



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

August 31, 2023

The City of Warwick  
Housing & Community Development  
Attn: William Facente, Manager  
Municipal Annex, 65 Centerville Road  
Warwick, RI 02886

**Re: RRA Application No. 23-0175 in reference to the location below:**

Within Bishop Park, 300 feet southwest of intersection of Washington Street and Benedict Road, Assessor's Plat 293, Lot 670, Warwick, RI.

Mr. Facente:

Attached is the determination concerning your Request for Regulatory Applicability under the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-1. Also enclosed is one set of site plans and a written description, stamped received by the Office of Water Resources on August 17, 2023, describing the project that was reviewed.

If the determination is that a permit under the subject regulations is not required, please note that other federal, state, or local permits may be required prior to proceeding with your project. Also note that for projects or activities determined to be exempt from permitting requirements, certain general restrictions and best management practices still apply, including placement and maintenance of erosion and sediment controls, in accordance with 250-RICR-150-15-1.6(A)(1)(p) in order to ensure protection of wetland resources.

If you have any questions concerning the determination, please feel free to contact me at (401) 222-6820, ext. 7402.

Sincerely,

Charles A. Horbert, Deputy Administrator  
Office of Water Resources  
Groundwater & Freshwater Wetlands Protection

ec: David McKinley, BETA Inc.



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF WATER RESOURCES - Groundwater and Freshwater Wetlands Protection  
**FRESHWATER WETLANDS PROGRAM**  
235 Promenade Street, Providence, RI 02908  
Telephone: 401-222-6820; Rhode Island Relay: 711  
[www.dem.ri.gov/wetlands](http://www.dem.ri.gov/wetlands)

<b>FOR RIDEM USE ONLY</b>
Complete Application Received Date: <b>RI Environmental Management</b>
<b>AUG 17 2023</b>
FWW File # <b>Office of Water Resources</b>

**FRESHWATER WETLANDS REQUEST FOR REGULATORY APPLICABILITY**

**INSTRUCTIONS:** Use this form to request a determination as to whether a proposed project does or does not require a permit under the [Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, \[250-RICR-150-15-3 "Rules"\]](#) [Refer to §3.8 for other application types and general submission requirements.]

Submit this completed Request Form with fee and all documents required by § 3.9.4 to:

**Permit Application Center (PAC), RIDEM, 235 Promenade Street, Providence, RI 02908**

(Check or money order must be made payable to the Rhode Island General Treasurer.)

**Note:** Many projects or activities occurring outside of wetlands may directly or indirectly alter the character of wetlands. Applicants proposing development in undisturbed areas in or near wetlands should submit an [Application for Freshwater Wetlands Determination or Permit](#) to obtain a suitable determination in cases where applicability to the Rules is likely.

<b>PAYMENT INFORMATION</b>	
Fee Payment Amount: <b>\$150.</b>	Check #: <b>N/A</b> Check Issued By: City of Warwick
<b>GENERAL INFORMATION and SUBMISSION CHECKLIST</b>	
Provide file numbers associated with this site:	
Any previous Freshwater Wetlands application for this site?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If yes, provide File(s) #:	
<b>Note:</b> Confirm by viewing permit information from the Wetlands Online Permit Search at: <a href="http://www.ri.gov/DEM/wetlands/">www.ri.gov/DEM/wetlands/</a>	
Any previous enforcement action for this site?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, provide File(s) #:	
RIDOT PTSID # (if applicable):	
Select documents enclosed with this form. [Refer to §3.9.4 for a complete list of submission requirements.]	
<input checked="" type="checkbox"/> Three (3) copies of plan illustrating the current and proposed conditions of the property and locations of wetlands.	
<input checked="" type="checkbox"/> Two (2) copies of a written project description including purpose, size and area(s) on the property where project is proposed.	
<input checked="" type="checkbox"/> Two (2) copies of a written description of how potential freshwater wetland impacts have been avoided to maximum extent possible.	
<input checked="" type="checkbox"/> Photograph(s) of the current site conditions where work is proposed.	
<input type="checkbox"/> Verified Freshwater Wetland Edge Decision (preferred, not required.)	
<input type="checkbox"/> Supplemental Document(s) for Additional Applicant Information and Certification (required only for more than one Applicant.)	
<b>PROPERTY, SITE and PROJECT INFORMATION</b>	
<b>Note:</b> For sites located in more than one municipality, designate the city/town where property has an occupied building as the primary; otherwise the larger portion of land will determine the primary city/town. Include all plat(s) and lot(s) that are part of the site, regardless of ownership.	
Project Name: <b>Bishop Park</b>	Project Type: <b>City Park</b>
Primary City/Town: <b>Warwick</b>	Street Abutting Site, with Address # (if applicable): <b>Washington Street and Benedict Road intersection</b>
Nearest Intersecting Street: <b>Rose Garden St.</b>	Distance (in feet) and Direction to Site from nearest street intersection: <b>At Street intersection of Washington and Benedict Streets</b>
Primary City/Town Tax Assessor's Plat(s) and Lot(s): <b>293-670</b>	Nearest Utility Pole No.:
Secondary City/Town (if Applicable):	Secondary City/Town Tax Assessor's Plat(s) and Lot(s):
<b>APPLICANT INFORMATION</b>	
<b>Note:</b> Requests for Regulatory Applicability being submitted for a project with more than one applicant may provide the <a href="#">Supplemental Document: Additional Applicant Information and Certification</a> in addition to this form.	
Applicant's Name (required): <b>City of Warwick</b>	Title: <b>Manager</b>
The applicant must be the owner of the property or easement which is the subject of this application or must be the government agency or entity with power of condemnation over such property or easement.	
Name of Representative (if Applicant is an Agency or Entity): <b>William R. Facente, Housing &amp; Community Development Manager</b>	
Email: <b>william.r.facente@warwickri.gov</b>	Phone: <b>401-921-9688</b>
Mailing Address: <b>Municipal Annex, 65 Centerville Road</b>	
City/Town: <b>Warwick</b>	State: <b>RI</b> Zip Code: <b>02886</b>



# APPLICANT CERTIFICATION

Select the Certification for Regulatory Applicability Determination to be issued by RIDEM (required):

- ☒ I hereby certify that I have requested and authorized the investigation, compilation, and submission of all the information, in whatever form, contained in this Application; that I have personally examined and am familiar with the information submitted herein; and that such information is true, accurate and complete to the best of my knowledge. I hereby authorize RIDEM personnel access to the property for purposes of observing conditions pertinent to this application and assessing compliance with any permit or determination resulting from this application, including any sampling, monitoring or surveying that may be deemed appropriate, consistent with [RIDEM's Administrative Inspection Guidelines \[250-RICR-20-00-3\]](#)

Note any special conditions for access:

Applicant's Signature:

*(William R. Freeman)*

Date of Signature: 08/10/2023

## PROFESSIONAL'S INFORMATION (if any)

Note: The prime professional (e.g. engineer, biologist, land surveyor, landscape architect, etc.) who participated in the submission and or preparation of this Request for Regulatory Applicability must sign below.

Professional's Name: David McKinley

Title: Landscape Architect

Email: dmckinley@beta-inc.com

Phone: 860-214-6709

Mailing Address: 315 Norwood Park South, 2nd Floor

City/Town: Norwood

State: MA

Zip Code: 02062

## PROFESSIONAL'S CERTIFICATION

Select the Certification for Regulatory Applicability Determination to be issued by RIDEM (required):

- ☒ I hereby certify that I have been authorized by the applicant to prepare documentation to be submitted in support of this Application; that such documentation is in accordance with the [Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act \[250-RICR-150-15-3 "Rules"\]](#); and that such documentation is true, accurate and complete to the best of my knowledge.

Note any special conditions for access:

Professional's Signature:

*(David McKinley)*

Date of Signature: 08/10/2023

## REGULATORY APPLICABILITY DETERMINATION DECISION [FOR RIDEM USE ONLY]

In accordance with the [Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act \[250-RICR-150-15-3.14.2 or "Rules"\]](#), DEM issues the following determination concerning your proposed project based on reliance on the above information and accompanying attachments to your application. Any change in your project, or the existence of property characteristics that differ from descriptions that were provided to the DEM, may invalidate this determination.

Freshwater Wetlands Permit #: \_\_\_\_\_

### ☒ Permit not required - you may proceed with your project

- ☐ Freshwater Wetland Rules are not applicable to the project as proposed. [NOTAPPLICA]  
☒ Project is exempt as proposed and described. [EXEMPT] *(in part)*  
☒ Project is not exempt, but does not alter the character of wetlands.

### ☐ Further application required - you may NOT proceed with your project.

- ☐ Alteration of freshwater wetland is proposed. [PERMITREQ]  
☐ Unable to make an applicability based on information provided. [INDETERM]

### ☒ Staff Comments:

*New park bench within wetlands jurisdictional area is not exempt, but is not expected to alter the character of the wetland. All general conditions in Section 3.6.1 of the Rules apply.*

### ☒ For additional details, findings and instructions for further required actions, see enclosed letter dated: 8/31/2023

Please contact the Freshwater Wetlands Program by email at [DEM.FWW@dem.ri.gov](mailto:DEM.FWW@dem.ri.gov) or call (401) 222-6820, option #3, if you have questions regarding this decision.

Signature of DEM Official: \_\_\_\_\_

Decision Date: \_\_\_\_\_