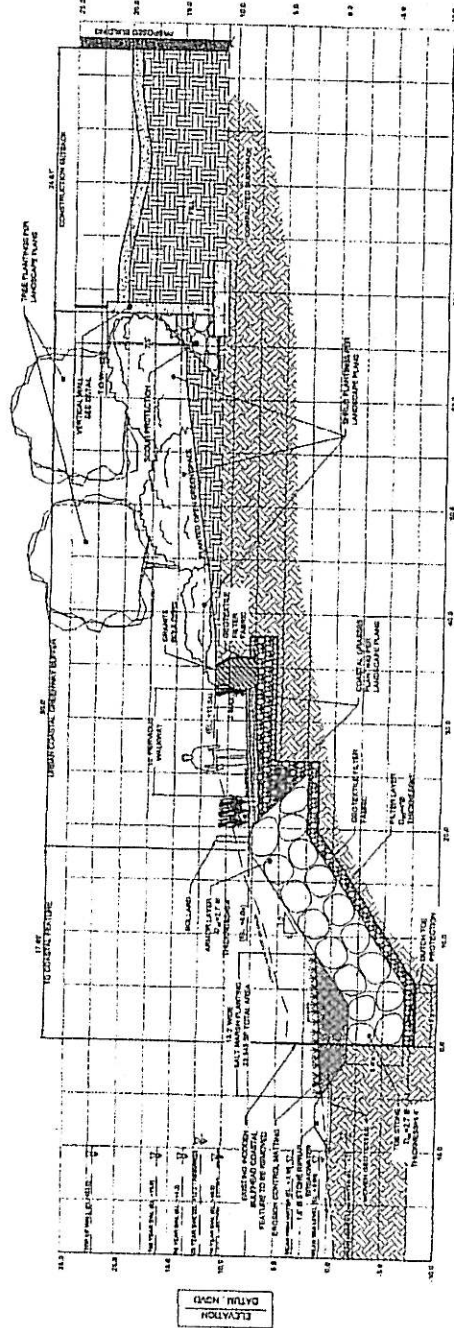
STUDIOS
LAND PLANNING
SURVEYING
ENVIRONMENTAL
TRANSPORTATION
STRUCTURAL
MATERIALS TESTING

KNOWLEDGE CORPORATION

31 JOHN CLARK ROAD, SUITE 100, ROCKLAND, MA 01966
PHONE (401) 865-0242 FAX (401) 865-0243
WWW.NEENGINEERS.COM



SECTION C-C'
HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=2'



SECTION D-D'
HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=2'

1	PROPOSED REVETMENT	DATE	12/10/2010
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4	REVISIONS	DATE	
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100	REVISIONS	DATE	

EAST POINTE
PLAT 203, BLOCK 1, PARCEL 4
PLAT 203, BLOCK 13, PARCELS 4 & 5
ROGER WILLIAMS AVENUE
EAST PROVIDENCE, RHODE ISLAND
CITY OF EAST PROVIDENCE
GEORGINA DEVELOPMENT CO. LLC

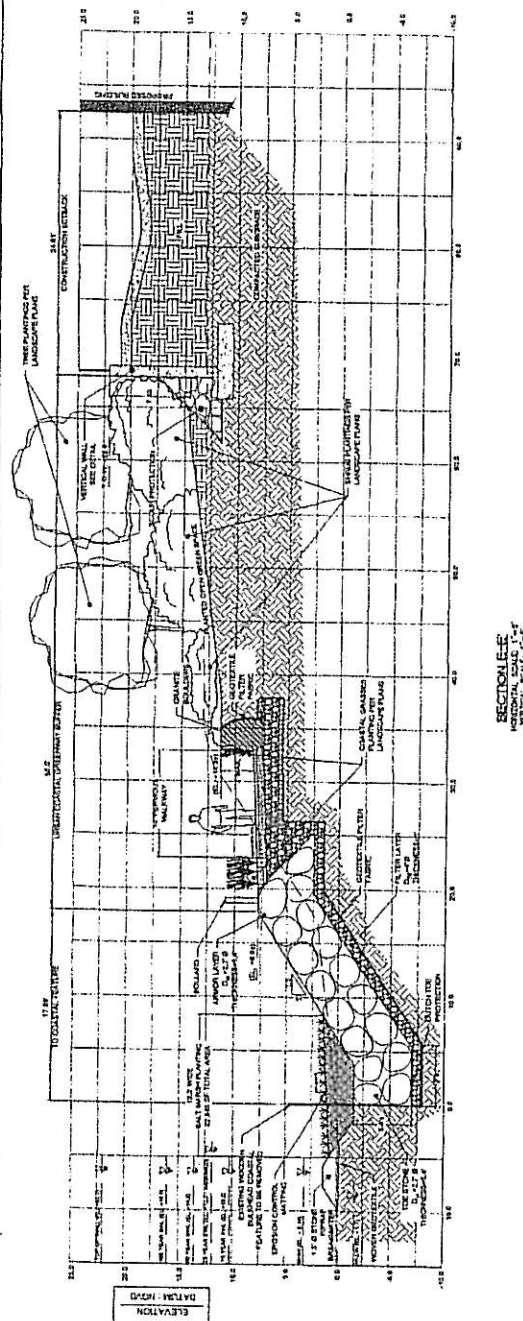
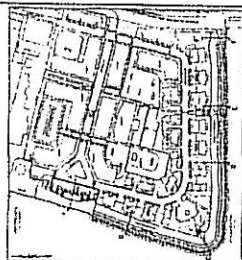
REVISIONS

DETAILED
NO. 304-31
053110.0
REVISIONS

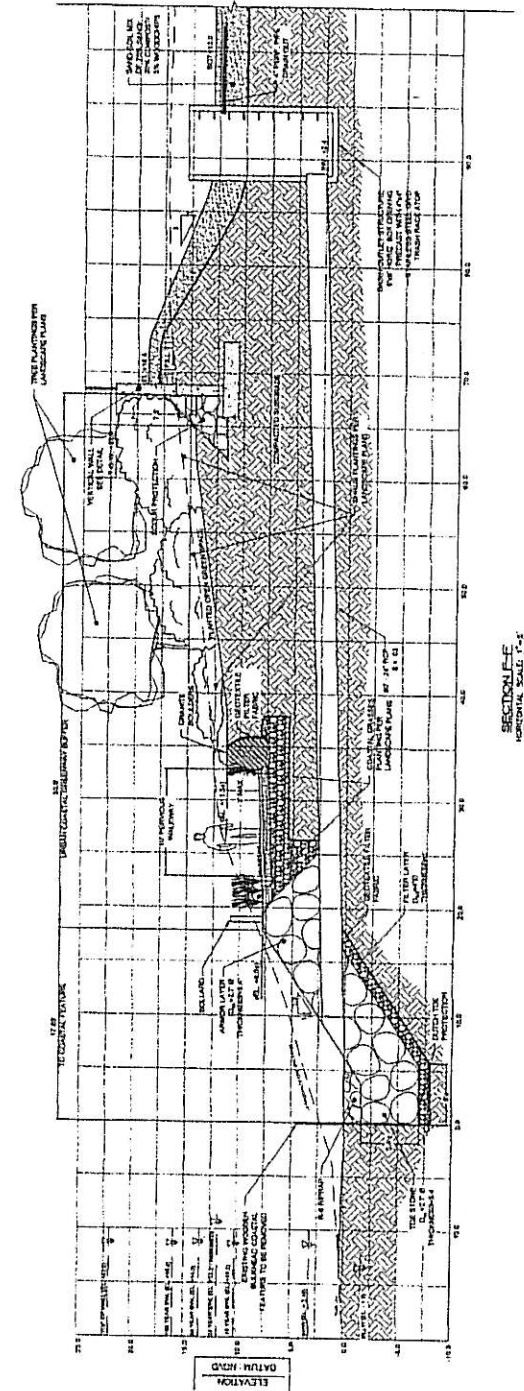
REVISIONS



5 JOHN CLARK ROAD MEDFORD MA
PHONE (617) 243-6212 FAX (617) 246-4180
WWW.KNOWLEDGE-CORPORATION.COM



SECTION 5-5
HORIZONTAL SCALE 1"=8'



SECTION F-F
REGIONAL SCALE: 1"=2'

[illegible]

JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers

Revised 8/13/04

DISTRICT OFFICE: NAE

FILE NUMBER & APPLICANT: 2007-819 City of East Providence; Geonova Development Company

PROJECT LOCATION INFORMATION:

State: Rhode Island
County: Providence
Center coordinates of site (latitude/longitude): N41° 50.324' and W71° 22.260'
Approximate size of area (parcel) reviewed, including uplands: 10 acres.
Name of nearest waterway: Seekonk River
Name of watershed: Narragansett Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination ☒ Date: 7 March 2007
Site visit(s) ☒ Date(s): 19 July 2007

Jurisdictional Determination (JD):

- ☒ Preliminary JD - Based on available information, ☒ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- ☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:
- ☒ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.
- ☒ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 21 acres.
- ☒ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
☒ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**
☒ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**
- ☒ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- ☒ (2) The presence of interstate waters including interstate wetlands¹.
- ☒ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- ☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- ☒ (4) Impoundments of waters otherwise defined as waters of the US.
- ☒ (5) The presence of a tributary to a water identified in (1) - (4) above.
- ☒ (6) The presence of territorial seas.
- ☒ (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:*

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

- ☒ Ordinary High Water Mark indicated by:
- ☐ clear, natural line impressed on the bank
 - ☐ the presence of litter and debris
 - ☐ changes in the character of soil
 - ☐ destruction of terrestrial vegetation
 - ☐ shelving
 - ☐ other:
- ☒ High Tide Line indicated by:
- ☐ oil or scum line along shore objects
 - ☒ fine shell or debris deposits (foreshore)
 - ☒ physical markings/characteristics
 - ☐ tidal gages
 - ☐ other:
- ☒ Mean High Water Mark indicated by:
- ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
- ☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

Basis For Not Asserting Jurisdiction:

- ☒ The reviewed area consists entirely of uplands.
- ☒ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- ☒ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- ☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
 - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
 - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
 - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
 - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
 - ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
 - ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
 - ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
 - ☐ Other (explain):

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

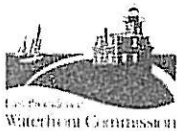
- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant.
- ☐ This office concurs with the delineation report, dated 3/16/2006, prepared by (company):
- ☐ This office does not concur with the delineation report, dated , prepared by (company):
- ☒ Data sheets prepared by the Corps.
- ☒ Corps' navigable waters' studies:
- ☒ U.S. Geological Survey Hydrologic Atlas:
- ☒ U.S. Geological Survey 7.5 Minute Topographic maps:
- ☒ U.S. Geological Survey 7.5 Minute Historic quadrangles:
- ☒ U.S. Geological Survey 15 Minute Historic quadrangles:
- ☒ USDA Natural Resources Conservation Service Soil Survey:
- ☒ National wetlands inventory maps:
- ☒ State/Local wetland inventory maps:
- ☒ FEMA/FIRM maps (Map Name & Date):
- ☒ 100-year Floodplain Elevation is: (NGVD)
- ☒ Aerial Photographs (Name & Date):
- ☒ Other photographs (Date):
- ☒ Advanced Identification Wetland maps:
- ☒ Site visit/determination conducted on: 19 July 2007 with USF&WS, EPA, RIDEM and agent Northeast Engineers
- ☒ Applicable/supporting case law:
- ☒ Other information (please specify): The Seekonk River is a tidal river that flows into the Providence River and then Narragansett Bay.

Michael Elliott Sept 27, 2007

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Tab 10



**EAST PROVIDENCE WATERFRONT SPECIAL DEVELOPMENT
DISTRICT COMMISSION**

NOTICE OF DECISION

Date: January 22, 2007
RE: Request for Permit for East Pointe Development
Applicant: GeoNova Development Corporation
Location: 300 Bourne Avenue
Zoning: Phillipsdale Waterfront Sub-District (PD)
Assessors
Map: Map 203, Block 1, Parcel 4
Map 303, Block 13, Parcel 4
Map 303, Block 13, Parcel 5
Map 304, Block 1, Parcel 8

As required by Chapter 19, Article 9 of the Revised Ordinances of the City of East Providence, at its meeting of January 22, 2007, the East Providence Waterfront Special Development District Commission ("Waterfront Commission") reviewed the above-referenced development for the purpose of determining whether the proposal is consistent with the purposes, intent and performance standards of the *Waterfront District Zoning District Regulations*.

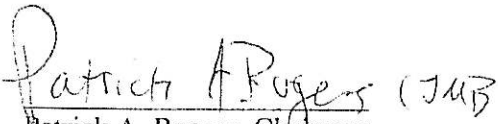
In its review of the proposed development, the Waterfront Commission received a presentation by the developer, GeoNova Development Corporation, as well as supporting documentation, including the site plans and architectural renderings of the proposed development submitted to the Waterfront Commission in February of 2006, as subsequently amended on November 20, 2006 and December 28, 2006. The Board also considered the December 12, 2006 advisory recommendation of the Planning Board regarding consistency with the *Comprehensive Plan* and the *Land Development and Subdivision Regulations*, and the recommendations of the Design Review Committee as detailed in their memorandum of January 17, 2007.

Based upon the presentation and the advisory recommendations, the Waterfront Commission voted 7-0 on a motion made by Mr. Lynch, seconded by Mr. Pesce, to incorporate the report of the Design Review Committee into the record and to approve the East Pointe Project, as proposed, subject to the following conditions:

1. That the approval be based on the application dated March 26, 2005, and plans and supporting documentation submitted to the Design Review Committee and deemed complete on December 7, 2006.
2. That the approval be based upon the attached memorandum and its attachments, dated January 17, 2007 from the Design Review Committee to the Waterfront Commission.

Present and voting were: Acting Chairman Gregory, Mr. Lynch, Mr. Chick, Mr. Hardcastle, Mr. Pesce, Mr. Fazioli, and Mr. Torrado.
Chairman Patrick Rogers recused himself.

Absent was Mr. Harpootian.


Patrick A. Rogers, Chairman

cc: Waterfront Commission
City Council
City Manager
Director of Public Works
City Solicitor
Fire Chief
Building Inspector
Zoning Officer
Applicant: GeoNova

Filed in the East Providence Land Development and Decision Index
Book 5 Page 160

EAST PROVIDENCE WATERFRONT DEVELOPMENT SPECIAL DISTRICT COMMISSION

DESIGN REVIEW COMMITTEE

MEMORANDUM: January 17, 2007
TO: Waterfront Commission
FROM: Design Review Committee

Re: *Advisory Recommendation of the Design Review Committee*
Applicant: GeoNova Development Company, LLC
East Pointe Development
Request to Develop a Mixed-Use Project
Bourne Avenue and Roger Williams Avenue
Assessor's Map 203, Block 1, Parcel 4
Assessor's Map 303, Block 13, Parcels 4 and 5
Assessor's Map 304, Block 1, Parcel 8
Zoning: Phillipsdale Waterfront Sub-District (PD)

INTRODUCTION

The East Providence Waterfront Special Development District Commission ("Waterfront Commission") was created to oversee development review and approval for properties located within the East Providence Waterfront Special Development Districts. Development in the waterfront districts is subject to the waterfront zoning amendments adopted by the City Council on March 2, 2004. The Waterfront Zoning requires design review by the Waterfront Design Review Committee (DRC) prior to final action by the Waterfront Commission.

The application is for property located in the Phillipsdale Waterfront Sub-district. The Applicant seeks approval to develop a 29 acre site with a multi-phased mixed-use project consisting of 495 residential units, 83,050 sf of office/commercial/retail/restaurant space and public open space including direct waterfront access.

The application was issued a Certificate of Completeness on December 12, 2006. The Waterfront Zoning regulations require that a decision by the Waterfront Commission be rendered within 45 days of the issuance of a Certificate of Completeness. The 45 day period will elapse on January 25, 2007. A companion application for dimensional deviations also required a public hearing and action by the Hearing Panel.

The development plan was reviewed by staff of the Department of Planning, the Department of Public Works and the Fire Department, who forwarded their findings and recommendations to the DRC. The Waterfront Commission's planning, architectural, landscape architectural and traffic engineering consultants also provided review memoranda. A number of conceptual meetings were held with the developer's team, the DRC, City staff, Commission staff and Commission consultants prior to the formal application. At its meeting of December 11, 2006 the Planning Board reviewed the application and voted to render a positive advisory opinion to the Waterfront Commission on the consistency of the proposal with the purpose and intent of the City's Comprehensive Plan and the Land Development and Subdivision Review Regulations (see attached).

The Design Review Committee held public workshops for this project on December 7, 2006 and December 14, 2006, and held a public hearing on January 3, 2007. Notice was sent by certified mail to all abutters within a 200 foot radius and the public hearing was advertised on December 21, 2006 in the *Providence Journal*. The DRC held additional public meetings on January 9, 2007 and January 10, 2007 to follow-up on comments received in the public hearing and staff and consultant review. On January 17, 2007 the DRC met to formally vote on their recommendation to the Waterfront Commission.

On January 3, 2007 the Hearing Panel held its Public Hearing on the proposed dimensional deviation requests. They met on January 8, 2007 and voted to recommend approval of the deviations.

A public hearing before the full Waterfront Commission is required and is scheduled for January 22, 2007 at 6:30 PM in Room 306 of City Hall, at which time the Commission will consider the advisory recommendation of the DRC. Notice of the Waterfront Commission's public hearing was sent by certified mail to all abutters within a 200 feet radius and was advertised in the *Providence Journal* on January 9, 2007.

Overview of the project.

Ownership/Development Agreement

This property is currently under ownership by the City of East Providence. The City acquired this property with the expressed intention of entering into a Development Agreement with GeoNova Development Company, LLC, who would be responsible for the remediation, permit preparation and redevelopment of the site. The City cooperatively prepared applications with GeoNova to the United States Department of Housing and Urban Development (HUD) for Brownfield Economic Development Initiative (BEDI) grant funds and Section 108 Loan funds for the completion of the remediation and redevelopment of the property. GeoNova would take responsibility for the repayment of the loan and in the creation of 145 jobs as a result of the development. The City will maintain title to the property until remediation is completed and development application approvals and all necessary permits are obtained.

Environmental Remediation

Under the terms of the development agreement, GeoNova is responsible for the environmental remediation of the property. Site remediation commenced in February, 2004. Site remediation of the property was completed in accordance with the Settlement Agreement and Covenant Not to Sue, dated June 27, 2003 between the City, GeoNova and the Rhode Island Department of Environmental Management (RIDEM) and in accordance with the Remedial Action Work Plan (RAWP) that RIDEM approved in April, 2004. Removal of the dilapidated structures, remediation and/or removal of the contaminated soils and the remediation and removal of additional contamination discovered during excavation was completed by early 2005. Two Environmental Land Use Restriction (ELUR) areas are located on the western portion of the development site. One additional ELUR is located on the eastern portion of the site. The RIDEM issued an Interim Letter of Compliance essentially finding that the remediation has been completed to their satisfaction.

Administrative Subdivision

The Applicant will be required to receive an Administrative Subdivision to allow for a separate parcel for the development of the commercial use on the property. This application will be submitted at a later date.

Development of the Site

The overall site will be developed with a variety of uses in a phased development approach, with four phases proposed. Phase 1 will develop the upland portion of the development area (consisting of townhouse and multi-family development) and should commence with development in 2007. Phase 2 will include the construction of the East Pointe Access Road and the building that will house all of the office space and a portion of the retail space within the development. This phase is expected to begin in 2008. Phase 3 will include the construction of 151 residential units and a portion of the retail (including a restaurant). Phase 3 would be in years 2008-2010. Finally, Phase 4 will include the construction of 200 residential units on the waterfront parcel (in years 2010-2012). Full build out of all phases is expected to be completed by 2012. Sheet A-2 of the development plans highlights the location of the various phases within the development.

The East Pointe project is broken down into two distinct areas within the project site: the Upland area which consists of all property to the east of the railroad tracks and the Waterfront area, consisting of all land located to the west of the railroad tracks. Sheet A-1 of the attached development plans shows the locations of the Upland and Waterfront Development sites.

An overview of the development proposal by use is outlined below:

Residential Development

The project proposes the development of 495 residential units overall. Multi-family condominiums are proposed both on the outer, waterfront parcel, west of the railroad tracks and on the inner parcel, east of the railroad tracks. The condominiums will be located within buildings ranging in height from four to seven stories. The waterfront site will accommodate 320 multi family units, while the upland site will accommodate 80 multi family units. The development proposes 31 townhouses along the waterfront portion of the project area, and 64 townhouses on the upland site. Sheet A-3 provides the location and breakdown for residential development.

Affordable Housing

As required by the waterfront zoning, a minimum of ten percent (10%) of the residential units must be "affordable." These units will be sold at a price meeting certain guidelines to income qualified low and moderate income persons (and deed restricted for a period of no less than 30 years). The developer has proposed to meet this requirement and provide no less than ten percent (10%) affordable units. These units will not be distinguishable from other units within the development.

Office and Retail Development

The project proposes the construction of 48,000 square feet of office space that will be located on the Waterfront side of the development project area (located within Building I on the attached Land Use Plan Sheet A-3). In addition, 29,000 square feet of retail space as well as a 2,500 square foot restaurant are also proposed on the waterfront side of the development area. Retail uses will be located within Buildings O, I and R as shown on Sheet A-3 of the development plans. Parking for these uses will be described under the Parking section of this recommendation. Office and retail development will occur during Phase 2 and Phase 3 of the phasing schedule.

Open Space

The project proposes significant public open space as part of its development proposal. Extensive landscaped open space rings the entire waterfront portion of the development area in both the upland and waterfront sites within the project area. The total amount of public open space in the uplands area is 2.1 acres, while the waterfront area provides 4.1 acres. Access to these public open space areas will be through roadways within the development and will include dedicated parking for the public. A detail showing landscaping of the open space areas is provided on Sheets L-1 and L-2 of the development plans.

Parking

Parking in the development will be provided through the provision of structured parking (parking garages), surface parking areas within the development, on-street parking on roadways within the development and private parking associated with the residential townhouse units within the development. Parking Plan A-5 shows the location and density of parking within the development. Approximately 1,300 Parking spaces are being provided throughout both portions of the site, which exceeds the minimum requirements by approximately 147 spaces.

Site Access

Access to the site is currently provided to the Upland portion via Roger Williams Avenue and Bourne Avenue, existing improved City streets. The Waterfront portion of the site is located to the west of the right of way which is owned by the RIDOT and is currently occupied by an active Providence and Worcester freight rail line. This right of way is slated to be improved as the future Waterfront Drive and will accommodate a two lane vehicular travel way as well as two rail tracks for the continued use of the Providence and Worcester Railroad. There exists a 20-foot wide easement through the Phillipsdale Landing property that abuts the Waterfront portion of East Pointe to the north. The Applicant is proposing to construct a portion of Waterfront Drive from Bourne Avenue south to the northeast corner of the Waterfront Site and to consolidate the railroad tracks into two tracks and relocate them to the easternmost side of the Waterfront Drive right of way. Gated access restricted to emergency vehicles is proposed to cross the P&W tracks and the Waterfront Drive right of way and connect the Upland Parcel and the Waterfront Parcel. The Providence and Worcester Railroad and the RIDOT have provided conceptual approval of this proposed access.

Fiscal Impact Study (FIS)

The FIS demonstrates that the East Pointe development project will provide a significant financial benefit to the City, starting in the year 2007 with over \$312,000 of net positive tax revenues for that year and increasing each year until completion of the full build out in the year 2012 when it is projected that the City will receive net positive tax revenues of over \$3,100,000 for that year and at least that amount for each succeeding year. The Applicant has estimated that there will be 65 school-age children at the development at full-build.

Traffic Impact Study (TIS)

The TIS reports that there will be an increase in the level of traffic on the surrounding roads generated by the proposed development, but the detailed analysis indicates that if certain proposed improvements are made during particular times of the development construction, then "the roadway network in the area can accommodate the site traffic in a safe and efficient manner." The TIS was reviewed by the Commission's traffic consultant, Maureen Chlebek of GRA Associates. Ms. Chlebek provided comments on the TIS which were addressed satisfactorily by the Applicant.

A major finding of the Study was the need to install a signal at the intersection of Bourne Avenue and Roger Williams Avenue at Phase 3 traffic volumes. The Applicant has agreed to donate a portion of its property to provide the necessary right of way to widen the intersection and provide dedicated turn lanes. The Applicant has also agreed to fund a pro-rated share based upon the project trip generation (62%) of the cost of the design and construction of the intersection improvements. The DRC is recommending that the abutting Phillipsdale Landing project, which is currently undergoing Commission review, be required to pay the remaining cost of the design and construction of the improvements based upon its trip generation (38%). (The relative shares were calculated by Ms. Chlebek based upon the trip generation figures provided in the developments respective TIS). East Pointe would be responsible for completing construction and the shared funding arrangement would be memorialized in a Memorandum of Understanding between the parties. Cost of the improvements would be determined upon completion of construction design. In response to concerns raised at the public hearing regarding truck turning movements at this intersection, the Applicant's engineer provided the DRC with a revised conceptual intersection improvement plan that maximized truck turning radii, but reduced sidewalk widths. This alternative plan will require further consideration by the Waterfront Commission as the Applicant proceeds to final design.

The Traffic Impact analysis also indicates the need for improvements to the intersection of Roger Williams Avenue, North Broadway and Centre Street. The Director of Public Works has indicated that the City may be able to complete these improvements with in-house employees, should the work be confined to re-striping. More detailed designs will be needed to determine if this is the case or if changes to the right of way may be required.

The Applicant has agreed to on-going traffic assessments at each of phase of development to determine what traffic improvements will be required.

Roadways and Utilities /Infrastructure Improvements

All roadways within the development will be privately owned but with public access. Utilities will be located within the proposed roadway system. Utilities will include gas, sewer, water, electric and cable TV. The Applicant will be constructing the private roads, water lines and sewer lines to City standards. A Condominium Association will be responsible for maintenance of roadways, infrastructure and open space within the project development.

Drainage improvements have been designed to meet all applicable CRMC and RIDEM requirements and will provide treatment of stormwater prior to any discharge to the Seekonk River or Omega Pond. Sewage will be treated at the Narragansett Bay Commission Bucklin Point Plant.

The Director of Public Works, through a study performed by the City's engineering consultant, Camp, Dresser and McKee, has identified the need to upgrade the City's water distribution system to the Phillipsdale section of the City. Design is underway for the construction of a new 16" inch water main within the Waterfront Drive right of way from the Warren Avenue north to Bourne Avenue. The estimated cost of this new main is approximately \$3 million. The Director of Public Works is exploring funding mechanisms for this project with the City Manager and the City Council. The Director of Public Works is planning for construction of the new water main to be completed prior to Phase IV of the East Pointe development in 2012.

The Applicant has committed to fund and construct new sidewalks, curbing and decorative lighting along the adjoining frontages of Roger Williams Avenue and Bourne Avenue. Intersection improvements at Bourne Avenue and Roger Williams Avenue will be constructed and funded as described above.

Architectural and Design Considerations

Although the Applicant has designed a development which appears to be generally in conformance with the Waterfront District design regulations, the Applicant has not submitted detailed architectural and design plans for Phases II, III and IV. The Applicant has acknowledged from the outset that any Commission approval obtained for these phases will be considered conceptual and will govern the site plan, height of buildings, the number of units and the amount of commercial square footage permitted. There are a number of architectural, landscape and engineering issues which must be addressed at subsequent phases when detailed plans are prepared. The DRC is aware of these limitations and is comfortable that these issues can be adequately addressed at subsequent phases provided all conditions are clearly enumerated in any approval that may be granted by the Commission. Although the level of detail provided in the Phase I submission is much greater than in subsequent phases, additional construction-level design detail, particularly in regard to architectural plans, must be submitted by the Applicant to assure that all design guidelines of the Waterfront Regulation are met. The DRC suggests that the detailed design review be delegated to the Commission's consultants, City technical staff and a designated member of the DRC, with final architectural plan and landscape architectural plan approval for Phase I to be granted by the DRC.

Subsequent phases will require submission of detailed architectural and landscape architectural plans for full Commission review and approval.

Coordination with Phillipsdale Landing

The Phillipsdale Landing Project is currently under review for completeness by the DRC and is anticipated to come before the Commission for final approval within several weeks. During the DRC review process several issues were brought to the DRC's attention which requires coordination between East Pointe and the developers of Phillipsdale Landing. A meeting was held by the DRC with both development teams invited to address these issues. Both teams agreed to the following:

- Coordinate on the design and construction of a shared roadway located between the northerly boundary of the East Pointe Waterfront site and the southerly boundary of Phillipsdale Landing;
- Improve pedestrian connections especially along the waterfront access;
- Modify the design of East Pointe buildings H, G and I and the associated parking garage to make it more compatible with the abutting Phillipsdale buildings;
- Coordinate construction access.

(The agreed-upon design approaches are described in more detail in attached DRC minutes and memorandum from the Architectural consultant.)

These issues are appropriate to address at subsequent phases when detailed plans are under development.

The DRC is also recommending, as described in Traffic Impacts section above, that the cost of Roger Williams Avenue and Bourne Avenue intersection improvements be shared.

Deviations

The Applicant has identified certain minor deviations from the requirements for street widths, sidewalk widths, and on-street parking. The DRC recommends approval of these requested deviations by the Hearing Panel and the Commission subject to the conditions required by the Hearing Panel.

State and Federal Permits

The entire project area is within the jurisdiction of the RI Coastal Resources Management Commission. The Applicant has obtained a Preliminary Determination from the CRMC for the project. RIDEM Wetlands approval will also be required for the improvements adjacent to Omega Pond. Meetings held between the Applicant's design team and RIDEM Staff, which Commission staff also attended, appeared to indicate that RIDEM will be able to approve the plans when an application is sought. The Applicant is also proposing filling of the southern portion of the Waterfront Site to elevate it outside of the 100 year flood plain. Construction of a revetment is required as part of this work. In addition to CRMC approval, approval by the Army Corps of Engineers and FEMA will be required. The City of East Providence is required to meet certain Department of Housing and Urban Development requirements as a condition of

using CDBG funds for the acquisition and redevelopment of the site. These conditions are detailed in the Development Agreement between the City and the Applicant and are included, as appropriate, in the recommended conditions. The RI Historic Preservation and Heritage Commission also must approve the development plans because of the use of federal funds from the CDBG program.

Conditions of Approval

Phase I

- A. The Applicant will fund its share of the engineering and construction costs of the required traffic improvements at the intersection of Bourne and Roger Williams Avenues with the developers of the adjacent Phillipsdale Landing project, Essex River Ventures. The Applicant will set aside land for these improvements. Construction plans will be submitted and reviewed by staff prior to proceeding with construction. Cost-sharing will be established based upon the vehicle trips generated by each development through the Bourne Avenue intersection. The Applicant will provide an estimate for these costs at a later date, after the development of construction-level drawings. An escrow account will be established for this purpose. The mechanism for distribution of funds and method of cost-sharing of design and construction will be a separate Memorandum of Agreement (MOA) between the Commission, the Applicant and Essex River Ventures. The Waterfront Commission ("the Commission") may also require the posting of funds associated with a future traffic light at this phase if traffic warrants require it.
- B. The Applicant will complete all interior roadway construction, both public and private, subject to the approval of the RIDOT as applicable and the Department of Public Works (DPW).
- C. The Applicant will submit construction plans to be reviewed by Commission staff prior to proceeding with construction. The final design of the improvements to the park at Omega Pond will be subject to the satisfaction of the Design Review Committee, within the parameters of the required RIDEM permit.
- D. The Applicant will fund the on-going monitoring of traffic throughout construction of all phases of the project in order to determine if improvements to the intersection of Bourne and Roger Williams Avenue are required at later phases of the project.
- E. The Applicant will fund the design and installation costs for their share of improvements to the intersection at Roger Williams Avenue and Bourne Avenue, including new sidewalks and granite curbing at the intersection, as specified by the Commission. Construction documents and a cost estimate will be provided for staff review prior to proceeding with construction. The Applicant will provide an estimated cost of the remaining public improvements to Roger Williams Avenue and Bourne Avenue which shall be referred to the Department of Public Works for their review and confirmation.
- F. The Applicant will install decorative street lighting along Roger Williams Avenue, Bourne Avenue and the project's interior that will be consistent with that of other development projects in the Phillipsdale Sub-district. The Applicant will coordinate with the

Commission's Landscape Architect on the final design and the location of the project's lighting. The Applicant will also provide a Lighting Plan for staff review as part of the final architectural drawings.

- G. The Applicant will post a performance guarantee with the City of East Providence satisfactory to the DPW for its share of all required public improvements, including street and sidewalk improvements and decorative lighting, along Roger Williams Avenue and Bourne Avenue.
- H. The Applicant will be required to obtain an Administrative Subdivision to allow for a separate parcel for the development of the commercial use of the Phase II portion of the property. The subdivision is a requirement of the agreement with the federal Department of Housing and Urban Development (HUD) for the funds used to remediate the site. Under the agreement, the commercial site that will be constructed as part of Phase II of the project must be a separate lot from the rest of the development.
- I. The Applicant will receive final approval and necessary permits/assents from the Coastal Resource Management Council (CRMC), the Narragansett Bay Commission (NBC), and the Rhode Island Department of Environmental Management (RIDEM), including but not limited to, the Divisions of Water Resources and Waste Management.
- J. The Applicant will submit architectural plans to the RI Historic Preservation and Heritage Commission (RIHPHC) for their review and approval. Under the 2003 *Memorandum of Agreement* between the RIHPHC and the City of East Providence, the City agreed to provide RIHPHC the opportunity to review and approve the Ocean State Steel property redevelopment plans prior to implementation to insure that there are no negative impacts on the surviving components of the adjacent Washburn Wire Company/Phillipsdale historic industrial district.
- K. The Applicant will meet any conditions required by the Hearing Panel for approved deviations and receive final approval from the Waterfront Commission for the requested deviations.
- L. The Applicant will provide affordable housing for ten percent of the total number of units in each phase of the project and will identify: the number of affordable units; which buildings will contain them; pre-qualification services; and on-going certification. Any request at a later date for off-site or in-lieu affordable housing contribution must be submitted to the Waterfront Commission for their review and approval. In the absence of such an approval, all affordable units will be provided on-site.
- M. The Applicant will utilize a condominium/homeowner's agreement satisfactory to the Commission for review and approval that will include at least the following: affordable housing; maintenance of landscaping, streets, stormwater basins, and utilities; trash removal; public access; open space; and CRMC- and Commission-required easements.
- N. The Applicant will submit a Landscape Maintenance Plan for the project's open space and stormwater basins. The Plan will address irrigation, mowing, basin cleaning, and a schedule for these and other such activities.

- O. The Applicant will submit an Operations and Delivery of Construction Equipment Plan prior to the start of construction of Phase I of the project. The Plan will include an anticipated schedule for the delivery of materials to the site, including the days and times that neighboring residents can expect to have additional truck traffic on Bourne and Roger Williams Avenues.
- P. The Applicant's licensed architect will confer with the Commission's architectural and landscape architectural consultants as well as the DRC's designated member in the preparation of final architectural plans. The Applicant will submit the final architecture plans to the Commission's architectural and landscape architectural consultants and the DRC designee for review. The plans for the final architectural design will be referred to the Design Review Committee (DRC) for final approval.
- Q. The Applicant will meet all applicable conditions recommended by technical memoranda (see attached).
- R. The Applicant will provide the Waterfront Commission with the required \$150,000 application fee prior to application for building permits.
- S. The Applicant will provide the Waterfront Commission with the required \$50,000 application fee prior to application for the first Certificate of Occupancy.
- T. Additional requirements may be added to this document after the Applicant's appearance before the DRC and the Commission as applicable prior to the approval of each subsequent phase of the project.

Phase II

- A. The Applicant will document that all approved condominium agreements and documents have been recorded.
- B. The Applicant will receive final approval and necessary permits from the Army Corps of Engineers (ACOE).
- C. The Applicant will obtain a Physical Alteration Permit (PAP) from the Rhode Island Department of Transportation (RIDOT) for Waterfront Drive construction.
- D. The Applicant will obtain final Providence and Worcester (P&W) approval for relocation of the rail line and a schedule for construction.
- E. The Applicant will show evidence of financing for Waterfront Drive and railway improvements.
- F. The Applicant will complete its portion of the Waterfront Drive and railway improvements, subject to the inspection and approval of the RIDOT, DPW, and the P&W.

- G. The Applicant will complete remaining applicable private improvements as requested by the DPW in their technical memoranda.
- H. The Applicant will submit the final architecture and landscape architecture plans to the Commission's architectural and landscape architectural consultants, staff as well as the DRC designee for review and comment. Such plans will address the recommendations of the DRC relative to revisions to the buildings abutting Phillipsdale Landing as derived from the approved minutes of the January 9, 2007 DRC meeting. These revision are: stepping back the northern facades of Building H and Building G to diminish the bulk of their appearance where they abut the Phillipsdale property; cut back the corners of Building H and Building G where they intersect with Road 5 and the adjacent northern most access road; and the selection of building finishes for Building I, Building H, Building G and the abutting parking garage will be compatible with the historic buildings to be restored at Phillipsdale Landing. Detailed design plans will be submitted to the DRC for their approval.
- I. The Applicant, in coordination with Essex River Ventures, will complete design of a shared access road along the northern boundary of its property abutting Phillipsdale Landing. The cost of such design will be shared equally between the Applicant and Essex River Ventures and submitted to the Commission for their review. The mechanism for distribution of funds will be a separate Memorandum of Agreement between the Commission, the Applicant and Essex River Ventures. The roadway will be designed as a primary roadway within the development with landscaping, decorative lighting and other streetscape treatments, including a focal design feature at the intersection of East Pointe Road 5 and the shared roadway. East Pointe and Phillipsdale will develop cross easement documents addressing access, shared utilities, and maintenance; the shared northern roadway will be extended to provide a vehicular connection to the parking area located west of Building I. It is understood that this connection may require modification of grades on both the East Pointe and Phillipsdale property. It is also understood that minor modifications to the footprint of Building I may be required to accomplish this connection.
- J. The Applicant and Essex River Ventures will work together to investigate the possibility of providing a pedestrian connection between the public walkway within the waterfront access areas of the two developments at the higher elevation. The Applicant and Essex River Ventures will provide a connection of the waterfront public access walkways at the lower elevation.
- K. The Applicant will submit architectural plans to the RI Historic Preservation and Heritage Commission (RIHPHC) for their review and approval. Under the 2003 *Memorandum of Agreement* between the RIHPHC and the City of East Providence, the City agreed to provide RIHPHC the opportunity to review and approve the Ocean State Steel property redevelopment plans prior to implementation to insure that there are no negative impacts on the surviving components of the adjacent Washburn Wire Company/Phillipsdale historic industrial district.

- L. The Applicant will assess the impact of the construction of the previous phase(s) of the project and incorporate the results into the on-going monitoring of traffic throughout construction of all phases of the project. The Applicant will continue to fund this process.
- M. The Applicant will verify the number of affordable units sold for the previous phase of the project and identify which buildings will contain them, how many units there will be, pre-qualification services and on-going certification of the units. The same shall be submitted to the Commission for verification.
- N. The Applicant will meet all applicable conditions recommended by technical memoranda
- O. All public improvements for Phase I shall be verified as complete to the satisfaction of the Department of Public Works and the Waterfront Commission.
- P. The Applicant will demonstrate compliance with all of the conditions of Phase I.

Phase III

- A. The Applicant will construct the revetment as approved by the CRMC
- B. The Applicant will receive final approval and necessary permits from the Federal Emergency Management Agency (FEMA) and ACOE.
- C. The Applicant will construct the public access trail and accessory parking as required by the CRMC and the Commission.
- D. The Applicant will record all public access easements as required by the CRMC and the Commission.
- E. The Applicant, in coordination with Essex River Ventures, will complete construction of a shared access road along the northern boundary of its property abutting Phillipsdale Landing. The cost of construction will be shared equally between the Applicant and Essex River Ventures and the road will be completed jointly with Essex River Ventures. The mechanism for distribution of funds will be subject to the Memorandum of Agreement between the Commission, the Applicant and Essex River Ventures.
- F. The Applicant will assess the impact of the construction of the previous phase(s) of the project and incorporate the results into the on-going monitoring of traffic throughout construction of all phases of the project. The Applicant will continue to fund this process.
- G. The Applicant's licensed architect will confer with the Commission's architectural and landscape architectural consultants, staff and the DRC's designee in the preparation of final architectural plans. The Applicant will submit the final architecture plans to the Commission's consultants, staff and the DRC designee for review. The plans for the final architectural design will be referred to the DRC for final approval.
- H. The Applicant will submit architectural plans to the RI Historic Preservation and Heritage Commission (RIHPHC) for their review and approval. Under the 2003

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Memorandum of Agreement between the RIHPHC and the City of East Providence, the City agreed to provide RIHPHC the opportunity to review and approve the Ocean State Steel property redevelopment plans prior to implementation to insure that there are no negative impacts on the surviving components of the adjacent Washburn Wire Company/Phillipsdale historic industrial district.

- I. The Applicant will complete all remaining applicable private improvements as set forth by technical memoranda.
- J. The Applicant will verify the number of affordable units sold for the previous phase of the project and identify which buildings will contain them, how many units there will be, pre-qualification services and on-going certification of the units. It is the understanding of the Commission that the required affordable units will not be located in the town homes fronting Waterfront Circle. The same shall be submitted to the Commission for verification, as in previous phases.
- K. All required public improvements associated with Phase II shall be verified as complete to the satisfaction of the Department of Public Works, RIDOT and Waterfront Commission as applicable. Required Phase II improvements shall include the construction of the Waterfront Drive access road, the shared access road design as outlined in the MOA between the Applicant and the abutter, and the relocation of the P&W Rail line.
- L. All public improvements necessary for the development referenced in the September 2003 *Development Agreement* between the City of East Providence and the GeoNova Development Corporation shall be verified as complete.
- M. No Certificates of Occupancy shall be issued for buildings constructed in Phase III and Phase IV until Certificates of Occupancy are issued for all office, retail and restaurant space of Phase II as set forth in the development application.

Phase IV

- A. The Applicant will construct the revetment as approved by the CRMC and ACOE.
- B. The Applicant will construct wetlands under the conditions and requirements of the CRMC.
- C. The Applicant will assess the impact of the construction of the previous phase(s) of the project and incorporate the results into the on-going monitoring of traffic throughout construction of all phases of the project. The Applicant will continue to fund this process.
- D. The Applicant's licensed architect will confer with the Commission's architectural and landscape architectural consultants, staff and the DRC designee in the preparation of final architectural plans. The Applicant will submit the final architecture plans to the Commission's consultants, staff and the DRC designee for review. The plans for the final architectural and landscape architectural design will be referred to the DRC for final approval.

- E. The Applicant will submit architectural plans to the RI Historic Preservation and Heritage Commission (RIHPHC) for their review and approval. Under the 2003 *Memorandum of Agreement* between the RIHPHC and the City of East Providence, the City agreed to provide RIHPHC the opportunity to review and approve the Ocean State Steel property redevelopment plans prior to implementation to insure that there are no negative impacts on the surviving components of the adjacent Washburn Wire Company/Phillipsdale historic industrial district.
- F. The Applicant will meet all applicable conditions recommended by technical memoranda.
- G. The Applicant will verify the number of affordable units sold for the previous phase of the project and identify which buildings will contain them, how many units there will be, pre-qualification services and on-going certification of the units. The same shall be submitted to the Commission for verification, as in previous phases. It is the understanding of the Commission that affordable units will not be located in the town homes fronting Waterfront Circle.
- H. All required public improvements associated with Phase III of the development shall be verified as completed to the satisfaction of the Department of Public Works and the Waterfront Commission.
- I. The Applicant must demonstrate compliance with the conditions of Phase III.
- J. Prior to the issuance of the final Certificate of Occupancy, all public improvements shall be completed by the Applicant.

Present and voting to approve were Chairman Gregory, Mr. Lynch, Mr. Coutu, Mr. Pesce, Mr. Torrado, and Ms. Boyle.

Respectfully submitted,


John Gregory, Chairman
Design Review Committee

JMB/sac

Cc: City Council
City Manager
Director of Public Works

R K L DE 1/24/07

East Providence Waterfront Commission

Re: East Pointe

List of Attachments to January 17, 2007 Recommendation of the
DRC to the Waterfront Commission

- Dec 12, 2006 Memo from Planning Bd to DRC
- Dec 7, 2006 memo from Planning Dept. to Planning Board
- East Pointe Comments on Drainage Revised 12/28/06
- Letter from Glen S. Fontecchio, Re East Pointe Comments on Drawings revised Dec. 28, 2006
- January 3, 2007 Letter from Bradford Associates Re: East Pointe Site and Planting Plans, Northeast Engineering and Gifford Design Group
- January 8, 2007 Memo from Stephen Coutu to Jeanne Boyle
- January 2, 2007 memo from Erick Skadbert to Stephen Coutu
- January 10, 2007 letter from GRA to J Jeanne Boyle, Re: Traffic Impact Study
- January 4, 2007 letter to Jeanne Boyle from N.E. Engineers, Re: East Pointe Traffic Comments