



**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT**

OFFICE OF WATER RESOURCES

235 Promenade Street
Providence, Rhode Island 02908

February 27, 2024

Bar R14, LLC

Joshua Teverow, Esquire

122 Doty Circle

West Springfield, MA 01089

RE: Application No. 24-0003 in reference to the location below:

Approximately 500 feet north of George Washington Highway (at 550 George Washington Highway), Utility Pole No.88, and approximately 1900 feet west of its intersection with Albion Road, Assessor's Plat 48, Lot 31, Smithfield, RI.

Dear Mr. Teverow,

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 January 5, 2024.

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 (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.
- Floodplain
- Contiguous areas that extend outward two-hundred feet (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
- Areas subject to storm flowage (ASSF)

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

- Deciduous forested swamp ≥ 10 acre (C-Series Wetland) = 75-foot buffer.

- o Deciduous forested swamp < 1 acre (A& B - Series Wetlands) = 25-foot buffer.
- o All streams in River Protection Region 2 = 100-foot buffer.
- o Stream + C-series wetland edge (vicinity of flags C23 to C26; C31 to C37; and flags C40 – C45) 75' + 25' = 100-foot buffer.
- o Phragmites marsh/ Deciduous forested swamp (vicinity of flags A28 through A32) = 50-foot buffer (A second wetland types within 50' of the wetland edge).

The DEM has completed an inspection and review of the wetland edges delineated by you on-site and are referenced as Flag Nos. A1–A36, B1-B14, and C1-C45. 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:

A-series wetland:

- Move flag A23 20' west

B-series wetland:

- Move flag B4 35' northwest (@~320°)
- Move B10 25' north
- Flag B12 is missing. Please re-flag.

C-Series Wetland:

- Move flag C1 25' east
- Move flag C8 16' east
- Move flag C9 16' east

Additional Notes:

- A stream runs northeast-southwest along the northern property edge. Please adjust the buffers accordingly.
- Please depict the culvert and ASSF found ~200' north of flag C23.

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 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 Hunter Trowbridge of this Office telephone: (401-537-4363) should you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Charpentier". The signature is fluid and cursive, with a large initial "A" and "C".

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

cc: Dana Nisbet, P.E., DiPrete Engineering
Timothy Twohig, DiPrete Engineering