

CRMC DECISION WORKSHEET

2023-10-090

Department of Transportation

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
2023-10-090	Tiverton	Pond Bridge Road		B	<input type="checkbox"/>	X
		Plat	Lot			
Date Accepted		10/30/2023		Work at or Below MHW		<input type="checkbox"/>
Date Completed		3/1/2024		Lease Required		<input type="checkbox"/>
Owner Name and Address			Department of Transportation Attn: Alisa Richardson 360 Lincoln Avenue Warwick, RI 02888			

PROJECT DESCRIPTION

RI Bridge #292 will be removed and replaced by a new bridge comprised of a NEXT D prestressed concrete beam superstructure with bituminous wearing surface, concrete abutments, and steelmicropiles drilled into bedrock. The proposed bridge will be widened by 8.5 feet (out to out) to address current safety hazards for pedestrians and emergency vehicles. Proposed abutments will be located behind the existing abutments, which will be cut down and the lower portion to remain as scour protection. In-water work is limited to control of water and dewatering around the substructure during demolition and repairs. A small area of unvegetated salt marsh (approx. 10 square feet) will be temporarily impacted during dewatering, however saltmarsh plantings are proposed within the area to mitigate for temporary impacts.

KEY PROGRAMMATIC ISSUES

Coastal Feature: Almy Creek (tidal) and contiguous coastal wetland

Water Type: Type 1, Almy Creek

Red Book: 1.1.11.C,1.3.1(B), (F),(J), and (M); FWWVC: 9.7.1.A-I


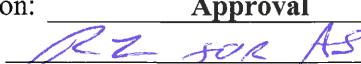
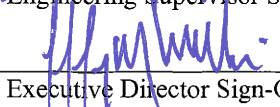
SAMP: None

Variations and/or Special Exception Details: A variance from RICRMP 1.3.1.(F)(4)(e) is required "Roadways, highways, bridges, and other projects subject to § 1.3.1(M) of this Part shall provide treatment and management of stormwater runoff for all new impervious surfaces."

Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations):

STAFF RECOMMENDATION(S)

Engineer	<u>RML</u>	Recommendation:	<u>Approval</u>
Biologist	<u>ACS</u>	Recommendation:	<u>Approval</u>
	<u>3/1/24</u>		<u>3/1/24</u>
Engineering Supervisor Sign-Off	date	Supervising Biologist Sign-off	date
	<u>5 MAR 24</u>		
Executive Director Sign-Off	date	Staff Sign off on Hearing Packet (Eng/Bio)	date

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STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
STAFF REPORT TO THE COUNCIL

DATE: March 1, 2024
TO: Jeffrey M. Willis, Executive Director
FROM: Anthony Sawaia, Environmental Scientist II
Richard Lucia, P.E., Environmental Engineer IV

Applicant's Name:	RI Department of Transportation
CRMC File Number:	2023-10-090
Project:	RI Bridge #292 will be removed and replaced by a new bridge comprised of a NEXT D prestressed concrete beam superstructure with bituminous wearing surface, concrete abutments, and steelmicropiles drilled into bedrock. The proposed bridge will be widened by 8.5 feet (out to out) to address current safety hazards for pedestrians and emergency vehicles. Proposed abutments will be located behind the existing abutments, which will be cut down and the lower portion to remain as scour protection. In-water work is limited to control of water and dewatering around the substructure during demolition and repairs. A small area of unvegetated salt marsh (approx. 10 square feet) will be temporarily impacted during dewatering, however saltmarsh plantings are proposed within the area to mitigate for temporary impacts.
Location:	Pond Bridge Road; Tiverton: Plat(s) ; Lot(s):
Water Type/Name:	Type 1, Almy Creek
Freshwater Wetland:	Nonquit Pond
Coastal Feature:	Almy Creek (tidal) and contiguous coastal wetland
Plans Reviewed:	"State Of Rhode Island Department Of Transportation Plan Of Proposed Nonquit Pond Bridge No. 292 Pond Bridge Road Tiverton, RI..." All sheets, dated September 2023, prepared by David J. Elwell PE Pare Corporation

INTRODUCTION:

The application requests Assent to replace Nonquit Pond Bridge No. 292 in Tiverton, RI. This bridge has been determined by RIDOT and PARE Corporation to be structurally deficient. The project is located within

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the Pond Bridge Road Right-of-Way which crosses over Almy Creek immediately down stream of Nonquit Pond Dam. The replacement of the bridge includes minor widening (8.5 feet out to out) to address safety hazards for pedestrians and emergency vehicles. Habitat restoration is proposed within areas of temporary wetland disturbance.

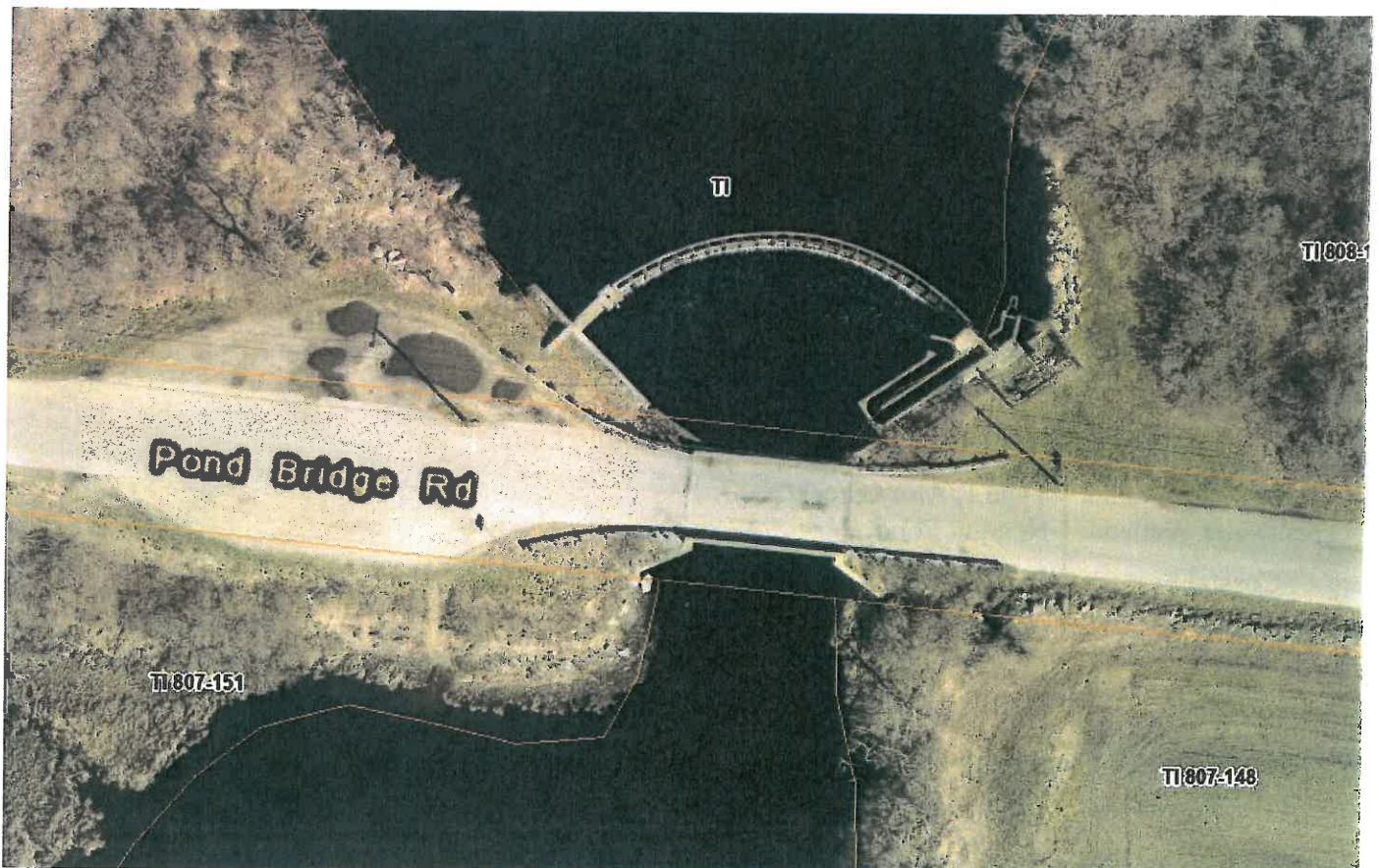
No Comments were received during the public notice period which ended January 19, 2024. One comment was received on February 14, 2024, concerning the parking area southwest of the bridge. The comment was to ensure the parking would not be lost. The project as proposed does not eliminate the existing gravel parking area southwest of the bridge.

HISTORY:

There are no prior CRMC Assents for this bridge. The bridge was built in 1939 by the Town of Tiverton using Works Progress Administration (WPA) funds to replace an existing structure that was washed out due to a Hurricane in 1938. The current bridge has not been reconstructed since.

EXISTING CONDITIONS:

The existing bridge carries one lane of traffic in each direction. The current width out-to-out is appx 22'-6". The curb-to-curb measures 20'. No sidewalks or bike lanes are present, nor could any be added with current dimensions.



*RIDEM GIS Aerial photography Spring 2023; Existing Conditions

COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:

Red Book: 650-RICR-20-00-01

1.1.11(C)	Coastal Buffer Zones	Limited/targeted vegetation cutting/clearing is proposed within coastal buffer zones. Southeast of bridge within drainage swale (ASSF) to relocate further south and southwest of bridge for surveying purposes. Both impacts are temporary and will be restored per landscape plan. These activities are consistent with CRMC standards as they limit disturbance to the minimal necessary. See 1.3.1(M)(1)
1.3.1(B)	Filling, Removing, or Grading of Shoreline Features	Partial Removal of existing bridge wingwalls and abutments (Manmade shoreline feature). Removal is limited to upper portion and removal will not extend below high tide line or MHW
(B)(1)(c)	Erosion and Sediment Control Plan Standard	Required erosion and sediment control plans have been submitted titled "Drainage and Utility". All associated work is proposed to meet applicable standards of 1.3.1(B).
(B)(3)(a)(2)	Proper disposal of excavated materials	Protective shielding will be installed beneath bridge to prevent debris from falling into tidal waters and will be removed off site.
(B)(3)(c)(5)	Limiting work in sensitive areas	Most work is proposed to be carried out from above coastal feature/wetlands/stream. Limited disturbance within wetland (small saltmarsh) may be needed. A protective temporary platform will be installed on soil substrate.
(B)(3)(c)(6)	Restoration of temporary wetland/buffer disturbance	Temporary disturbances within wetlands and buffer will be restored and allowed to revegetate.
1.3.1(F)	Treatment of sewage and stormwater	No stormwater BMPs could reasonably be installed. Site constraints include no current stormwater management other than the ASSFs, ROW, adjacent wetlands, and site usage by RIDEM DFW and local fire departments. Project conforms to RIDOT Linear Stormwater Manual according to the maximum extent practicable.
(F)(4)(j)	Enlarged stormwater discharge to well flushed tidal channels within high marshes	Increased discharge shall be permitted when the applicant can clearly demonstrate that no reasonable alternatives exist, impervious surfaces have been kept to an absolute minimum, and result in no adverse impacts to the salt marsh. Stormwater already flows through numerous ASSFs, new bridge is as close to in kind replacement while increasing safety and pedestrian use, new impervious area is increased by 1,450 SF.
1.3.1(J)	Filling in tidal waters	Temporary fill in tidal waters consists of approximately 46 cubic yards of sandbags/supersacks associated with COW measures. The fill is limited to the construction period and is unavoidable for proper bridge replacement. COW measures are temporary and will be removed upon completion of work. The work is not considered prohibited since this work is temporary in nature.
1.3.1(M)	Public Roadways, Bridges, Parking Lots, Railroad Lines and Airports	The project meets the standards of this section limiting the disturbances to the greatest extent possible. All vegetation and wetland disturbances are to be restored. Slight increase in impervious area from existing bridge.

FWWVC: 650-RICR-20-00-9

9.7.1	Freshwater Wetland and Buffer Protection Standards	
A	General freshwater wetland protection standard	Only temporary impacts to FWW are proposed. appx 340 SF of selective pruning/trimming will take place to provide clearance for the temporary poles for the overhead wires. Area will be allowed to naturally revegetate upon completion.
B	Freshwater Wetlands Buffer Standard	Freshwater Buffer vegetation is limited at the site. Any disturbance will be temporary and restored thereafter.
C	Setback Standards	Setbacks of Buffer plus 20' for primary structure and plus 5' for secondary structure overlap the project in some areas (ASSFs etc.). The bridge is replaced in kind. Current bridge footprint is within the same setback.
D	Rare or Endangered Species Standard	Project is not within a natural heritage area, nor are there any rare FWW types.
E	Flood Protection Standard	Meets the standard. No net loss of flood protection. Reduction of bridge abutments will result in a net gain of 40 cubic yards of flood plain.
F	Surface Water and Groundwater Diversion Standard	No anticipation of increased peak flow rates. Drainage patterns will be preserved to the extent practicable. Appx 80 linear feet of the ASSF to the southeast of the bridge will be relocated further south to accommodate the wider roadway approach. ASSF relocation does not adversely affect the flow of surface water and does not reduce storage capacity. The ASSF/drainage pattern will be matched to the existing to the greatest extent possible. ASSF to be revegetated upon completion.
G	Stormwater Management Standard	No stormwater BMPs could reasonably be installed. Site constraints include no current stormwater management other than the ASSFs, ROW, adjacent wetlands, and site usage by RIDEM DFW and local fire departments. Project conforms to RIDOT Linear Stormwater Manual according to the maximum extent practicable.
H	Erosion and Sedimentation Control Standard	Required erosion and sediment control plans have been submitted titled "Drainage and Utility". All associated work is proposed to meet applicable standards
I	Water Quality Standard	The project is not anticipated to result in adverse impacts to surface or groundwater resources. There is no direct impact to freshwater surface water and only minor increase in impervious surfaces which are over tidal waters on site.

The existing concrete bridge abutments will be left in place (used as scour protection) but will be cut down to provide adequate clearance for the new bridge. The new bridge abutments will be constructed behind the existing abutments. The new superstructure will remain within the limits of the existing substructure. The bridge will be widened by 8.5', but the superstructure will remain within the footprint of the existing abutments and wingwalls. The approach roadway will be slightly widened to meet the widened bridge. This work will consist of full depth pavement reconstruction. The new roadway approach and slightly wider bridge will increase the impervious surfaces by appx 1,450 square feet. Although the impervious surfaces will be slightly increased and bridge is larger, the public benefit is that the bridge will better accommodate pedestrian traffic with the addition of sidewalks which the current bridge does not have.

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Due to site constraints only a small amount stormwater treatment BMPs (Filter strip) could be added in the project area. The total Stormwater treatment goal is 513 cubic feet which is below the 800 cubic feet threshold required by the latest RIDOT Linear Stormwater Manual. However, the CRMC regulations regarding stormwater treatment still apply and a variance is required.

Temporary Freshwater and Coastal Wetland impacts include dewatering during construction, relocating the overhead utilities slightly north with temporary utility poles, constructing a temporary utility bridge to relocate an existing water pipe. These impacts include selective vegetation removal/pruning. The small area of saltmarsh (10 Sq Ft) disturbed by temporary dewatering will be replanted with native low saltmarsh plantings.

Permanent Freshwater impacts include the increase in impervious surfaces due to widened bridge and new paved roadway approach, regrading gravel parking and emergency vehicle turnaround areas. As well as relocating the vegetated ASSF and stone wall southeast of the bridge further south to accommodate the new roadway approach. These impacts include selective vegetation removal/pruning, grading, and landscaping. The ASSF will be seeded and allowed to revegetate with RI native coastal salt tolerant seed mix to provide a vegetated buffer to the downstream creek. Per Section 9.7.1(F) of FWWVC; This ASSF relocation does not adversely affect the flow of surface water and does not reduce storage capacity. The ASSF/drainage pattern will be matched to the existing to the greatest extent possible.

HPHC Compliance

RIDOT and HPHC have an ongoing correspondence to ensure historic compliance. Per correspondence dated 1/23/2023, the replacement of the Nonquit Pond Bridge No.292 would have an Adverse effect on the historic bridge itself. The bridge replacement would have No Adverse Effect on the Rhode Island Archaeological Site 2815. However, a follow-up correspondence dated 11/14/23 with HPHC has stated that the project will have no effect on any significant cultural resources.

Compliance with Federal Regulations

The project is receiving funds from the Federal Highway Administration (FHWA) so it must comply with Section 106 of the National Historic Preserve Act (NHPA) of 1966 and Section 4(f) of the United States Department of Transportation Act, both as amended.

Coordination with NOAA NMFS and USFWS has been completed prior to CRMC submission. Conditions pertaining to protected wildlife will be met per project design. (TOYR, Endangered species, Avoidance and minimization measures, COW, etc.)

Project will comply with all Time of Year Restrictions (TOYR) for vegetation removal for bird nesting seasons. Allowed vegetation removal period is September 1 – February 28.

COW measures are reduced to 25% of the channel width. NMFS stated that in-water work may occur at any time of the year behind COW, and COW measures should be installed outside of the TOYR windows.

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COMMENTS ON VARIANCE REQUEST:

A variance from RICRMP 1.3.1.(F)(4)(e) is required “Roadways, highways, bridges, and other projects subject to § 1.3.1(M) of this Part shall provide treatment and management of stormwater runoff for all new impervious surfaces.”. A total of 513 cf of treatment of stormwater is required, however only a small filter strip has been provided for treatment (158 cf). Due to numerous site restraints such as wetlands and site usage by RIDEM DFW and local fire department it is not practical to install BMPs. The total treatment is not being obtained. CRMC staff agrees with the technical justification for absence of the remaining required treatment. Additionally, therefore, there are no objections to the granting of this variance.

No variance is required to filling since all disturbance is temporary and will be restored upon project completion.

REVIEW OF COMMENT SUBMITTED 2/14/2024:

No objections were received during the public notice period which ended January 19, 2024. One comment was received on February 14, 2024, concerning the parking area southwest of the bridge. The comment was to ensure the parking would not be lost. The project as proposed does not eliminate the existing gravel parking area southwest of the bridge. The gravel areas west of the bridge are to be left for emergency vehicle use and parking as applicable. Therefore, it appears that the objection has been addressed.

CONCLUSION AND RECOMMENDATION:

The applicant has extensively addressed all of the disturbances and their respective restoration within the submitted design plans. They have received or are in current correspondence with the appropriate agencies to receive all associated approvals (Federal, Historic, etc.).

The bridge width increases by 8.5’ out-to-out but this is for pedestrian access/safety in the form of sidewalks. Although the bridge width increases the new superstructure will remain within the limits of the existing substructure, thus it is replaced in kind.

The staff is of the opinion that the applicant has designed the project addressing and meeting all CRMC standards and regulations. There are no disturbances to the Nonquit Pond Dam. This project will increase public use of the bridge and surrounding recreational areas while also making it safer. Staff recommends approval of the application.

Should the Council approve this request, appropriate stipulations relating to revegetation and restoration of wetland resources will be prepared, specifically the revegetation/restabilization of the relocated ASSF to the southeast of the bridge.

Staff Scientist 

Staff Engineer 