

# CRMC DECISION WORKSHEET

2022-01-064

Butler Hospital

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
2022-01-064	Providence	305 Blackstone Boulevard		<b>B</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		Plat	38			
		Owner Name and Address				
Date Accepted	2/09/2022	Butler Hospital		Work at or Below MHW	<input type="checkbox"/>	
Date Completed	11/29/2024	345 Blackstone Boulevard Providence, RI 02906		Lease Required	<input type="checkbox"/>	

## PROJECT DESCRIPTION

Construct a replacement access road that will allow the City of Providence to inspect, maintain and repair the existing sewer line. A variance is required from RICRMP 1.3.1.B (Filling, Removing and Grading of Shoreline Features). A special exception is required from RICMRP 1.2.2.C.1.2.(a) (Coastal Wetlands) for "*alterations to salt marshes and contiguous freshwater or brackish wetlands abutting Type 1 waters...*"

## KEY PROGRAMMATIC ISSUES

**Coastal Feature:** Coastal Wetland

**Water Type:** Type 1, Conservation Area

**Red Book:** 1.1.7; 1.1.8; 1.1.9; 1.1.10; 1.1.11; 1.2.1(B); 1.3.1(A), (B), (F), (L)

**SAMP:** N/A

Variances and/or Special Exception Details: variance is required from RICRMP 1.3.1.B (Filling, Removing and Grading of Shoreline Features). A special exception is required from RICMRP 1.2.2.C.1.2.(a) (Coastal Wetlands) for "*alterations to salt marshes and contiguous freshwater or brackish wetlands abutting Type 1 waters...*"

Additional Comments and/or Council Requirements:

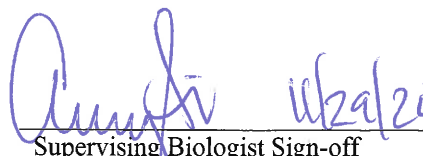
Specific Staff Stipulations (beyond Standard stipulations): 2 recommended stipulations in staff report

## STAFF RECOMMENDATION(S)

Engineer	<u>RML</u>	Recommendation:	<u>No Objections</u>
Biologist	<u>ALS</u>	Recommendation:	<u>No Objections</u>
Other Staff	<u></u>	Recommendation:	<u></u>

 11/29/24  
Engineering Supervisor Sign-Off date

 12/3/24  
Executive Director Sign-Off date

 11/29/24  
Supervising Biologist Sign-off date

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

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Staff Report



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

**DATE:** November 29, 2024  
**TO:** Jeffrey M. Willis, Executive Director  
**FROM:** Amy Silva, Environmental Scientist IV  
Rich Lucia,

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<b>Applicant's Name:</b>	Butler Hospital
<b>CRMC File Number:</b>	2022-01-064
<b>Project:</b>	Construct a replacement access road that will allow the City of Providence to inspect, maintain and repair the existing sewer line. A variance is required from RICRMP 1.3.1.B (Filling, Removing and Grading of Shoreline Features). A special exception is required from RICMRP 1.2.2.C.1.2.(a) (Coastal Wetlands) for <i>"alterations to salt marshes and contiguous freshwater or brackish wetlands abutting Type 1 waters..."</i>
<b>Location:</b>	305 Blackstone Boulevard; Providence: Plat(s): 38; Lot(s): 2
<b>Water Type/Name:</b>	Type 1 Conservation Area, Seekonk River
<b>Coastal Feature:</b>	Coastal Wetland/Coastal Bluff
<b>Plans Reviewed:</b>	"Sewer System Maintenance Road.... Grotto Road to the Narragansett Bay Commission Seekonk River Interceptor.." 14 Sheets, dated December 2021, all sheets last revised 12/15/2023, by Crossman Engineering

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**INTRODUCTION:**

The purpose of this project is to construct a replacement access road that will allow the City of Providence to inspect, maintain and repair the existing sewer line. The sewer line is located in the base of a slope with very steep side topography that contains a stream and a coastal wetland. To construct and maintain the sewer line, an access road was built in the 1950's, but over the past 70 years this road has been damaged, overgrown and mostly impassable. A variance is required from RICRMP 1.3.1.B (Filling, Removing and Grading of Shoreline Features). A special exception is required from RICMRP 1.2.2.C.1.2.(a) (Coastal Wetlands) for *"alterations to salt marshes and contiguous freshwater or brackish wetlands abutting Type 1 waters..."*. As proposed, the roadway will alter approximately 10,890ft<sup>2</sup> of Coastal Wetlands.

No Comments were received during the public comment period.

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DEM Aerial 1962 – access road somewhat visible.

DEM Aerial Spring 2023 – road no longer visible

#### CRMC HISTORY:

1989-11-025	Assisted Living Center	Butler Hospital	D- Feasibility Report Issued
1990-11-26	Sewer Interceptor abandon/install upland pipe	Narragansett Bay Commission	D- Feasibility Report Issued
1991-06-067	Construct Life Care Center	Homecroft/Laurelmeade/Butler	B- Permit Issued
1992-01-012	Sewer Interceptor abandon/install upland pipe	Narragansett Bay Commission	B- Permit Issued
92-1098-0138	Enforcement: Work being undertaken not in compliance with CRMC assent #91-6-67	Homecroft, Inc	C&D - Cleared
2000-02-036	Wetland Edge Verification	Butler Hospital	D- Report Issued
2011-06-076	New Building At Butler Hospital	Butler Hospital	D- Feasibility Report Issued
2011-11-083	Tree removal and limited/temporary utility work on landward side of butler drive.	Butler Hospital	FONSI Issued
2012-02-008	Construct new Building	Butler Hospital	A- Permit Issued
2013-09-110	Reseed eroded area & install rip rap outlets for drainage	Butler Hospital	A- Permit Issued
2022-01-064	Current Application	Butler Hospital	Current Application

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#### COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:

<b>1.1.7</b>	<b>Variances</b>	See below
<b>1.1.8</b>	<b>Special Exceptions</b>	See below
<b>1.1.9</b>	<b>Setbacks</b>	See below
<b>1.1.10</b>	<b>Climate Change and Sea Level Rise</b>	See below
<b>1.1.11</b>	<b>Coastal Buffer Zones</b>	200' Buffer previously required, will remain.
<b>1.2.1(B)</b>	<b>Type 1 Water</b>	A Special Exception is required – see below
<b>1.2.2(C)</b>	<b>Coastal Wetlands</b>	A Special Exception is required – see below
<b>1.3.1(A)</b>	<b>Category B Requirements</b>	The applicant has submitted the appropriate materials.
<b>1.3.1(B)</b>	<b>Filling, Removing, or Grading of Shoreline Features</b>	See below
<b>1.3.1(F)</b>	<b>Treatment of Sewage and Stormwater</b>	The applicant has met the stormwater management requirements.
<b>1.3.1(L)</b>	<b>Coastal Wetland Mitigation</b>	See below

##### 1.1.10: Climate Change and Sea Level Rise (SLR)

Based on the Coastal Hazards Assessment/Stormtools Sea Level Rise estimation, this maintenance access will be affected by 3' of Sea Level Rise. This roadway is to access existing infrastructure, which also will be affected by SLR. The resiliency of the infrastructure is a larger question that exceeds the matter of maintaining access to existing infrastructure, and is one in which the City is actively pursuing (ref <https://providenceresilience.org/>).

##### 1.1.7: Coastal Buffer Zones

CRMC File 2012-02-008, for construction of a building on lot 2, required a 200' Buffer Zone. The work proposed falls within this Buffer Zone, along an existing but degraded access way. The Buffer shall remain 200', and undisturbed, with the exception of work associated with maintaining this pre-existing access and the wetland mitigation work.

##### 1.1.9 Setbacks

A setback is the minimum distance from the inland boundary of a coastal feature at which an approved activity or alteration may take place. A 50' setback is required for structures and filling, removing and grading. A 100% variance to this requirement is required for the installation of the pipe.

##### 1.3.1(B): Filling, Removing, or Grading of Shoreline Features

In accordance with 1.3.1(B)(2)(a): *"Filling, removing, or grading is prohibited on beaches, dunes, undeveloped barrier beaches, coastal wetlands, cliffs and banks, and rocky shores adjacent to Type 1 and 2 waters unless the primary purpose of the alteration is to preserve or enhance the feature as a conservation area or natural buffer against storms."* The applicant has provided a Special Exception Request as the work does not meet this policy.

Although the proposal does not meet this requirement, the granting of the special exception will relieve the requirement.

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#### 1.3.1(F) Treatment of Sewage and Stormwater

The new access road will be built essentially where the previous access road existed. Because of the poor condition of the road a new surface is being proposed. Areas of wetland crossing a concrete block mattress is being proposed (Contech Armor Fle Class 55S or equivalent) and for other areas, pervious paver system is being proposed (Truegrid Pro Plus Pervious Paver system or equivalent). There are no engineering objections to the use of these products.

#### 1.3.1(L): Coastal Wetland Mitigation

In accordance with Section 1.3.1(L)(1)(a): “...the Council shall require the mitigation of all impacts to the coastal wetland. Permanently lost or significantly altered wetlands shall be replaced through the restoration of an historical wetland or the creation of a new wetland at a site approved by the Council.”

As stated within the submitted application narrative, the amount of wetland permanently altered is 10,182ft<sup>2</sup> (0.234 acres), and is rounded up to 0.25 acres. The *Phragmites* mitigation area is 21,960ft<sup>2</sup> (0.504 acres), meeting the 2:1 size standard set forth in 1.3.1(L)(5)a)(2)(AA). The mitigation area is located on site and consists of restoration of a degraded *Phragmites* marsh. *Phragmites* will be treated with herbicide by a licensed operator, dead vegetation will be removed, and native wetland species will be planted. Monitoring by an environmental professional has been proposed.

A recommended stipulation requiring a mitigation planting plan has been included at the end of this report.

It is the opinion of the reviewing staff that the applicant has met the wetland restoration requirements.

#### **COMMENTS ON VARIANCE:**

Due to the location of the existing access road, the work will occur within the setback associated with the Coastal Feature. The applicant has submitted a written Variance request and it is the opinion of reviewing staff that the proposal meets the Variance Criteria.

#### **COMMENTS ON SPECIAL EXCEPTION:**

In accordance with Section 1.1.8(A): Special exceptions may be granted to prohibited activities provided the applicant meet certain criteria (Section 1.1.8(A)(1-3).

With regards to Section 1.1.8(A)(1): “*The proposed activity serves a compelling public purpose which provides benefits to the public as a whole as opposed to individual or private interests.*” The section goes on to list three criteria, at least one of which must be met. It is the opinion of the reviewing staff that the application meets criteria (A)(1)(a) “*An activity associated with public infrastructure*”.

With regards to Section 1.1.8(A)(2): The applicant has demonstrated that all reasonable steps have been taken to minimize environmental impacts and/or use conflict.

With regards to Section 1.1.8(A)(3): The site of the road maintenance is a pre-existing road way servicing pre-existing infrastructure. The application has demonstrated that there is no reasonable alternative means of, or location for, serving the compelling public purpose cited.

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The prohibited activity that requires the Special Exception is the alteration of Coastal Wetlands adjacent to Type 1 Waters. It is the opinion of reviewing staff that the applicant has met the requirements of Coastal Wetland mitigation as part of the Special Exception request, as discussed above.

It is the opinion of reviewing staff that the application meets the requirements for the issuance of the Special Exception.

**CONCLUSION & RECOMMENDATION:**

The purpose of this project is to construct a replacement access road that will allow the City of Providence to inspect, maintain and repair the existing sewer line. The sewer line is located at the base of a slope with very steep side topography that contains a stream and a coastal wetland. To construct and maintain the sewer line, an access road was built in the 1950's, but over the past 70 years this road has been damaged, overgrown and mostly impassable. The work is required to continue use and maintenance of the existing infrastructure.

It is the opinion of reviewing staff that the proposed project meets the Criteria set forth in Section 1.1.8 to obtain a Special Exception. As part of the Special Exception, the applicant has met the requirements for wetland mitigation. Should the Council approve the Special Exception and the proposed project, staff offers the following additional stipulations beyond the standard Assent stipulations:

B1 Before the second season of herbicide treatment, the applicant shall submit a plan that clearly demarcates all restorative planting components for the project. All new plants shall be considered native and selected from the Native Plant Guide list available online at: <https://web.uri.edu/rinativeplants/>

B2 A copy of this permit and a copy of the approved site plans must be forwarded to DEM Division of Agriculture for herbicide application permit.

Signed  Staff Biologist

Signed  Staff Engineer