



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

October 16, 2017

Mark Brennan
Bernadette Realty, LLC
95 Long Wharf
Newport, RI 02840

RE: Application No.17-0089 in reference to the property located:

Approximately 1,000 feet east of Mitchells Lane, approximately 1,400 feet north of its intersection with Fayal Lane, Assessor's Plat 124, Lots 13, 14, 14A and 15, Middletown, RI.

Dear Mr. Brennan:

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 by the DEM on April 12, 2017.

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:

- Pond
- Marsh
- Perimeter Wetland (that area of land within 50 feet of the edge of any bog, marsh, swamp, or pond)
- River
- Riverbank Wetland (that area of land within two hundred feet (200') feet of the edge of any flowing body of water having a width of ten feet (10') or more, and that area of land within one hundred feet (100') of the edge of any flowing body of water having a width of less than ten feet (10') during normal flow)
- Floodplain

The DEM has completed an inspection and review of the wetland edges delineated by you on-site. These wetland edges have been shown on the site plan submitted with your application and are referenced as A1 through A18, B1 through B25, and C1 through C5.

It is our determination that the wetland edges delineated on-site are substantially accurate. Corrections and/or modifications to the delineated edge are required, however, which include the following:



- Remove flags B8 and B9. Connect B7 to B10.
- Move flags B18 through B20 to the southerly property line (i.e., in a line with B17 and B23).

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.

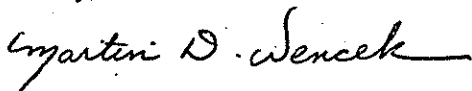
In addition, you should note that freshwater wetlands are present on this property that may be regulated under Section 404 of the Clean Water Act (Federal Water Pollution Control Act, as amended 33 U.S.C. 1344). Accordingly, a permit may be required from the U.S. Army Corps of Engineers for alteration of these wetland areas.

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. **You are hereby advised that on July 10, 2015, significant revisions to the RI Freshwater Wetlands Act (R.I.G.L. Section 2-1-18 et. seq.) were signed into law. These revisions modify, among other things, the "jurisdictional areas" recognized by the State of Rhode Island. The Department is currently in the process of amending the Rules. If you are contemplating a project on your property, and submit the application prior to the promulgation of the revised Rules, you can expect the wetlands jurisdictional areas to correspond as described in this verification letter.**

Any application submitted after promulgation of the Rules will be expected to conform to the then existing and duly promulgated Rules. While these changes will not affect the location of flagged wetland edges as verified in this letter, they may affect how activities located in adjacent jurisdictional upland areas will be regulated. You are advised, in the meantime, to monitor the rulemaking process, which will include opportunities for public input and comment.

Please contact Jane Kelly of this Office telephone: (401-222-4700, ext. 7420) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
MDW/JEK/jek

XC: John Kane, Jr., Middletown Building Official
Christopher Duhamel, P.E., P.L.S., DiPrete Engineering, Inc.