



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

May 15, 2024

Pilot Hill Road 1261 Realty Trust  
 Chris Sanders  
 38 Cranberry Lane  
 Concord, MA 01742

**RE:** Application No. **24-0031** in reference to the location below:

Approximately 470 feet east of Pilot Hill Road (House No. 1261), and approximately 375 feet north of its intersection with Mohegan Trail, Assessor's Plat 8, Lot 190, New Shoreham, RI

Dear Mr. Sanders,

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 February 16, 2024.

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
- Buffers: 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 include at least the following types:

<b>Wetland Type/Subtype</b>	<b>Buffer Zone</b>
Swamp -Shrub Swamp $\geq$ 1 acre -----	75'
Stream -----	100'
Pond $\geq$ ¼ acre and < 10 acres -----	50'
Shrub Swamp + Stream w/in 50' of wetland edge -----	100'
Shrub Swamp + pond w/in 50' of wetland edge-----	100'
Shrub Swamp < 1 acre-----	25'

The DEM has completed an inspection and review of the wetland edges delineated by you on-site, and referenced by flag numbers 1A-9A, 1B-14B, and 1C-21C. 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:

- Add a flag halfway between and 15' west of flags 2B and 3B;
- Adjust flag 5C north ~10' to be in line with the stone wall on the adjacent property to the north.
- The Shrub Swamp continues east from flags 5C and 6C (See No.3 below).

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. These wetlands not depicted on the plans include, but are not limited to:

1. A Shrub Swamp < 1 acre is located approximately 110' north of the depicted house.
2. Streams within delineated wetlands:
  - a. The first stream section begins between flags 8A and 8C and flows north-south until it reaches the stone wall at flags 1B and 10C.
  - b. A second stream section begins between flags 7B and 12C and continues south to between flags 13B and 19C.
  - c. A third stream was observed immediately east of flags 21C and 14B and off the subject property.
3. A shrub swamp, stream and buffers are present within the northern portion of the property and are continuous with the wetland delineated by the "C" flagging. This wetland is connected to and east of flags 5C and 6C, extending into the depicted right-of-way.
4. Payne Pond, contiguous vegetated wetlands, and buffers are present south of wetland flag 1A and in the vicinity of the depicted western property line.
5. A wetland and its associated buffer zone are present along the eastern property line (near the depicted stone wall which runs east-west through the property) which have not been depicted.
6. Future submissions must depict streams, the edge of ponds and all associated buffer zones.

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 by telephone at (401)-537-4363 or email at [Edward.trowbridge@dem.ri.gov](mailto:Edward.trowbridge@dem.ri.gov) should you have any questions regarding this letter.

Sincerely,



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

cc: Ken Cole, Ninigret Environmental, LLC  
Marcus Channell, Atlas Land Surveying, LLC