

CRMC DECISION WORKSHEET

2021-08-048

Narragansett Electric Company, dba
National Grid

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2021-08-048	Pawtucket	Taft Street		B	<input type="checkbox"/>	X
		Plat 54 6 5	Lot 826,827 662			
		Owner Name and Address				
Date Accepted	8/19/2021	Narragansett Electric Company, dba National Grid		Work at or Below MHW	<input type="checkbox"/>	
Date Completed	10/12/2021	c/o Kenneth Lento 40 Sylvan Road Waltham, MA 02451		Lease Required	<input type="checkbox"/>	

PROJECT DESCRIPTION

The project is the first component of Tidewater Landing, a master-planned sports-anchored mixed-use proposal. Phase 1 work includes the construction of a multi-purpose stadium with ancillary support infrastructure. Riverfront improvements include stabilization of the river's edge with a mixture of riprap and landscape treatments conforming to CRMC's landscape standards, establishment of an Urban Coastal Greenway (UCG), construction of a river-walk, parking areas which will be partially available for the Public, a public plaza space overlooking the river, and a temporary construction staging area.

KEY PROGRAMMATIC ISSUES

- Coastal Feature:** Manmade shoreline. An isolated freshwater wetland is also present on-site.
- Water Type:** Seekonk River; Type 4 Multipurpose; Type 6, Industrial Waterfronts/Commercial Nav. Channels
- CRMP:** 1.1.6(F), 1.1.6(I), 1.1.7, 1.1.9, 1.1.10, 1.1.11, 1.2.1(E), 1.2.1(G), 1.2.2(F), 1.3.1(A), 1.3.1(B), 1.3.1(C), 1.3.1(F), 1.3.5, 1.3.6
- SAMP:** Metro Bay SAMP 5.4, 5.5.1, 5.9, 5.14

Variations and/or Special Exception Details: A 100% variance is required to RICRMP 650-RICR-20-00-1 §1.1.9(B)(1) for filling, removal or grading within the 50' setback; a 100% variance is required to Metro Bay SAMP 650-RICR-20-00-5 §5.5.1(A)(3)(d) construction setback of 25' as 0' is proposed for stadium construction.


Specific Staff Stipulations (beyond Standard stipulations):

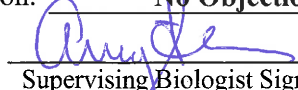
(E-1) The site is located within a FEMA designated VE 13 flood zone whereby FEMA restrictions apply to the use of fill for structural support and for the potential obstruction of flood flows (Section 1.3.1(C)(3)(d)). The applicant is advised to coordinate with the local building official and consult applicable FEMA technical bulletins in this regard (see: <https://www.fema.gov/media-library/assets/documents/3490> and other applicable guidance). The applicant may be required to apply to FEMA for a Letter of Map Revision (LOMAR) by addressing applicable FEMA requirements.


STAFF RECOMMENDATION(S)

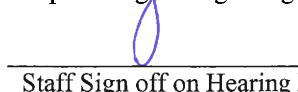
Engineer RML Recommendation: No Objections

Biologist TAS Recommendation: No Objections


Engineering Supervisor Sign-Off 10/13/21
date


Supervising Biologist Sign-off 10/13/21
date


Executive Director Sign-Off 13 Oct 2021
date


Staff Sign off on Hearing Packet (Eng/Bio) 10/13/21
date



STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
INTER-OFFICE MEMORANDUM

DATE: 10/12/2021
TO: Jeffrey M. Willis, Executive Director
FROM: Tracy Silvia and Richard M. Lucia, P.E., Permit Staff
SUBJECT: CRMC File No. 2021-08-048

Applicant's Name: Narragansett Electric Company, dba National Grid / City of Pawtucket
(under lease to Fortuitous Partners, LLC)

Project: The project is the first component of the Tidewater Landing, a master-planned sports-anchored mixed-use proposal. Phase 1 work includes the construction of a multi-purpose stadium with ancillary support infrastructure. Riverfront improvements include stabilization of the river's edge with a mixture of riprap and landscape treatments conforming to CRMC's landscape standards, establishment of an Urban Coastal Greenway (UCG), construction of a river-walk, parking areas which will be partially available for the Public, a public plaza space overlooking the river, and a temporary construction staging area. Additional mixed use development is the focus of a future secondary Phase for the northern portion of this site as well as the eastern side of the River. The project site includes three parcels: Parcels 65/0662 and 54/0826 are owned by National Grid. The most northern parcel is 54/0827 owned by the City of Pawtucket.

LOCATION/POLE: Taft Street

CITY/TOWN: Pawtucket

PLAT: 54|65/58/65

LOT: 826,827|662/826/662

TYPE WATER: Type 4, Seekonk River; Multipurpose Water/Type 6, Industrial Waterfronts and Commercial Navigational Channels

Coastal Feature: Manmade shoreline. An isolated freshwater wetland is also present on-site.

Plan(s) Reviewed: *"Tidewater Landing, Tidewater Stadium, Taft Street, Pawtucket, Rhode Island, CRMC Assent Application, last revised October 6, 2021..."* Sheets C100 to C112, C500 to C505 and A101, A102, A201, A202, Prepared by Diprete Engineering, Odell and SLR

Recommendation: Approval, with stipulations

STAFF REPORT

A) Project History:

1—The site development began September 2014 with a steering committee which conducted several neighborhood meetings amid master plan development by January 2016 for the parcels.

2—In early 2018, CRMC was brought into two pre-application meetings by the current applicant. The focus was on remediation concerns for the site owned by National Grid (Grid). Under #2019-08-014, CRMC authorized Grid to perform site remediation (RIDEM-approved) and work has begun on that project.

3—A Preliminary Determination (PD) was filed with CRMC in February 2021 for development of both the Grid-owned site and adjacent City-owned parcel and CRMC issued its Findings report 5/6/21. Staff then began several bi-weekly meetings at the request of the applicant's design team focused on regulatory requirements. The current application for Phase 1 work (western side of river) was submitted to the CRMC on 8/10/2021. Future Phase 2 work (eastern side) will be submitted under a separate PD application for staff review and includes mixed use development, public access, wetland restoration and a pedestrian bridge.

4— Staff requested additional required information (variance criteria, detailed narrative, stormwater information, legal documentation, etc.) from the applicant in order to continue review and a 30day public notice for the project commenced 9/8/2021. A letter of support was received from the City in coordination with a fee waiver request by the applicant.. As of the date of this report, the requisite public access and open space deed restriction and easement documents remain pending standard Legal Counsel review.

5—RIHPHC provided a project signoff on 9/30/2021 and USACOE and RIDEM WQC permits are not required for Phase 1. City of Pawtucket water supply and NBC sewer connection approvals have been received and the project was granted City Preliminary Site Plan approval in July 2021. RIDEM recently issued an Order of Approval Addendum (OAA) for the Tidewater Former MGP, Pawtucket, Site. This OOA is being issued in response to requested changes to the Department-approved Remedial Action Work Plan (RAWP) to accommodate the development of a new soccer stadium on the northern portion of the Site, as well as revisions required regarding the NBC Combined Sewer Overflow (CSO) realignment project, which crosses the Site. No additional CRMC permitting is required for the OAA or CSO projects at this time.

B) Proposed Project:

1—The project site consists of Tidewater Landing Project Site, occupying 25 acres on both sides of the Seekonk River. Phase 1 is located within a SAMP Development Zone. The southern two lots will be administratively subdivided to modify the parcel boundaries and the applicant will maintain a lease from Grid for the new stadium, public plaza (north) and parking (south). The third lot will be leased from the City, with current plaza space, stairs and public amenities proposed and future phase additional development.

2—The applicant proposes to construct a multipurpose stadium with ancillary support infrastructure. In addition to the stadium, an Urban Coastal Greenway (UCG), public plaza and Riverwalk as well as riverfront and landscaping improvements are proposed. Stormwater management and parking will be incorporated and temporary construction staging is also proposed to the north of the stadium.

3--Based on the submitted plans, the applicant has chosen to proceed with design under the Metro Bay Special Area Management Plan (SAMP, 650-RICR-20-00-05). As such, UCG standards apply to the project, rather than Red Book (650-RICR-20-00-01) standard buffer/setback requirements. As indicated in prior PD #2021-2-63, the project is also partially reviewed under separate Red Book requirements as described herein.

4--Please note RedBook Section §1.3.1.(B)(1)(f)1. states "*Filling, removing, or grading activities shall be reviewed at the Category B level when: The filling or removing involves more than ten thousand (10,000) cubic yards of material*". The project requires over 10,000 cubic yards of fill which is occurring at the upland section of the property and is therefore being reviewed as a Category B application.

C) Regulatory Requirements (SAMP/Red Book):

1—SAMP Section 5.4 sets the policies for those projects choosing to utilize UCG options including sustainable landscaping, LID stormwater management and enhancement of public access. Section 5.5.1 contains the standards applicable to the entire development. Specifically, a minimum vegetation, stormwater management, public access and construction setback requirement apply as well as a fifteen-day public notice period and lighting constraints. The Red Book 30day public notice period exceeds the SAMP requirement and the applicant has designed stormwater management and lighting consistent with both SAMP and Red Book requirements (see below). Setback, public access, and other UCG requirements as well as additional Red Book standards are further described below.

2—As noted above, the project is required to provide a minimum 15% vegetative coverage of the surface area over the entire development parcel(s). This requirement is met through the proposed UCG and additional landscaping. A planting plan has been received detailing the proposed landscape components and although the existing sites average ~90% vegetation (regrowth following post-industrial use of the site), the majority of the southern parcel's vegetation will be removed under the previously approved remediation permit. The proposed development will provide ~27% coverage following remediation and replanting (the southern parcel will provide 19% and the northern parcel 46%). There may be additional opportunities for enhanced vegetative coverage in Phase 2 of the proposal (eastern side of River).

3— With Regards to 5.5.1 UCG Development Standards for the Metro Bay Region (b) Stormwater Management and Red Book § 1.3.1(F) Treatment of Sewage and Stormwater:

a-All new development and redevelopment of this site were required to meet the stormwater (SW) requirements within Section §1.3.1(F) of the Red Book and as specified in the most recent edition of the Rhode Island Stormwater Design and Installation Standards Manual (RIDISM). Applicants were required to incorporate Low Impact Development (LID) techniques to the maximum extent practicable, consistent with the SAMP policies for this Zone.

b-The project will provide 100% on-site management of SW consistent with the SAMP requirements. Design of SW systems should utilize as a guide *The UCGDM for the Metro Bay Region*, dated September 2007, which emphasizes LID to the maximum extent practicable. The site is predominantly undeveloped, and therefore the site requires 100% of the impervious area to be treated prior to discharge. Based on review of the Stormwater Management Report, the post development SW will be treated for water quality using Best Management Practices (BMPs). The site has been designed to meet the RIDISM.

c-The site is considered contaminated from its previous use as a manufactured gas plant for Narragansett Electric Company. As a result of the operation of the facility, the soil and groundwater has been contaminated with coal tar, oils, metals, etc. As noted, Grid is currently performing remediation work including installing an impermeable cap to protect from further leaching of containments into the river. After the cap is installed, infiltration will not be possible on this portion of the site. SW management is limited to the area above the cap and the proposed finished grade. All proposed BMPs will be lined and subdrained in accordance with the RIDISM.

d-Water Quality treatment for this project will be through the utilization of underground Sand Filters; such as a Stormtech System and a sand filter below the turf soccer field, and Stormcrete porous concrete systems. Also to help improve the nitrogen load from the site, a Jellyfish Filter (RIDEM-approved propriety treatment device) is proposed on the existing city drainage outfall that currently discharges untreated to the Seekonk River. Pretreatment will be through the installation of Stormceptor. These treatment systems are designed to treat the required Water Quality Volume (WQV) generated from the proposed parking,

concourse, bleachers, and synthetic turf field. Specifically, per the RISDISM, sand filtering systems are recommended BMPs for bacteria removal.

e-With regards to the existing drainage, the watershed associated with the existing drainage outfall is 10.6 acres with approximately 7.9 acres impervious coverage. The Jellyfish Filter is sized to treat the entire WQV for this watershed. A bypass structure is proposed to divert from the main drain line only the WQV to the Jellyfish filter. Higher flows will overflow directly to the river as in the current condition. Larger storm events will be bypassed non-erosively to the Seekonk River. Please note per the RISDISM Section 3.3.5 and RedBook §1.3.1(F)(4)(k), peak post-runoff rates are not required to be mitigated below the peak pre-development runoff rates since the discharge will be discharged non-erosively to tidal waters.

4—Public access: Currently, the northern part of the site is accessed by the public through the City Landing off Taft Street where fishing and boat launching are common. There is limited public access for the remainder of the parcels, especially across the Grid portion. Compliance with this Section 5.5.1 also includes compliance with the American and Disabilities Act (ADA), which is proposed. The applicant has provided a 15' wide lateral Riverwalk across both parcels connecting to public parking spots and the City-owned "Landing". Access for emergency vehicles and maintenance are provided and stormwater management proposed where paths are not pervious. A public patio, plaza and boardwalk area are also proposed, providing closer access to the shore. Direct physical access was not included in this Phase as the City's existing Landing currently provides this function. Nearby City streets also provide secondary parking.

5—The Red Book Section 1.1.7 requires a minimum 50' construction setback for filling, removing and grading as well as construction. Additionally, SAMP Section 5.5.1.d requires a minimum 25' construction setback from a UCG and states that at no time shall there be any private structures or encroachment into or above the UCG.

a-The project design requires a 100% setback variance to the SAMP setback as the seaward façade of the stadium is proposed at the inland edge of the UCG, adjacent to the Riverwalk. Additionally, plaza and patio structures are located partially within the UCG and setback. Section 5.5.1(A)(d)(2) of the SAMP allows for reduction of setback where public access is not precluded and the loss does not become privatized. As all of these structures provide direct public access which currently does not exist on the site and the applicant has confirmed that all public amenities located within the UCG setback will remain open at all times for public use (and will be codified within the pending deed restrictions), staff supports the issuance of a UCG-setback variance for this project.

b-Additionally, the requirements of RedBook Section 1.3.1(B) Filling, Removing, or Grading of Shoreline Features have been incorporated into the design of the proposed project, including consistency with the approved *RI Erosion and Sediment Control Handbook (RIESCH)* and *RISDISM*.

c-Note a variance is required for fill within 50' of the coastal feature. Based on conversation with the project consultant the reasoning for the proposed fill is further protection against Sea level Rise (SLR, see below) and maybe more so to allow clearance between the bottom of the structures' foundations and the liner of the remediation cap. The proposed fill will be beneficial as it allows for sufficient separation distance from the bottom of the stormwater treatment system to the top of the liner of the cap as well. There is no objection to the granting of this variance, since this should help combat SLR and considering the already disturbed nature of the site (a remediation site). The site is located within a FEMA designated VE 13 flood zone whereby FEMA restrictions apply to the use of fill for structural support and for the potential obstruction of flood flows (Redbook Section 1.3.1(C)(3)(d)). Please refer to additional stipulations regarding flood zone requirements.

6—RedBook Section 1.1.4(D) Freshwater Wetlands in the Vicinity of the Coast (650-RICR-20-00-2):

a-There exists midway along the project site an isolated freshwater wetland, characterized as a seasonal seep/intermittent watercourse. This wetland serves primarily to convey stormwater from the upland Taft Street east discharging through a 36" pipe near the coastal feature to the River. The channel is partially paved, 3-4' in width carrying 1-3" of surface water flow at times and functions as a drainage swale. The emergent wetland along the north bank is dominated by invasive shrubs and the entirety of the wetland is contaminated (ref. prior Grid remediation permit). Infiltration is currently limited and is discouraged post-remediation due to the proposed capping of the site.

b-The area contains urban fill soils with previous record of historic contamination and has little wildlife habitat, recreation or aesthetic, flood control and/or WQ function. The applicant has provided an Avoidance and Minimization response as required by CRMC's Freshwater Regulations 650—RICR-20-00-2 Section 2.9(B)(1)(d). The project design includes the filling of this wetland (11,175sf) following remediation activities with discharge of newly treated stormwater through a new pipe to the river. The final design will continue to provide the current stormwater function while improving WQ function at the site. As no significant loss in function or value of this wetland is proposed, staff views this alteration as not random, unreasonable or unnecessary.

7—Section 1.1.10 of the Red Book relates to climate change and sea level rise (SLR). The applicant has submitted a Coastal Hazard Analysis (CHA) which reveals the site is likely to be affected by 3' SLR under current conditions. However, with the increased elevation post-construction, the site is not likely to be impacted by SLR under the chosen 30-year design life as the new proposed approximate grade at the site will vary but generally be 14 feet (NAVD88). Based on CRMC STORMTOOLS review, even with 7' sea level rise (SLR, approximately year 2100) there will be little or no inundation on the site. Additionally, future erosion rates appear unlikely to apply to a hardened shoreline. As well, although a 5'SLR scenario shows areas of potential marsh migration, these will also be unlikely due to the elevated, hardened shoreline at the sites. CERI modeling is not available for this area of the shoreline at this time.

8—The project design is consistent with Redbook Sections 1.3.1(A), 1.3.1(B), 1.3.1(C), 1.3.1(F) & 1.3.1(G) for earthwork, construction, structural shoreline protection, Category B requirements and sewage and stormwater and these areas have been addressed, as applicable, elsewhere in this report. All proposed filling in tidal waters has been removed from this Phase of the project as recommended by staff.

9—Redbook Sections 1.3.5 & 1.3.6 relate to protecting and enhancing scenic values and public access. The project is designed consistent with these requirements, which correspond to the SAMP standards as well.

10—Section 5.9 of the SAMP outlines the requirements for UCGs within Development Zones. Section 5.9.(B)(4) "Option 3" has been chosen as the only option that would work for this site. It allows for a compact UCG, reducing the required standard width (100') to 50' with compensation. The applicant has chosen to increase public amenities on the site as compensation for a reduced (50') UCG width, pursuant to Section 5.13(B) (2). A public patio, boardwalk and plaza are incorporated into portions of the UCG as well as signage, pathways and parking spaces. Outdoor festivals, farmer's markets and concerts will serve to enhance public use of the site.

11—Under the compensation option, general averaging is also available for use of calculating UCG width provided such requirements as signage, paths, deeded easements, emergency access and maintenance are addressed. For a standard UCG buffer width of 100', the project would require a 170, 573sf area of UCG on this parcel. The averaged (more on northern portion, standard 50' on most of the southern portion) UCG area for this project is 195,128sf which, including the increased public amenities, meets the requirements for the 50' compact UCG option. Additionally, the only encroachments into the proposed UCG are for public,

physical and emergency vehicle access. UCG easement documents remain pending legal review and staff will require such prior to Assent issuance unless the Council approves a different timeframe.

12—Section 5.14 includes management and maintenance requirements for the UCG. Under this Section, a UCG Design Manual (USGDM) is required for proposed work within the UCG both during and post construction. The USGDM has been submitted and is consistent with CRMC requirements. The Council should note this site differs slightly from typical residential UCGs in that less future management and more routine maintenance activities will be required instead.

D) Summary/Stipulations:

a-In summary, the project appears to have been designed consistent with staff comments throughout the pre-application/design process. Phase 1 includes redevelopment of a previously highly industrialized and contaminated urban site with restricted public access. Combined with the concurrent remediation efforts, the project will allow the site to be re-used for both private and public entities. The proposed stadium will offer a venue for multiple events and the adjacent plaza and Riverwalk provide a new opportunity for the general public to gain access to the site, including views of the River. Upgraded stormwater and revetment work and public access paths linking the existing City Landing to the new development and adjacent side streets will offer additional benefits to both the neighborhood and newcomers to the site.

b-The applicant has provided avoidance and minimization criteria, variance relief request and future management, maintenance and ownership plans for the site as well as draft dedicated access easements and deed restrictions protecting public use of the site. Staff has no objection to the issuance of an assent and standard stipulations have been withheld pending Council’s decision.

c-Additional Stipulations:

(E1) The site is located within a FEMA designated VE 13 flood zone whereby FEMA restrictions apply to the use of fill for structural support and for the potential obstruction of flood flows (Section 1.3.1(C)(3)(d)). The applicant is advised to coordinate with the local building official and consult applicable FEMA technical bulletins in this regard (see: <https://www.fema.gov/media-library/assets/documents/3490> and other applicable guidance). The applicant may be required to apply to FEMA for a Letter of Map Revision (LOMAR) by addressing applicable FEMA requirements.

Staff Biologist:  T. Silvia

Staff Engineer:  R. Lucia, PE