



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street
Providence, Rhode Island 02908

February 25, 2022

Jake Development Co., LLC
Jackson Despres, Managing Member
295 Washington Highway
Smithfield, RI 02917

RE: Application No. 22-0020 in reference to the property located:

Approximately 1,800 feet east of Douglas Pike, Utility pole No. 169-S, and approximately 900 feet south of its intersection with George Washington Highway, Assessor's Plat 45, Lot 18, Plat 46, Lots 71,72,73,74 & 76. Smithfield, 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 January 20, 2022.

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, but are not limited to, at least the following types:

- Marsh/Swamp wetland (A-series flagging)
- Swamp (B-series flagging)
- Perimeter Wetlands (that area of land within fifty feet (50') of the edge of any freshwater wetland consisting in part, or in whole, of a bog, marsh, swamp or pond)
- River
- Riverbank Wetland (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)
- 2 Areas subject to storm flowage (ASSF)
- Flood plain

The DEM has completed an inspection and review of the wetland edges delineated by you on-site and are referenced as Flag Nos. A1 to A35; B1 to B19; and the ASSF flags northwest of wetland flag B1. It is our determination that these wetland edges delineated on-site are accurate.

Please note our inspections revealed the presence of a second ASSF flowing into swamp between wetland flags B12 and B13. This ASSF is formed by stormwater flowing from the adjacent detention basin.

Please note that there is a portion of Wetland "B" that was not confirmed and is described on the site plan as "Approximate Wetland Edge Line (Not To Be Verified)". 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.

This letter does not constitute an approval or permit for any proposed project on the subject property. Pursuant to R.I. Gen. Laws § 2-1-21(a) of the Freshwater Wetlands Act and the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR150-15-1, 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 which 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 250-RICR-150-15-1.8(C)(8), 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. Gen. Laws § 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 for the purpose of freshwater wetlands protection. DEM has developed revised Freshwater Wetlands Rules and initiated rulemaking to have the full rules go into effect on July 1, 2022 (250-RICR-150-15-3). Until the effective date, the existing Freshwater Wetland Rules (250-RICR-150-15-1) remain in place.

If you are contemplating a project on your property and submit the application prior to the effective date, you can expect the wetlands jurisdictional areas to correspond as described in this verification letter. Any application submitted after the effective date 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.

Please contact Andy Charpentier of this Office telephone: (401-222-6820, ext.2777414) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
MDW/AC/ac

cc: Eric Prive, P.E., DiPrete Engineering