



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF WATER RESOURCES

235 Promenade Street
Providence, Rhode Island 02908

January 20, 2023

Dennis Gardiner and Robert Gardiner
c/o Dennis Gardiner
2 Springbrook Road
Wyoming, RI 02898

RE: Application No. 22-0513 in reference to the property located:

Approximately 80 feet south of Whispering Pines Road, at utility pole No. 2, and approximately 30 feet southwest of its intersection with Meadowbrook Road, Assessor's Plat 6c, Lots 1-55 & 1-56, Richmond RI.

Dear Messrs. Gardiner:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Request to verify freshwater wetland edges. 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 December 27, 2022.

Per Rule 250-RICR-150-15-3.23, the **Statewide Buffer Zone Designation**, your property falls within:

- River Protection Region 1

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 and other jurisdictional areas are regulated by this Department and include, but are not limited to, at least the following types:

Jurisdictional Areas:

- Freshwater Wetlands (see below)
- Buffer: All areas of undeveloped vegetated land adjacent to a freshwater wetland that is to be retained in its natural undisturbed condition or is to be created to resemble a naturally occurring vegetated area. For the purpose of defining buffer in these Rules, "adjacent to" means land area within the buffer zone.
- Contiguous areas that extend one-hundred feet (100') from the edge of all other freshwater wetlands
- Areas subject to storm flowage (ASSF).

Freshwater Wetlands and associated Statewide Buffer Zone Designation (include at least the following types):

- Pond (located on the opposite side of Whispering Pines Road), and 50-foot Buffer Zone.
- Swamp, forested, and 75-foot Buffer Zone

The DEM has completed an inspection and review of the wetland edges delineated by you on-site and are referenced as Flag Nos. A-98 through A-109. Please note that DEM does not verify the edges of an "ASSF"; however, the ASSF flags reviewed appear acceptable. It is our determination that those wetland edges

delineated on-site are substantially accurate. Corrections and/or modifications to the delineated edge are required, however, which include the following:

1. Relocate Flag A102 twelve feet (12') northwest,
2. An additional flag will be required between flags A102 and A103 and placed approximately thirty feet (30') north, northwest, of the depicted line between flags A102 and A103. Wetland was found in this area and confirmed with hydric soil core sample.
3. Relocate Flag A103 twelve feet (12') northwest,
4. Please note that the wetland edge west of depicted flag A109 has not been verified.

The Department has verified only those edges delineated and shown by you on-site and on the site plans submitted with your application and as qualified in this letter. Please note that the edge of the depicted "existing pond" located off site and north of Whispering Pines Road has not been verified. Should you wish to verify the edge of additional wetlands, a new application will be required.

Please note that the driveway, grading, and associated disturbances depicted within the northwest property corner have not been reviewed or approved by this Program. 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-RICR150-15-3, 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-150-15-3.9.3(H), this verification of the delineated edge of freshwater wetlands is valid for a limited period of five (5) years from the date of issue.

Please contact Lucianna Faraone Coccia of this Office telephone: (401-222-6820, ext. 2777270) should you have any questions regarding this letter.

Sincerely,



Andy Charpentier, Principal Environmental Scientist
Office of Water Resources
Freshwater Wetlands Program

cc: Robert J. Gardiner, Co-Applicant
Carolyn J. Doyle, P.E.
Jeffrey K. Balch, Frisella-Balch Associates
Joseph Klinger, Ecotones, Inc.