



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

July 18, 2007

National Amusements
C/o John W. Townsend, V.P. Construction
200 Elm Street
Dedham, MA 02027

RE: Application No. 07-0154 in reference to the property and project located:

Approximately 140 feet northeast of Quaker Lane (Route 2), by utility pole no. 14; approximately 270 feet north-northeast of the intersection of Division Street (Route 401) and Quaker Lane; Assessor's Plat 215, Lot 2, Warwick, RI.

Dear Mr. Townsend:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your proposed construction of a commercial building with utilities, drainage structures, and landscaping in the parking area of an existing movie theater complex for the above-referenced property ("subject property") as illustrated and detailed on site plans submitted with your application. The site plans referenced by this letter and on file with this Program were received on April 6, 2007.

Our inspection reveals that freshwater wetlands regulated by the DEM are present on or in close proximity to the subject property. Review of your proposed project, however, reveals that this project does not represent an alteration to these freshwater wetlands. It is our determination therefore that a permit for this project pursuant to the Freshwater Wetland Act (Rhode Island General Law Section 2-1-18 *et seq.*) or the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act is not required. This Determination of Non-Jurisdiction is specific to the proposed site alterations illustrated and detailed on site plans on file with this Program and is further predicated on the following:

1. Adequate measures are employed during and after site alterations to control soil erosion and to prevent any sediment from such erosion being deposited in any freshwater wetlands. You should consult the Rhode Island Soil Erosion and Sediment Control Handbook for appropriate methods to control erosion and prevent sediment from leaving your project site.
2. This determination does not authorize you to modify your project in such a way as to result in the following:
 - a. An increase in the rate and/or volume of surface water runoff flowing into, or draining or diverting from these wetlands; or
 - b. A diversion of groundwater into or away from these wetlands; or
 - c. A modification to the quality of water reaching these wetlands which could change their natural character.

Please note that the wetland edges depicted on the reviewed site plans were previously verified by this Department and have expired on May 14, 2001. This letter does not represent a new verification of the wetlands present on the subject property.

Please also note that this Determination of Non-Jurisdiction is specific to this proposed project, is valid for a limited period of four (4) years from the date of issue, and does not remove your obligation to obtain any local, state or federal approvals or permits required by ordinance or law.

Modification to your project which would result in an alteration or allowing your project to result in an alteration to freshwater wetlands requires a permit from this Department. Unauthorized alterations to freshwater wetlands are subject to enforcement action.

Enclosed please find one (1) copy of your site plans stamped REVIEWED by this Program. Please contact Daniel Kowal (telephone: 401-222-4700, ext. 7416) should you have any questions.

Sincerely,



Martin D. Wencek, Permitting Supervisor
Freshwater Wetlands Program
Office of Water Resources

MDW/DMK/dmk

Enclosure: Reviewed Site Plans

xc: John Pagliaro, Warwick Building Official
Dave George, Director Development Services, WD Partners