



State of Rhode Island
 Coastal Resources Management Council
 Oliver H. Stedman Government Center
 4808 Tower Hill Road, Suite 3
 Wakefield, RI 02879-1900

(401) 783-3370
 Fax (401) 783-2069

REQUEST FOR ASSENT EXTENSION

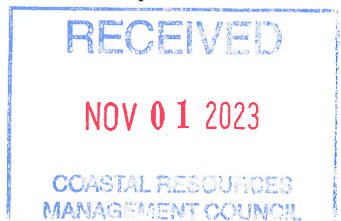
| | |
|--|---|
| Assent/Permit Number: <u>B2013-10-012</u> | (including extensions) Expiration Date: <u>Nov. 19, 2023 / July 1, 2025</u> |
| Name of Assent Holder: <u>I-195 Redevelopment District</u> | |
| Location of Project: <u>Various Parcels @ I-195 Redevelopment District</u> | |
| City/Town: <u>Providence, RI</u> | Plat: <u>Various</u> |
| | Lot: <u>Various</u> |

| | |
|--|---|
| Name of Present Owner: <u>I-195 Redevelopment District</u> | |
| Mailing Address: <u>225 Dyer Street, Fourth Floor</u> | |
| City/Town: <u>Providence, RI</u> | State: <u>RI</u> |
| | Zip: <u>02903</u> |
| Phone Number: <u>401-400-4362</u> | Email Address: <u>C.SKUNCIK@195DISTRICT.COM</u> |

| | |
|--|--|
| Indicate reason for extension request: <u>See attached</u> | |
| | |
| | |
| Indicate what (if any) work has been done: <u>See attached</u> | |
| | |
| | |

Caroline Skuncik, I-195 Redevelopment District Carole Skuncik
 Owner Name (PRINT) District Owner's Signature (SIGN)

Note: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking State Assent. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall be access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to penalties of perjury. 5/00





FUSS & O'NEILL

October 31, 2023

Application Coordinator
State of Rhode Island
Coastal Resource Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

RE: Assent B2013-10-012: I-195 Redevelopment District Master Plan
Extension Request

To Whom it May Concern:

Fuss & O'Neill has prepared this letter on behalf of the I-195 Redevelopment District (District), in order to formerly request an extension for State Assent B2013-10-012 (enclosed). As noted on page 1, the Assent indicates that permitted work under this assent must be completed by July 1, 2025. However, the permit also includes language, documented as Stipulation No. 8, that the Assent shall be valid for a period of 10 years, and that the Council may grant an extension for an additional ten-year period. Therefore, we are requesting a 10-year extension to ensure that the remaining parcels within the District can be developed.

As you may know, over the last 10 years, multiple projects within the District have been successfully developed. A handful more are in various stages of design and permitting. The latest CRMC Assent and RIDEM Water Quality Certification Volume Tracking Summary spreadsheet is enclosed. The latest District development updates are available at www.195district.com.

We hope you find the information provided in this letter and the attachments are adequate to issue an extension. If you have any further questions or require additional information, please contact me at (401)-533-5980 or pdowling@fando.com.

Sincerely,

Patrick J. Dowling, CPG
Associate | Department Manager

Enclosures:

Application Form and \$250.00 Fee
WQv Tracking Summary Spreadsheet, updated April 3, 2023
CRMC Assent B2013-10-012, dated November 19, 2023

317 Iron Horse Way
Suite 204
Providence, RI
02908
t 401.861.3070
800.286.2469
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www.fando.com

Connecticut
Maine
Massachusetts
New Hampshire
New York
Rhode Island
Vermont



CRMC Assent and RIDEM Water Quality Certification
 I-195 Redevelopment District
 Parcel Tabulation

| Parcel ID | Parcel Information | | | | Estimated WQv per SWMP | | | | Final WQv per Parcel Development Plans | | | |
|-----------------|---------------------|--|------------------------|-------------------------------|------------------------|-----------------------------|--------------------------------|-------------------------|--|--|--|--|
| | Parcel Area (acres) | Area Connected to NBC Sewer System (acres) | WQv Treatment Required | Total Impervious Area (acres) | Total WQv (acre-ft) | Total WQv (cf) ¹ | Design Impervious Area (acres) | Required Total WQv (cf) | Provided Total WQv (cf) | | | |
| 1A ⁴ | 0.28 | 0.00 | 50% | 0.27 | 0.01 | 500 | | | | | | |
| 2 | 1.08 | 0.00 | 50% | 1.02 | 0.04 | 1,900 | | | | | | |
| 5 | 1.49 | 0.00 | 50% | 1.42 | 0.06 | 2,600 | | | | | | |
| 6 | 1.48 | 0.00 | 87% | 1.41 | 0.10 | 4,500 | 1.48 | 4,500 | 5,314 | | | |
| 8 ⁴ | 0.30 | 0.30 | 100% | 0.29 | 0.02 | 1,100 | | | | | | |
| 9 ⁵ | 1.05 | 0.00 | 50% | 1.00 | 0.04 | 1,900 | 0.975 | 1,770 | 2,757 | | | |
| 14 | 0.24 | 0.00 | 50% | 0.22 | 0.01 | 500 | | | | | | |
| 15 | 0.05 | 0.00 | 50% | 0.05 | 0.00 | 100 | | | | | | |
| 22 ³ | 2.65 | 1.82 | 84% | 2.52 | 0.18 | 7,700 | 4.54 | 14,493 | 20,384 | | | |
| 25 | 2.36 | 0.49 | 60% | 2.24 | 0.11 | 4,900 | N/A ² | N/A ² | N/A ² | | | |
| 27 | 0.51 | 0.00 | 50% | 0.48 | 0.02 | 900 | | | | | | |
| 28 | 1.25 | 0.75 | 70% | 1.19 | 0.07 | 3,100 | 1.18 | 3,100 | 3,307 | | | |
| 30 | 0.59 | 0.00 | 50% | 0.56 | 0.02 | 1,100 | 0.53 | 962 | 1,030 | | | |
| 34 | 1.47 | 0.00 | 50% | 1.39 | 0.06 | 2,600 | | | | | | |
| 35 | 2.15 | 0.00 | 50% | 2.04 | 0.09 | 3,800 | | | | | | |
| 37 | 0.49 | 0.00 | 50% | 0.47 | 0.02 | 900 | | | | | | |
| 41 | 0.29 | 0.00 | 50% | 0.27 | 0.01 | 500 | | | | | | |
| 42 | 1.08 | 0.00 | 50% | 1.03 | 0.04 | 1,900 | | | | | | |
| P2 | 1.98 | 0.00 | 50% | 0.50 | 0.02 | 1,000 | 0.38 | 681 | 1,149 | | | |
| P3 | 0.23 | 0.23 | 100% | 0.06 | 0.00 | 300 | | | | | | |
| P4 | 4.80 | 0.00 | 50% | 2.11 | 0.09 | 3,900 | 1.298 | 2,355 | 3,243 | | | |
| Total | 25.83 | 3.59 | | | 1.02 | 45,700 | 10.38 | 27,861 | 37,184 | | | |

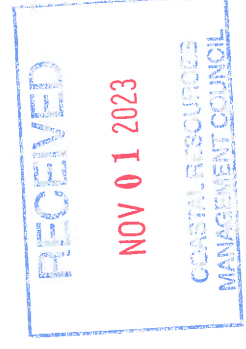
¹ The WQv listed for each parcel in this column has been rounded up to the next 100cf.

² Parcels 22 and 25 have been combined as a single development and are accounted for under the row for Parcel 22, since the installed subsurface infiltration system is located on Parcel 22.

³ Parcels 22 and 25 WQv based on current construction of Wexford (Phase 1) and Aloft Hotel (Phase 2), design of RIDOH Lab (Phase 3), and includes anticipated future development of Lot 403 and Lot 404.

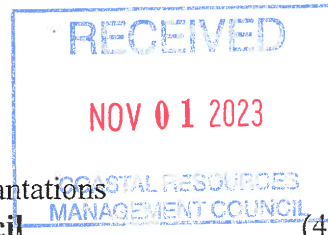
⁴ Parcel 1A and Parcel 8 development plans were approved but did not progress to construction, so "Final WQv per Parcel Development Plans" totals present in previous versions of this table have been removed.

⁵ Parcel 9 development plans based on construction of Phase 1 and includes anticipated future Phase 2 development.





State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900



(401) 783-3370
Fax (401) 783-3767

ASSENT

CRMC File No.: 2013-10-012

CRMC Assent No.: B2013-10-012

Whereas,
of

I-195 Redevelopment District Commission
C/o RI EDC
315 Iron Horse Way, Suite 101
Providence, RI 02908

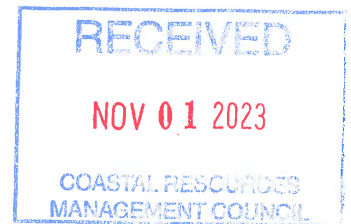
has applied to the Coastal Resources Management Council for assent to: **implement the I-195 Redevelopment District Commission Stormwater Master Plan**, and represents that the I-195 Redevelopment District Commission is the owner of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: **implement the I-195 Redevelopment District Stormwater Master Plan. No construction work associated with stormwater drainage is proposed at this time or authorized by the CRMC. The project area is the I-195 Redevelopment District defined in R.I.G.L. § 42-64.15-5** and located at plats 18|20|21|24, lots (not yet assigned); at Richmond, Dyer, Chestnut, & South Main Streets, Providence, RI, in accordance with said plans submitted to this Council and approved by this Council. In accordance with revisions to R.I.G.L. § 46-23-6.3 Expiration Tolling Periods (as amended effective June 26, 2013), all work being permitted must be completed on or before **July 1, 2025** after which date this assent is null and void, unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date.

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to applicant's property to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

I – 195 Redevelopment Commission
CRMC Assent No. B2013-10-012
November 19, 2013
Page Two



Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date thereof, after which time this permission shall terminate necessitating either complete removal or a new application.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

A copy of this Assent shall be kept on site during construction.

Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit.

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate



application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.

Permits, licenses or easements issued by the Council are valid only with the conditions and stipulation under which they are granted and imply no guarantee of renewal. The initial application or an application for renewal may be subject to denial or modification. If an application is granted, said permit, license and easement may be subject to revocation and/or modification for failure to comply with the conditions and stipulations under which the same was issued or for other good cause.

ATTENTION: ALL STRUCTURES AND FILLED AREAS IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.

SPECIFIC STIPULATIONS OF APPROVAL

Stormwater Master Plan

1. Parcel development within the I-195 Redevelopment District (District) shall comply with Minimum Standard 6 for Redevelopment and Infill Projects (Section 3.2.6) of the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM).
2. The stormwater treatment water quality volume (WQv) required for each of the twenty-one (21) individual parcels that comprise the District shall be as specified in Table 2 of the I-195 Redevelopment District Stormwater Master Plan (Stormwater Master Plan). The total water quality volume for the entire I-195 Redevelopment District is 1.02 acre-feet.
3. Applications shall be filed with the CRMC for each of the 21 District parcels to identify where and how the parcel(s) will achieve the required stormwater treatment WQv specified in Table 2 of the Stormwater Master Plan. Example stormwater treatment practices are shown in Figures 1 through 3 in Appendix H of the Stormwater Master Plan. Other practices may be used, but must comply with the requirements of the RISDISM. Each parcel shall provide stormwater treatment in whole or in part using onsite or offsite practices located within the District.



4. The I-195 Redevelopment District Commission (Commission) shall track parcel compliance with the stormwater treatment water quality volume (WQv) requirements for the entire District and provide an updated compliance spreadsheet with each parcel application filed with the CRMC. The spreadsheet shall provide a table-format summary identifying the parcel number, parcel size, total amount of impervious surface at build out, types of stormwater treatment practices and their location within the District. The spreadsheet should clearly identify how parcel redevelopment is meeting the parcel and overall District WQv requirements as specified in Table 2 of the Stormwater Master Plan.
5. The owners of District parcels shall be responsible for the operation and maintenance of stormwater treatment facilities serving their respective properties regardless of the facility location. Applications filed with the CRMC shall include an Operation and Maintenance Plan in accordance with RISDISM Minimum Standard 11 (Section 3.2.11). The legal entity responsible for operation and maintenance shall be identified on individual permit applications.
6. RISDISM Minimum Standard 2 for Groundwater Recharge (Section 3.2.2) will be achieved when practicable and where site conditions allow. A pollutant loading analysis (PLA) as specified in Appendix H of the RISDISM will not be required.
7. If parcels abutting the District are merged with existing District parcels, as permissible under R.I.G.L. § 42-64.14, then they shall be subject to the CRMC Assent and stipulations for the Stormwater Master Plan. The Commission shall amend the Stormwater Master Plan for stormwater treatment water quality volume (WQv) and compliance tracking to document changes to the impervious surfaces that are built or will be built as part of a development proposal within the District. The Commission shall file the amended Stormwater Master Plan and amended compliance tracking spreadsheet with the CRMC for reference in subsequent applications.
8. The build out period for the 21 parcels within the District is expected to exceed seven (7) years and is considered by the CRMC to be a Large Scale Project. Accordingly, the CRMC Assent for the Stormwater Master Plan shall be valid for a period of ten (10) years. The Council may grant an Assent extension for the Stormwater Master Plan at the request of the Permittee for an additional ten (10) year period in accordance with CRMC Management Procedures Rule 5.12. The Permittee must file the Assent extension request with the CRMC 60 days prior to the expiration of the initial Assent.
9. Parcel development proposals within the District may be filed as CRMC Category A applications, provided a proposal does not involve an activity that triggers a Category B review as determined in Table 1 (Review Activities and Prohibited Activities in Tidal Waters and on Adjacent Shoreline Features) of the Coastal Resources Management Program. Should the CRMC determine that applications for parcels 1A, 2, 5, 14, P2 and P4 are Category A activities, then the applications will be processed within 60 days or less of a determination that the application is complete. Category A applications for all other District parcels will be processed by the CRMC within 30 days or less of a determination that the application is complete.
10. Applications filed with the CRMC for individual parcel redevelopment proposals shall include stormwater treatment compliance tracking provided by the Commission and verification that their specific proposed project is consistent with the Stormwater Master Plan.



11. CRMC Assents for redevelopment projects on individual parcels will be valid for a period of three (3) years, but may include one-year extensions as permissible in accordance with CRMC Management Procedures Rule 5.12.

Metro Bay SAMP Urban Coastal Greenway Applications

12. Section 150.1 of the CRMC Metro Bay SAMP Urban Coastal Greenway (UCG) policy requires that 15% of a development parcel must include sustainably landscaped areas. These may include any landscaped or grassed areas, vegetative stormwater management elements, roof top gardens, etc. The aggregate 15% vegetative cover requirement for individual parcels subject to UCG requirements may be provided on the two planned park parcels, P2 and P4. Besides these two park parcels, the other parcels subject to the UCG requirements are 1A, 2, 5, and 14 with a total combined parcel area of 3.09 acres. The combined 15% vegetative cover area requirement for these four parcels is 0.46 acres. The combined area of Parcels P2 and P4 is 8.51 acres of which 4.2 acres will be vegetative cover. The total 15% vegetative cover requirements for Parcels P2 and P4 is 1.28 acres. Therefore, Parcels P2 and P4 can provide the required total combined vegetative cover requirement of 1.74 acres for all six parcels.
13. Individual applications for CRMC Category A Assent on Parcels 1A, 2, 5, 14, P2 and P4 will be subject to a 15-day public notice pursuant to CRMC Metro Bay SAMP UCG Rule 150.1. If the CRMC determines that proposed activities on parcels 1A, P2 or P4 are Category B review activities, then they will be subject to a 30-day public notice period. All other Category A applications for parcels within the District shall not require CRMC public notice.

CRMC Application Procedures for I-195 Redevelopment District Parcels

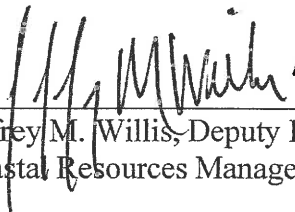
14. The I-195 Redevelopment District Commission is a state entity pursuant to R.I.G.L § 42-64.14, and thus, CRMC permit application fees may be waived in accordance with the CRMC Management Procedures Rule 4.2(4) when the Commission files an application for property it owns.
15. Parcels P2 and P4 are planned open space parcels abutting the Providence River and are intended as public parks. In addition, Parcel 1A is an existing public park abutting the river along South Water Street that includes a boardwalk constructed under CRMC Assent 1998-06-055. These three parcels will be owned by the Commission for the foreseeable future, thus the CRMC application fee waiver may apply when the Commission proceeds with permit applications for improvement work on these three park parcels, including the proposed pedestrian bridge construction project that will span the Providence River and link Parcels P2 and P4.
16. CRMC application fees will be required for any construction activity on Parcels 2, 5, and 14, as they are on a coastal feature or within the 200-foot contiguous area and are planned to be developed by a private entity. CRMC application fees are specified in Management Procedures Rule 4.3 and are based on the estimated project cost. The 21 parcels that currently comprise the I-195 Redevelopment District have been identified by the Department of Environmental



Management (DEM) in letters dated July 3 and October 8, 2013 as a Brownfield site pursuant to the DEM's Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases. Accordingly, the application fee for Parcels 2, 5, and 14 will not be based on estimated project cost, but will be capped at \$5000 because they are DEM-confirmed Brownfield sites and meet the fee cap specified in CRMC Management Procedures Rule 4.3.2(r).

17. All other remaining parcels within the I-195 Redevelopment District will not have to submit a CRMC application fee when they file their Category A applications to verify conformance with the CRMC Stormwater Master Plan Assent.
18. The Commission, as the local permit granting authority, is responsible for verifying compliance with applicable City of Providence ordinances and building codes pursuant to R.I.G.L. § 42-64.14. Thus, a letter from the Commission's Executive Director or Chairperson will serve as CRMC's application requirement for a local municipal approval of a proposed project within the District.

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this 19th day of November in the year two-thousand-thirteen.



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

/lat