



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

October 24, 2023

Tiverton Nominee Trust, LLC  
23-33 Broadcommon, LLC  
c/o Ms. Marybeth McInnis, Manager  
807 Turnpike Street  
North Andover, MA 01845

**RE:** Application No. **23-0118** in reference to the location below:

Approximately 100 feet south of Souza Road, Utility Poles 7 through 24, approximately 500 feet east of its intersection with Main Street (Route 138), Assessor's Plat 110, Lot 102 and Assessor's Plat 301, Lot 220, Tiverton, RI.

Dear Ms. McInnis:

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 by this Program on August 10, 2023.

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

- River Protection Region 2

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
- 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.
- Floodplain
- Contiguous areas that extend outward two hundred (200') feet from the edge of a river or stream.
- Contiguous areas that extend one hundred feet (100') from the edge of all other freshwater wetlands.

**Freshwater Wetlands and associated Statewide Buffer Zone Designation:**

- Swamps
  - **A-series Swamp** (<1 acre): 25' Buffer Zone plus an additional 25' where river is within 50' from the wetland edge.
  - **B-series Swamp** (<1 acre): 25' Buffer Zone plus additional 25' where river within 50' of the wetland edge.
  - **C-series Swamp/Phragmites Marsh** (<1 acre): 25' Buffer Zone.
  - **D-series Swamp** (<1 acre): 25' Buffer Zone.

- **E-series Swamp/Wet Meadow** (> 1 and <10 acres): 50' Buffer Zone plus additional 25' where river is within 50' of wetland edge.
  - **F-series Swamp** (<1 acre): 25' Buffer Zone.
  - **G-series Swamp** (> 1 and <10 acres): 50' Buffer Zone.
- **Rivers** and 100' buffer zones.

The DEM has completed an inspection and review of the wetland edges delineated by you on-site. 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:

- Flag F2 should be relocated approximately 30' to the east,
- Flag F3 relocated approximately 25' southeast,
- Flag F4 relocated approximately 10' south,
- and Flag F7 can be removed to directly connect flags F6 and F8.

Please note that the G-series flags are off the subject property and were not verified. However, it appears that, at the least, the one hundred feet (100') Jurisdictional Area associated with this wetland extends onto the subject property.

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 or jurisdictional areas on your property. 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. Should you wish to verify the edge of these additional wetlands, a new 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-RICR150-15-3, 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 Rene Legault of this Office telephone: (401-222-6820, ext. 277-7732) should you have any questions regarding this letter.

Sincerely,



Andy Charpentier, Environmental Scientist III  
Office of Water Resources  
Freshwater Wetlands Program  
AC/RJL/rjl

cc: Timothy Twohig, DiPrete Engineering  
Molly Titus, PE, DiPrete Engineering  
Joseph Brito, Jr., 23-33 Broadcommon, LLC