



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF WATER RESOURCES
235 Promenade Street, Providence, Rhode Island 02908

December 8, 2017

James Rozes
8 Annandale Terrace
Newport, RI 02840

Re: Application No. 17-0260 in reference to the property located:

Approximately 175 feet east of Aquidneck Avenue, approximately 700 feet south of its intersection with East Main Road, Assessor's Plat 113, Lot 312, at 1171 Aquidneck Avenue, Middletown, RI.

Dear Mr. Rozes:

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.

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:

- Shrub Wetland contiguous to a Marsh
- Perimeter Wetland - that area of land within 50 feet of the edge of any bog, marsh (including contiguous wetland) swamp, or pond.

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 WF-105 through WF-108. It is our determination that the wetland edge delineated on-site by flags WF-105, WF-108 and WF-109 are accurate. Corrections or modification to the delineated edge are required, however, which include the following:

- Add flag A1, 25 feet southwest of flag WF-106. On the site plan, this point is 28 feet north of the "chain link fence (in disrepair)", as measured from a point on the illustrated "chain link fence (in disrepair)" 54 feet west of the black circle labeled "rebar fnd".
- Remove flag WF-106. Connect the new flag A1 to flag WF-105.
- Add flag A2, 25 feet west of flag A1. Connect flags A1 and A2.
- Add flag A3, 21 feet west/northwesterly of flag A2. This point is 10 feet east of the trunk of the tree identified by a blue circle on the plan. Connect flags A2 and A3.
- Add flag A4, 15 feet north of flag A3. Connect flags A3 and A4.
- Add flag A5, 25 feet north of flag A4. Connect flags A4 and A5.
- Add flag A6, 27 feet east/northeast of flag A5. This point is 30 feet south of the southwesterly corner of the "existing commercial building" depicted on the plan on the abutting lot to the north. Connect flags A5 and A6.

- Add flag A7, 34 feet east southeast of A6. This point is 40 feet south of the midpoint of the southern edge of the "existing commercial building" depicted on the plan on the northerly abutting lot. Connect flags A6 and A7.
- Remove flag WF-107.
- Add flag A8, 13 feet northeast of flag A7. This point is 23 feet northwest of flag WF-108. Connect flags A7 and A8.
- Connect flags A8 and WF-108.
- Flags WF-110 and WF-104 are depicted off the property and have not been verified.

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.

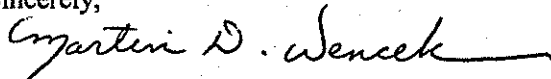
In addition, you should note that freshwater wetlands are present on this property that may be regulated under Section 404 of the Clean Water Act (Federal Water Pollution Control Act, as amended 33 U.S.C. 1344). Accordingly, a permit may be required from the U.S. Army Corps of Engineers for alteration 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: (401-222-4700, ext. 7420) should you have any questions regarding this letter.

Sincerely,



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

Xc: John Kane, Jr., Middletown Building Official
Joseph P. McCue, Mason & Associates, Inc.
John Braga, PLS, John Braga and Associates, Inc.