



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

January 25, 2008

Billington Farms, LLC
Jackson Despres, Manager
295 Washington Highway
Smithfield, RI 02917

Re: Application No. 07-0445 in reference to the property located:

Approximately 1500 feet south/southeast of the intersection of Longbrook Drive with Little Pond Country Road and approximately 350 feet southwest of Billington Circle, Assessor's Plat 29, Lot 161, Cumberland, RI.

Dear Mr. Despres::

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your **Request to verify the delineated edge of freshwater wetlands**. This review included an inspection of the above referenced property ("subject property") as described by the site plans submitted with your application and received on November 19, 2007.

Based upon the Program's observations and review, it is our determination that freshwater wetlands are present on or are in close proximity to the subject property. These freshwater wetlands are regulated by this Department and include at least the following types: swamp, 50-foot perimeter wetland, 200-foot riverbank wetland (that area of land within 200 feet of a flowing body of water ten feet wide or greater) and floodplain.

As specifically requested for this application, the DEM has completed an inspection and review of the Transect measurements (identified, staked and labeled by you on-site and depicted on the submitted site plans) to determine the mean width of the flowing body of water. It is our determination that the river in fact has a mean width greater than ten feet wide, thus warranting a 200-foot riverbank wetland. While the methodology used on site was sound, it failed to properly include enough data points, with particular reference to additional datapoints upstream and downstream of the stretch of the river artificially bounded by lines extending from the eastern and western property boundaries to the point where they intersected the river. Since these portions of the river have associated riverbank that can (and do) extend onto the subject property, their inclusion into any assessment of riverbank wetland should have been part of the methodology.

Please note that our inspection of the subject property has revealed the presence of other freshwater wetlands not specifically delineated by you. Therefore, you should not infer that any verification of wetland edges carried out by this Department to date represents a determination that this is the extent of all wetlands on your property. **The Department has verified only those edges delineated and shown by you on-site and on site plans submitted with your application and as qualified in this letter.** Should you wish to verify the edge of these additional wetlands, an additional application will be required. In particular, the edge of the swamp was not flagged and is no longer considered verified, since the verification issued under Application No. 01-0043 is no longer considered valid. The only wetland verified under this application is the extent and applicability of a 200-foot riverbank wetland.

This letter does not constitute an approval or permit for any proposed project on the subject property. Pursuant to Section 2-1-21(a) of the Freshwater Wetlands Act and the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules) a permit is required from this Program prior to the commencement of any activity which impacts or alters freshwater wetlands

This Program assumes that the edges of freshwater wetlands, as flagged or marked on site, have been accurately surveyed and portrayed on site plans submitted in support of your application. This Program makes no guarantee or representation that such survey is accurate.

In accordance with Rule 8.03(H) of the Rules, this verification of the delineated edge of freshwater wetlands is valid for a limited period of four (4) years from the date of issue.

Please contact Nancy Freeman of this Office telephone: (401-222-6820, ext.7408) should you have any questions regarding this letter.

Sincerely,



Charles A. Horbert, Permitting Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/NLF/nlf/

cc: George H. Gifford, III, The Gifford Design Group
John P. Caito, P.E., John P. Caito Corporation