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## Johnson's Pond Redevelopment Plan Coventry, Rhode Island

### MEMORANDUM ON JOHNSON'S POND BLIGHT FINDING

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#### PREPARED FOR:

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## EXECUTIVE SUMMARY: BASIS FOR BLIGHT DESIGNATION

Johnson's Pond / Flat River Reservoir functions as a single integrated public safety, environmental, and recreation resource that is currently impaired by documented conditions that meet the State of Rhode Island General Law's definitions (§ 45-31-8) of deteriorated blight and arrested blight, warranting public intervention through a Redevelopment Plan.

### A. KEY DOCUMENTED CONDITIONS (CAUSE FACTORS)

#### Water Quality Impairment and Public Health Risk

Johnson's Pond has been listed as an impaired waterbody under the Clean Water Act since 2012, including Category 5 listing due to mercury in fish tissue requiring development of a Total Maximum Daily Load (TMDL). The Pond also has a documented history of cyanobacteria (blue-green algae) blooms since 2021, including multiple Rhode Island Department of Environmental Management (RIDEM) advisories, with a severe bloom in 2022 and two advisories in 2025. These advisories restricted contact recreation and presented potential health risks to residents, visitors, and pets—particularly during mid-summer to early fall.

#### Ecological Degradation and Invasive Species Impairment

The record reflects impairment of fish and wildlife habitat associated with non-native/invasive aquatic species, including linked waterbodies (Maple Root Pond and Coventry Reservoir/Stump Pond). Recurring blooms and invasive conditions are consistent with watershed nutrient inputs and shoreline management challenges requiring coordinated, long-term measures beyond what individual owners can implement alone.

#### Deterioration and Risk Associated with Dam/Spillway Infrastructure

The dam and spillway are critical improvements that control reservoir function, downstream safety, and the viability of the Pond as a community resource. Deterioration and unsafe conditions of this infrastructure create risk to public safety and require coordinated oversight, rehabilitation planning, and long-term operation and maintenance that private ownership/fragmentation has historically been unable to deliver.

#### Diversity of Ownership Limiting Access and Coordinated Management

The shoreline and abutting parcels are characterized by diverse private ownership, limiting the Town's ability to provide consistent public access and to implement watershed-scale and shoreline-scale ecological improvements. The fragmented ownership structure prevents private enterprise from solving system-wide infrastructure, environmental, and access problems, because impacts and benefits are shared widely while control is not.



**B. COMMUNITY IMPACTS (EFFECT FACTORS)**

These conditions have measurable public impacts:

- recurring constraints on safe recreation (swimming/boating) due to advisories and impaired status;
- reduced reliability of the Pond as open space and public amenity;
- increased long-term public costs and safety risks associated with deteriorated critical infrastructure; and
- inability to deliver equitable public access and public benefit due to fragmented shoreline ownership and uncoordinated legacy structures.

**C. CONCLUSION**

Accordingly, the Redevelopment Area qualifies as a “blighted and substandard area” under Rhode Island General Law (R.I.G.L.) § 45-31-8(3), including both:

- a Deteriorated Blighted Area (§ 45-31-8(6)); and
- an Arrested Blighted Area (§ 45-31-8(2)).

A Redevelopment Plan provides the necessary mechanism for coordinated dam safety management, water quality restoration planning, invasive species management, and equitable public access improvements.



## **1. BLIGHT FINDING ASSESSMENT – JOHNSONS POND / FLAT RIVER RESERVOIR STUDY AREA**

### **A. STATUTORY AUTHORITY AND PURPOSE**

This Blight Finding is made pursuant to the Rhode Island Redevelopment Act of 1956 R.I.G.L. § 45-31-1 et seq. (the “Act”). Under R.I.G.L § 45-31-8(3), a redevelopment agency may act only within a “blighted and substandard area,” defined to include deteriorated blighted areas, arrested blighted areas, or any combination thereof.

The purpose of this finding is to establish a clear factual record demonstrating that Johnson’s Pond / Flat River Reservoir, the dam and spillway system, and the surrounding watershed and shoreline areas constitute a blighted and substandard area, and that redevelopment intervention is necessary to protect public health, safety, welfare, and the sound growth of the community.

### **B. REDEVELOPMENT AREA OVERVIEW**

The Redevelopment Area includes:

- Johnson’s Pond / Flat River Reservoir.
- The dam, spillway, outlet works and associated hydraulic infrastructure.
- Hydrologically connected waterbodies (i.e., Maple Root Pond and Stump Pond).
- Shoreline and watershed areas whose condition directly affects water quality, safety, and public use.
- Public and private shoreline parcels whose fragmented ownership constrains access, maintenance, and environmental management.

This area functions as a single, interdependent environmental and infrastructure system, such that deterioration or mismanagement of any component adversely affects the whole.

### **C. BLIGHT CLASSIFICATION SUMMARY**

Based on the evidence summarized below, the Redevelopment Area qualifies as:

1. a Deteriorated Blighted Area under R.I.G.L. § 45-31-8(6); and
2. an Arrested Blighted Area under R.I.G.L. § 45-31-8(2).

These conditions exist independently and cumulatively, and are not speculative or future-oriented, but are documented, ongoing, and recurring.



## D. DETERIORATED BLIGHT FINDINGS (R.I.G.L. § 45-31-8(6))

### 1.1.1 Deterioration and Unsafe Condition of Critical Infrastructure

The dam and spillway system is a principal improvement serving the entire reservoir and downstream community. Under private ownership, the dam was found by RIDEM to be unsafe, with a compromised spillway, loss of stone, vortex conditions, and structural deterioration, triggering an Immediate Compliance Order in 2024.

These conditions constitute:

- Dilapidation and deterioration
- Unsafe conditions of physical construction
- Obsolescence of a critical public safety structure

Such conditions directly satisfy R.I.G.L. § 45-31-8(6)(i) and (iv) and pose a continuing threat to public safety and welfare, including downstream flooding risk and loss of reservoir control.

### 1.1.2 Environmental Conditions Detrimental to Public Health

Johnson's Pond has been listed as an impaired waterbody under the federal Clean Water Act since 2012, including Category 5 impairment requiring a TMDL for mercury in fish tissue.<sup>1</sup>

In addition, the Pond has experienced recurrent cyanobacteria (harmful algal bloom) advisories in 2021, 2022, and twice in 2025, resulting in:

- advisories to avoid contact with water,
- restrictions on swimming, boating, and pet exposure, and
- heightened public health risk during peak recreational seasons.

These recurring conditions demonstrate unsanitary and unsafe environmental conditions, directly affecting designated recreational uses and public health, and constitute deterioration under R.I.G.L. § 45-31-8(6).

### 1.1.3 Inadequate Provision for Recreation and Open Space

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<sup>1</sup> RIDEM. *Integrated Water Quality Monitoring and Assessment Reporting*. Rhode Island's Section 305(b) State of the State's Waters Report and Section 303(d) List of Impaired Waters. Available at: <https://dem.ri.gov/environmental-protection-bureau/water-resources/research-monitoring/water-quality-resources/integrated-reports>



Although Johnson’s Pond historically functioned as a recreational resource, unsafe dam conditions, fluctuating water levels, water quality advisories, and unmanaged shoreline conditions have rendered recreation unreliable and, at times, unsafe.

The deterioration has resulted in:

- loss of consistent boating and swimming opportunities,
- impaired fish consumption,
- diminished public enjoyment of open space, and
- erosion of the Pond’s function as a community recreational asset.

An area that once provided recreation but can no longer do so safely due to neglect and environmental degradation constitutes “inadequate provision for recreation facilities” under R.I.G.L. § 45-31-8(6)(ii).

#### 1.1.4 Conditions Conducive to Continued Decline

Absent coordinated intervention, the existing conditions are self-reinforcing:

- deteriorated infrastructure exacerbates water quality problems,
- poor water quality reduces recreational use and stewardship,
- lack of stewardship accelerates ecological degradation, and
- public disinvestment increases long-term remediation costs.

These conditions are conducive to further deterioration and detrimental to public welfare, satisfying the concluding clause of R.I.G.L. § 45-31-8(6).

### E. ARRESTED BLIGHT FINDINGS (R.I.G.L. § 45-31-8(2))

#### 1.1.5 Diversity of Ownership Preventing Sound Development

Johnson’s Pond is surrounded by hundreds of privately owned parcels, while the dam and reservoir control the functionality and value of all surrounding properties.

This fragmented ownership structure makes the following unduly costly or impossible for private enterprise to achieve, meeting the finding of R.I.G.L. § 45-31-8(2) express recognition of diversity of ownership as a blight factor:

- coordinated shoreline management,
- nutrient and stormwater controls,
- invasive species management,
- public access planning, and



- long-term dam maintenance.

#### 1.1.6 Unduly Costly Environmental and Infrastructure Obligations

The cost of the following is far beyond what private ownership or individual shoreline owners can reasonably bear, particularly when benefits and impacts are widely shared:

- operating and maintaining a high-hazard dam,
- implementing water quality restoration strategies,
- managing invasive species,
- mitigating cyanobacteria risks, and
- ensuring public safety and regulatory compliance

This satisfies the finding provided in R.I.G.L. § 45-31-8(2) that an area may be blighted where sound development is unduly costly due to physical conditions.

#### 1.1.7 Impairment of Sound Community Growth

The ongoing instability of Johnson's Pond depresses recreational value; limits public access and equity; creates uncertainty for abutting homeowners; and imposes recurring public safety and health risks, thereby impairing the sound growth of the community, rather than serving any single private interest.

### F. PUBLIC PURPOSE AND NECESSITY OF REDEVELOPMENT

The blighted conditions identified above cannot be remedied through ordinary private market forces and require:

- centralized environmental management,
- coordinated dam safety and reservoir operations,
- watershed-scale water quality strategies, and
- planned public access and recreation improvements.

The Redevelopment Plan provides a comprehensive, transparent, and accountable framework to eliminate blight, restore environmental function, protect public health, and reestablish Johnson's Pond as a sustainable public resource.

### G. FORMAL FINDING

Based on the foregoing, the Coventry Redevelopment Agency and Town Council may reasonably and lawfully find that:



**Johnson’s Pond / Flat River Reservoir and its surrounding area constitute a “blighted and substandard area” under R.I.G.L. § 45-31-8(3), including both a deteriorated blighted area and an arrested blighted area, and that redevelopment is necessary to protect public health, safety, welfare, and the sound growth of the Town of Coventry.**

## **2. SAMPLE TOWN COUNCIL FINDINGS AND RESOLUTION LANGUAGE**

The following sample/suggested resolution is provided for Town Council consideration as the formal action to designate the Redevelopment Area, make the required blight findings, and adopt the Johnson’s Pond / Flat River Reservoir Redevelopment Plan pursuant to the Rhode Island Redevelopment Act of 1956 (R.I. Gen. Laws § 45-31-1 et seq.). This action is not merely ministerial: the Act requires a clear legislative record establishing that the Redevelopment Area is a “blighted and substandard area” and that a redevelopment plan has been adopted for that area. The resolution is therefore a necessary procedural and jurisdictional predicate to Agency and Town implementation activities under the Act.

### Guardrails for Council amendments

To protect the Town’s compliance posture and reduce litigation risk, the following elements should be treated as non-negotiable in substance (i.e., may be refined stylistically, but should not be deleted, narrowed, or recharacterized):

1. Designation of the Redevelopment Area by reference to the map/boundary in the Redevelopment Plan.
2. Express findings of “blighted and substandard area” under R.I. Gen. Laws § 45-31-8(3).
3. Identification of at least one applicable blight category—recommended here as both:
  - “Deteriorated blighted area” under § 45-31-8(6), and
  - “Arrested blighted area” under § 45-31-8(2)—with findings stated in factual terms and tied to the record.
4. Formal adoption of the Redevelopment Plan (with allowance for revisions consistent with the Act).
5. Authorization to implement, including studies, permitting, procurement, interagency coordination, and capital planning consistent with the Plan.
6. Severability and effective date provisions.



Edits that remove or materially dilute these elements may undermine the procedural validity of the adoption action under the Act. Council may add additional findings or clarifying language supported by the record, provided such additions remain consistent with the statutory framework and the Redevelopment Plan.

**TOWN OF COVENTRY, RHODE ISLAND**

**TOWN COUNCIL**

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION MAKING FINDINGS OF BLIGHT AND SUBSTANDARD CONDITIONS, DESIGNATING A BLIGHTED AND SUBSTANDARD AREA, AND ADOPTING THE JOHNSON’S POND / FLAT RIVER RESERVOIR REDEVELOPMENT PLAN PURSUANT TO R.I.G.L § 45-31-1 ET SEQ., the Rhode Island Redevelopment Act of 1956.**

**WHEREAS**

1. **Authority.** The Town Council of the Town of Coventry (the “Town Council”) and the Coventry Redevelopment Agency (the “Agency”) are authorized to prepare, adopt, and implement redevelopment plans pursuant to the Rhode Island Redevelopment Act of 1956, R.I. Gen. Laws § 45-31-1 et seq. (the “Act”).
2. **Predicate Finding.** The Act requires that redevelopment powers be exercised only within a “blighted and substandard area”, as defined in R.I. Gen. Laws § 45-31-8(3), including any area meeting the criteria of a deteriorated blighted area and/or an arrested blighted area.
3. **Plan Preparation.** The Agency has prepared a draft Johnson’s Pond Redevelopment Plan (the “Redevelopment Plan”) for Johnson’s Pond / Flat River Reservoir and surrounding lands/waters within the designated study area (the “Redevelopment Area”).
4. **Record Materials.** In support of this Resolution and the Redevelopment Plan, the Town Council and Agency have reviewed and incorporated into the public record, among other materials: (a) a water quality analysis and summary of public agency monitoring and impairments; (b) documentation of recurring water quality advisories; and (c) analysis of blight criteria under the Act as applied to the Pond, dam, and surrounding conditions.
5. **Public Health & Water Quality.** Johnson’s Pond has been listed as an impaired waterbody under the Clean Water Act since 2012 and has been classified as a Category 5 impaired waterbody due to mercury in fish tissues requiring a Total Daily Maximum Load (TMDL); and the Pond has experienced recurring cyanobacteria (harmful algal bloom) advisories, including two advisories in 2025, presenting risks to public health and limiting safe recreation.



6. **Ecological Degradation.** The Pond and connected waters have documented impairment of fish and wildlife habitat due to non-native/invasive aquatic species, and recurring cyanobacteria blooms are consistent with excessive nutrient inputs requiring coordinated management measures and restoration actions.
7. **Critical Infrastructure Condition.** The dam and spillway system is a critical improvement necessary for safe reservoir operation, downstream protection, and the continued viability of the Pond as a recreational and ecological resource; and the record demonstrates the existence of deterioration and unsafe conditions requiring coordinated oversight, rehabilitation planning, and long-term operation and maintenance.
8. **Fragmented Ownership / Access Constraints.** The Redevelopment Area is characterized by diversity of ownership of abutting parcels and fragmented control of shoreline access and improvements, which constrains public access, coordinated environmental management, and the ability for private enterprises to address system-wide needs, thereby impairing the sound growth of the community.
9. **Public Purpose.** The Town Council finds that elimination of blight; protection of public health, safety, and welfare; environmental remediation and restoration; improved and equitable public access; and coordinated management of critical dam and reservoir infrastructure constitute valid public purposes under the Act.

## **NOW, THEREFORE, BE IT RESOLVED**

**Section 1. Designation of Redevelopment Area.** The Town Council hereby designates the area generally depicted and described in the Redevelopment Plan as the Johnson’s Pond / Flat River Reservoir Redevelopment Area.

**Section 2. Findings of Fact — Blight and Substandard Conditions.** The Town Council hereby makes the following findings, each independently and collectively supporting a designation of a “blighted and substandard area” under R.I. Gen. Laws § 45-31-8(3):  
A. Deteriorated Blighted Area (R.I. Gen. Laws § 45-31-8(6)). The Redevelopment Area contains improvements and conditions that are detrimental to public health, safety, morals, and welfare and conducive to further deterioration, including:

- unsafe and deteriorated conditions of critical dam/spillway improvements and related infrastructure;
- inadequate provision for safe and reliable recreation due to water quality impairments and advisories;



- conditions affecting sanitation, open space utility, and community welfare associated with recurring cyanobacteria advisories and impaired waters status.

**Arrested Blighted Area (R.I. Gen. Laws § 45-31-8(2)).** The Redevelopment Area is unduly costly for private enterprise to develop soundly due to physical conditions, deterioration of site improvements, and diversity of ownership, such that the conditions impair the sound growth of the community, including:

- inability of fragmented private ownership to coordinate dam safety investments, watershed controls, and public access improvements;
- the scale and cost of measures necessary for drainage/flood prevention, long-term reservoir management, and environmental restoration exceed what individual landowners can practicably undertake.

**Section 3. Formal Designation.** The Town Council hereby finds and designates the Redevelopment Area as a “blighted and substandard area” as defined in R.I. Gen. Laws § 45-31-8(3).

**Section 4. Adoption of Redevelopment Plan.** The Town Council hereby adopts the Johnson’s Pond / Flat River Reservoir Redevelopment Plan, as may be revised consistent with this Resolution and the Act.

**Section 5. Authorization to Implement.** The Town Council authorizes the Agency and Town staff to take actions necessary to implement the Redevelopment Plan, including but not limited to: engineering and environmental studies; permitting; public access planning; lake management planning; procurement; interagency coordination; and preparation of capital improvement and funding strategies, consistent with the Act and applicable law.

**Section 6. Severability.** If any provision is held invalid, the remaining provisions shall continue in full force and effect.

**Section 7. Effective Date.** This Resolution takes effect upon passage.

### **3. MEANINGFUL PUBLIC ACCESS JUSTIFICATION TIED TO BLIGHT ELIMINATION**

#### **A. WHY PUBLIC ACCESS IS PART OF BLIGHT ELIMINATION**

In the Johnson’s Pond context, “public access” is not an optional amenity; it is a functional remedy for blight conditions documented in the record.

The Redevelopment Act’s blight definitions expressly include:



- **inadequate provision for open spaces and recreation facilities** as a deteriorated blight factor (R.I.G.L. § 45-31-8(6)); and
- **diversity of ownership** that makes sound development unduly costly as an arrested blight factor (R.I.G.L. § 45-31-8(2)).

Johnson’s Pond is a Class B waterbody designated for primary/secondary contact recreation, yet safe recreation has been periodically constrained by cyanobacteria advisories and impaired conditions.

Accordingly, restoring and managing meaningful public access is a direct method of addressing:

1. inadequate recreation/open space function,
2. public health communication and risk management during advisories, and
3. fragmentation of ownership that prevents coherent access and stewardship.

#### B. WHAT “MEANINGFUL PUBLIC ACCESS” SHOULD MEAN

For a freshwater reservoir with mixed public/private shoreline, meaningful access for the Redevelopment Plan should be defined as:

1. **Legal:** clearly authorized public entry points and use areas (not trespass-based or informal).
2. **Safety:** signage, speed limits, cyanobacteria advisory response protocols, emergency access, and managed facilities.
3. **Physical:** functional access facilities sized to demand (carry-in launches, a managed boat ramp, fishing nodes, limited parking where appropriate).
4. **Equitable:** access not limited to riparian owners and opportunities for the broader Coventry community.
5. **Stewardship-based:** access nodes designed to reduce shoreline erosion, manage stormwater, and protect buffers—so access reduces ecological harm rather than increases it.

#### C. HOW ACCESS IMPROVEMENTS ELIMINATE BLIGHT (CAUSAL LINKAGE)

**Access and management breaks the decline cycle.** In a lake system with recurring advisories and watershed-driven impairments, unmanaged and fragmented access tends to worsen conditions (erosion, informal clearing, fertilizer/runoff, invasive spread). By concentrating access in properly designed nodes and pairing it with stewardship rules, the Town can:



- manage contact recreation safely during bloom seasons (signage/closures/reopening procedures);
- reduce shoreline impacts via hardened launches/buffers;
- support long-term lake management (monitoring, invasive control, education); and
- shift the system from “private, fragmented, unmanaged” to “publicly stewarded, coordinated,” directly addressing arrested blight.

#### D. IMPLEMENTATION COMMITMENTS

To make the “meaningful public access” finding defensible and credible, the Redevelopment Plan (and record) should commit to:

1. **Access node plan** (map and phased improvements) in the Redevelopment Area.
2. **Rules and enforcement:** wake/no-wake areas, speed limits, boat size restrictions, seasonal restrictions, dock compliance, trash controls.
3. **Public health protocol:** cyanobacteria signage, communications, pet warnings, closure/reopening steps in coordination with RIDEM.
4. **Stewardship investments:** shoreline buffers, stormwater retrofits, septic outreach, invasive management.
5. **Annual reporting:** “State of the Pond” updates (advisories, monitoring, improvements completed, next year priorities).



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