

**RI Department of Environmental Management  
Environmental Land Usage Restriction (ELUR)  
Annual Compliance Self-Evaluation Form**  
(Please type or print)

Site Name: Queen Ann Square  
RIDEM File No.: 2012-010  
RIDEM Project Manager: Joseph T. Martella  
ELUR Recording Date: \_\_\_\_\_  
Owner Telephone Number: 401-845-5802

Property Owner: City of Newport  
Owner Mailing Address: 43 Broadway  
Newport RI 02840  
Inspection Date: 12/12/2016  
E-Mail: swheeler@cityofnewport.com

This Annual Compliance Self-Evaluation Form is not appropriate for use on sites that require the use of any active remediation systems (e.g. active SSDS, ongoing air or groundwater monitoring, etc.) unless explicit, written permission has been granted by the Department.

**1. Site Description**

a. Site Address: Queen Anne Square, bordered by Thames St, Mill St & Church St, Newport RI 02840

b. Plat: 24 Lot(s): 346

c. Is the ELUR applicable to the entire site?  
 Yes  No

If no, please describe the portion of the property subject to the ELUR: \_\_\_\_\_  
\_\_\_\_\_

d. What does the ELUR restrict? (Select all that apply)

Residential Uses

Groundwater

Exposure to Site Soils

Infiltration of Water

Subsurface Structures

Other (Please Explain): \_\_\_\_\_  
\_\_\_\_\_

**2. Groundwater**

a. Are there any known or observed groundwater wells present?  
 Yes  No

b. Are these well(s) used for drinking water?  
 Yes  No  Not Applicable

If no, please state what they are used for (i.e. irrigation, cooling, etc.): \_\_\_\_\_  
\_\_\_\_\_

c. Are there environmental monitoring wells present?  
 Yes  No

**3. Engineered Controls** (e.g. asphalt, concrete, building foundations, landscaped areas, etc.)

- a. Please provide a brief description of the engineered control(s) (e.g. building foundations, one foot of clean fill over a geotextile liner, etc.):

*Vegetative and mulch cap over 12" of approved fill and soil over approved geotextile.*

- b. Overall Condition of Engineered Control(s)

Good                       Non-compliant  
 Acceptable                       Not Applicable (Sites where only groundwater is restricted)

- c. Are there any areas on the property that have broken concrete, cracked asphalt, potholes, eroded landscaping, etc.?

Yes     No

If yes:

Please provide a description of the area(s) of concern:

*Pedestrian foot traffic between the "Chimney" sitting room and to the east along Mill Street (see photo).*

Could water infiltrate through these areas into underlying contaminated soils?

Yes     No     N/A; Infiltration Not Restricted

When will the area(s) of concern be repaired?

*The area has been aerated and seeded. In the spring the Trustees will evaluate wear and consider installation of a Boston Garden Post and Chain fence to redirect foot traffic to an established walkway.*

- d. Has there been any soil disturbance or excavation into the cap (engineered control) in the last year?

Yes     No

If yes:

How large was the area of disturbance?

*Staff excavated two locations approximately 3' in diameter to and only 5" deep to reset concrete pads for bike racks. Minor disturbance also occurred when staff installed daffodil bulbs within the mulched tree wells but disturbance was limited to ~ 3".*

Please provide the reason or cause for disturbance or excavation:

*Locations were excavated to eliminate the nuisance of vandal tipping over bike racks. Note the excavation depth was less than 5" of the 12" cap. To avoid the need for a deeper footing staff drove duckbills into the ground to secure the shallow concrete pad (pre-manufactured concrete septic tank cover)utilized to mount the biker racks.*

Was this disturbance or excavation approved by the Department?

Yes, Date of Approval:

No (*No excavation occurred above the engineered under liner that would trigger a RIDEM approval request*)

Was the Soil Management Plan (SMP) properly followed?

Yes  No

If no, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was any soil taken offsite?

Yes  No

- e. Within the past year has there been any construction at the property unauthorized by the department?

Yes  No

If yes:

Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did this construction disturb site soils, the existing building or capped surfaces (asphalt, concrete, or landscaped areas)?

Yes  No

If yes, please specify: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- f. Have there been any subsurface structures (underground storage tanks, below grade foundations, septic systems, storm water systems, french drains, etc.) constructed or installed since the remediation was completed?

Yes  No

If yes:

Please Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was permission of the Department's Office of Waste Management obtained?

Yes, Date of Approval: \_\_\_\_\_  
 No

g. Condition of landscaped areas  
 Good  Acceptable  Non-compliant  N/A

h. Does this site effectively limit exposure to contaminated subsurface soil?  
 Yes  No

#### 4. Property Use

a. Are there any residential uses on the property (i.e. houses, apartments or condominiums, etc.) except as previously agreed upon by the Department?  
 Yes  No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Are there any schools, daycare facilities or recreational facilities on the property except as previously agreed upon by the Department?  
 Yes  No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Has the property use changed in anyway since the ELUR was recorded?  
 Yes  No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### 5. Fencing (if applicable)

a. Overall Condition of the Fencing  
 Good  Acceptable  Non-compliant  No Fence Required

b. Does the fencing effectively limit the ELUR area?  
 Yes  No  N/A

#### 6. Overall Assessment

Does this site meet the standard imposed in the ELUR?  
 Compliant  Non-compliant

## 7. Observations, comments, and areas of concern

Despite record drought conditions the turf in QAS remained green and resilient to wear thanks to heavy operation of the irrigation system in the summer of 2016. The original park development plan was to phase out the use of irrigation because of the high cost for water but intense use of the renovated park and the requirement of the ELUR to maintain an effective vegetative cap makes continues irrigation essential.

There has been some improvement in the reduction of nutrient leaching following application of Sand-Aid Soil Conditioner in the fall of 2015 to improve the soil's cation exchange capacity. This has allowed the city reduce the number of fertilizer applications in 2016. Again this fall staff heavily core aerated the park to improve cultural conditions.

In 2015 a resilient rubber wear surface, <http://kbius.com/kbi-products/kbi-flexi-pave/>, was installed around the large stone to eliminate a dirt wear zone created when kids climb on the stone located in the center of the park. Below are photos following installation and one year later. In general this solution has worked exceptionally well but reseeding on the transition zone with grass will need to be an ongoing task,

The QAS Trustees are monitoring a pedestrian "short cut" in the south east corner of the park accessing Mill Street. The grass is still intact but showing stress from excessive foot traffic. One option to be evaluated at the Spring of 2017 during the a QAS Trustee inspection is the purchase and installation of a Boston Garden Post and Chain fence to redirect foot traffic to a hardened path.

8. Please attach photos that document compliance with the ELUR, potential areas of concern, and the current state of the engineered controls.

After installation



Year one

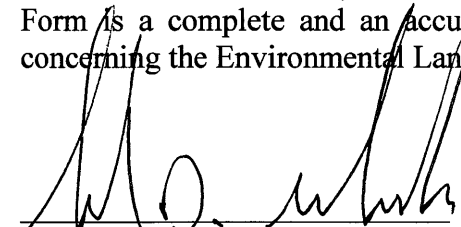


Pedestrian shortcut to Mill St. may require installation of Boston Garden Post & Chain fence.



**Certification of Property Owner**

I Scott D. Wheeler certify to the best of my knowledge that this Annual Compliance Evaluation Form is a complete and an accurate representation of the site and contains all known facts concerning the Environmental Land Use Restriction imposed on the site.

  
Signature

City of Newport, Rhode Island  
Owning Company (If applicable)

Scott D Wheeler  
Printed Name

Buildings & Grounds Supervisor / Tree Warden  
Title

12/12/2016  
Date

**Certification of the Inspector (if different than Owner)**

I \_\_\_\_\_ certify to the best of my knowledge that this Annual Compliance Evaluation Form is a complete and accurate representation of the site and contains all known facts concerning the Environmental Land Use Restriction imposed on the site.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Environmental Company Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Contact Information (If Applicable)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
E-Mail Address