

**Sewer System Maintenance Road
Grotto Rd to NBC Seekonk River Interceptor**

Metro Bay SAMP Variance Request Criteria (Section 5.11):

Criteria 1: The proposed alteration conforms to applicable goals and policies in §§ 1.2 and 1.3 of this Subchapter (Coastal Resources Management Program – Red Book).

Response: this project meets the goals of Sections 1.2 and 1.3 as described supporting documentation has been previously provided with this submission. The is submitted information is also attached for reference.

Criteria 2: The proposed alteration will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts.

Response: The proposed alteration is designed to have minimal impact to the coastal feature. A 2:1 area of coastal wetland will be restored immediately adjacent to the proposed project by foliar spraying of Phragmites australis to allow native salt marsh vegetation to revegetate. The cumulative impact will be to allow maintenance of the sewer line thus preventing overflows that will avoid large nutrient inflows into the marsh and Grotto Brook

Criteria 3: Due to conditions at the site in question, the applicable standard cannot be met.

Response: The existing City of Providence sewer line already exists in the Grotto Brook corridor on the Butler Hospital campus. The City Sewer Department needs a stable access road to the line for emergency and maintenance. In the recent past there have been manhole overflows that required access to the line. The existing access is not stable and is being vegetated with shrub vegetation. This application will create a maintained permanent access road along the sewer line. It will result in some filling and grading within coastal and contiguous freshwater wetland (Section 1.2.1). The project proposes to provide a 2:1 wetland restoration (Section 1.3.1,L) to remediate for this necessary alteration of wetlands. The wetland remediation will remove Phragmites and allow native vegetation to revegetate. There is not enough room to move the access further away from the wetlands

Criteria 4: The modification requested by the applicant is the minimum variance to the applicable standard necessary to allow a reasonable alteration or use of the site

Response: The city has reviewed alternate options to this maintenance access. The option of potentially abandoning this sewer line and installing a sewer line outside the CRMC jurisdiction areas has been reviewed. This option would require significant new force main piping, gravity piping and new manholes within adjacent roadways, road repairs, and would also require a new sewer pump station. This option has been reviewed with the City, and due to the magnitude of this option's scope, the cost would be well above any available funds, and the City confirmed that this option is not remotely feasible

Criteria 5: The requested variance to the applicable standard is not due to any prior action of the applicant's predecessors in title. With respect to subdivisions, the Council will consider factors as set forth in § 5.11(C) of this Part below in determining the prior action of the applicant.

Response: The request for this variance is not due to a prior action. The construction of the maintenance access road is replacing the original 1950's access that was once present, but has since overgrown, eroded away and is currently not passable. The new sewer access road will be constructed with material and at a location that can be stabilized for future use. This application is not a subdivision and has been under the same ownership since the original construction. Due to erosion and the inability to maintain the ware, the previous access road is not passable.

Criteria 6: Due to the conditions of the site in question, the standard will cause the applicant an undue hardship. In order to receive relief from an undue hardship an applicant must demonstrate inter alia the nature of the hardship and that the hardship is shown to be unique or particular to the site. Mere economic diminution, economic advantage, or inconvenience does not constitute a showing of undue hardship that will support the granting of a variance.

Response: Currently there is no means to inspect the existing sewer line and make repairs as necessary. In 2015 there was a blockage occurrence on this line and an estimated 75,000 gallons of sewage discharged, and in 2018 and an estimated 54,000 gallons of sewage discharged, both into the unnamed tributary to the Seekonk River. With this access road, routine maintenance can be done to prevent clogs in the pipe and help prevent discharge overflow to the CRMC waters. 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 sewer line. Inspection, maintenance and repairs are necessary to allow the sewer line to function in a manner safe to the environment, preventing clogged lines and overflow/backup conditions.

**Butler Hospital 2022-01-064
Providence, RI**

**Response to CRMC
Review Comments**

1. Comment: The wetland edge is referenced as a Freshwater Wetland edge. All wetland on this project is Coastal Wetland.

Response: Attached are color plans for clarification of the wetland designations as defined by Applied Bio Systems. Also attached is the Applied Bio-Systems letter of findings.

2. Comment: The Coastal Feature is not clearly defined-the Feature is the top of the bluff behind the wetland.

Response: The Coastal Feature (top of bluff) is referenced on the Plans. Attached is a PDF highlighting the location.

3. Comment: Confirm the wetland mitigation area is located within the wetland.

Response: The wetland mitigation is within the wetland. See the attached color PDF for clarification.

4. Comment: The mitigation area should be wetland that is created to replace wetland that is lost due to the proposal (lost permanently, not disturbed temporarily).

Response: The wetland mitigation is within the wetland. See the attached color PDF for clarification.

5. Comment: Check the areas for the wetland alteration numbers are correct, it appears that a lot of road falls within the wetland, but some of the wetland appears to be separated out as not coastal. I don't see anywhere that's called out as "wetland fill".

Response: The wetland fill areas are now labeled on the revised color plans. In addition, see the attached PDF that highlights where this note is on the revised plans.

6. Comment: All wetland here is Coastal and we need to know the amount of wetland that is to be temporarily altered, the amount that is to be permanently altered, and we need to see details on the wetland mitigation area and how new wetland will be created in a 2:1 ratio.

Response: The amount of wetland permanently altered is 10,182 sf (0.234 acres). This has been rechecked and is rounded up to 0.25 acres. Please note that the phragmite mitigation area has also been checked and this area is 21,960 sf (0.504 acres)

7. Comment: Can you confirm that the 0.25ac of wetland alteration is for the entire length of the project?

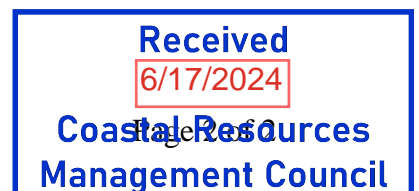
Response: The 0.25 acres of wetland alteration is for the entire length of the project.

8. Comment: This project falls within the Metro Bay SAMP as well, which wasn't addressed within the narrative – in fact, the only narrative I see is soil and erosion and not Red Book Category B application narrative (I'm using the PDF).

Response: Attached is supporting documentation for the Metro Bay SAMP.

9. Comment: As I noted prior, this project is a Special Exception request and we must have a narrative that addresses the relevant Red Book Sections.

Response: See the supporting information attached.



1.1.7 Variances—City of Providence for Grotto Brook Sewer Line

- A. Applicants requiring a variance from a standard shall make such request in writing and address the six (6) criteria listed below in writing. The application shall only be granted a variance if the Council finds that the following six (6) criteria are met.

Variance required from 1.3.1, B Filling, Removing and Grading of Shoreline Features

1.The proposed alteration conforms with applicable goals and policies of the Coastal Resources Management Program.

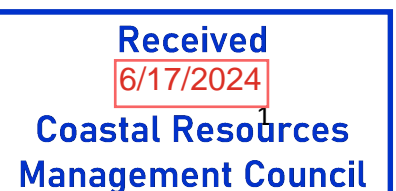
The proposed sewer project is within a Coastal Wetland Designated for Preservation within a Type 4 Water, namely the Seekonk River. The City of Providence Sewer Department needs to fill and grade the seaward side slope of the existing sewer access road along Grotto Brook marsh. This project will provide a stabilized access road along the existing sewer line for emergency overflows and maintenance. Presently the access road is overgrown by vegetation and portions are impassable. Proper BMP's are proposed and the slopes will be revegetated after construction. The alteration is the minimum area necessary to support the proposed maintenance of the existing sewer access road.

2.The proposed alteration will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts.

The proposed work will have a minimal impact on the coastal wetland and no use conflicts. A 2:1 area of coastal wetland will be restored immediately adjacent to the proposed project by foliar spraying of *Phragmites australis* to allow native salt marsh vegetation to revegetate. The cumulative impact will be to allow maintenance of the sewer line thus preventing overflows that will avoid large nutrient inflows into the marsh and Grotto Brook.

3.Due to conditions at the site in question, the applicable standard(s) cannot be met.

The existing City of Providence sewer line already exists in the Grotto Brook corridor on the Butler Hospital campus. The City Sewer Department needs a stable access road to the line for emergency and maintenance. In the recent past there have been manhole overflows that required access to the line. The existing access is not stable and is being vegetated with shrub vegetation. This application will create a maintained permanent access road along the sewer line. It will result in some filling and grading within coastal and contiguous freshwater wetland (Section 1.2.1). The project proposes to provide a 2:1 wetland restoration (Section 1.3.1,L) to remediate for this necessary alteration of wetlands. The wetland remediation will remove *Phragmites* and allow native vegetation to revegetate. There is not enough room to move the access further away from the wetlands.



4.The modification requested by the applicant is the minimum variance to the applicable standard(s) necessary to allow a reasonable alteration or use of the site.

The city has reviewed alternate options to this maintenance access. The option of potentially abandoning this sewer line and installing a sewer line outside the CRMC jurisdiction areas has been reviewed. This option would require significant new force main piping, gravity piping and new manholes within adjacent roadways, road repairs, and would also require a new sewer pump station. This option has been reviewed with the City, and due to the magnitude of this option's scope, the cost would be well above any available funds, and the City confirmed that this option is not remotely feasible.

5.The requested variance to the applicable standard(s) is not due to any prior action of the applicant or the applicant's predecessors in title. With respect to subdivisions, the Council will consider the factors as set forth in § 1.1.7(B) of this Part below in determining the prior action of the applicant.

The request for this variance is not due to a prior action. The construction of the maintenance access road is replacing the original 1950's access that was once present, but has since overgrown, eroded away and is currently not passable. The new sewer access road will be constructed with material and at a location that can be stabilized for future use.

6.Due to the conditions of the site in question, the standard(s) will cause the applicant an undue hardship. In order to receive relief from an undue hardship an applicant must demonstrate inter alia the nature of the hardship and that the hardship is shown to be unique or particular to the site. Mere economic diminution, economic advantage, or inconvenience does not constitute a showing of undue hardship that will support the granting of a variance.

Currently there is no means to inspect the existing sewer line and make repairs as necessary. In 2015 there was a blockage occurrence on this line and an estimated 75,000 gallons of sewage discharged, and in 2018 and an estimated 54,000 gallons of sewage discharged, both into the unnamed tributary to the Seekonk River With this access road, routine maintenance can be done to prevent clogs in the pipe and help prevent discharge overflow to the CRMC waters. 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 sewer line. Inspection, maintenance and repairs are necessary to allow the sewer line to function in a manner safe to the environment, preventing clogged lines and overflow/backup conditions.

1.1.8Special Exceptions

A. Special exceptions may be granted to prohibited activities to permit alterations and activities that do not conform to a Council goal for the areas affected or which would otherwise be prohibited by the requirements of this document only if and when the applicant has demonstrated that:

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 activity must be one or more of the following:

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. This existing sewer line was



constructed circa 1950 and travels overland in a southerly direction from Grotto Road to the Narragansett Bay Commission's Seekonk River Interceptor which is located beneath the bank of the river.

a. An activity associated with public infrastructure such as utility, energy, communications, transportation facilities, however, this exception shall not apply to activities proposed on all classes of barriers, barrier islands or spits except as provided in § 1.2.2(C)(4)(i) of this Part;

City of Providence Sewer -- This project has a compelling public benefit.

b. A water-dependent activity or use that generates substantial economic gain to the state; and/or

This proposed access road needs to cross the unnamed tributary to the Seekonk River as shown on the plans in order to be in the vicinity of the existing sewer line. The existing sewer line crosses the tributary water course, and therefore the maintenance assess needs to cross also.

c. An activity that provides access to the shore for broad segments of the public.

The existing sewer line is a necessary utility for the public. This project will not be used for public access but by skilled city employees/contractors for maintain and repair the sewer existing sewer line.

2. All reasonable steps shall be taken to minimize environmental impacts and/or use conflict.

The proposed alterations have been minimized in scope to allow the City access to the sewer line, but minimize alteration to the coastal wetland as much as possible.

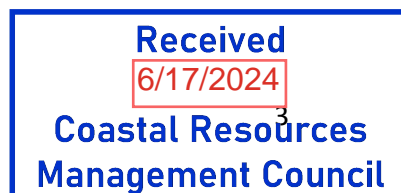
3. There is no reasonable alternative means of, or location for, serving the compelling public purpose cited.

This is an existing sewer line. There is no reasonable alternative for the access road location. As previously mentioned, options have been reviewed and the city has deemed them as not possible alternates.

B. Special exceptions may be granted only after proper notice in accordance with R.I. Gen. Laws Chapter 42-35, the Administrative Procedures Act, a public hearing has been held, and the record of that hearing has been considered by the full Council. The Council shall issue a written decision including findings of fact and conclusions upon which the decision to issue a special exception is based.

C. In granting a special exception, the Council shall apply conditions as necessary to promote the objectives of the Program. Such conditions may include, but are not limited to, provisions for:

1. Minimizing adverse impacts of the alteration upon other areas and activities by stipulating the type, intensity, and performance of activities, and the hours of use and operation;



The proposed improvements, limits of work, material and specific erosion control methods are outlined in the plans and supporting reports prepared for this project. The proposed improvements (maintenance access road) shown on the plans is the minimum improvement necessary for this project requirements.

2. Controlling the sequence of development, including when it must be commenced and completed;

Upon the construction commencement, construction will continue as a one phase project and during a time when final stabilization can occur immediately after installation of improvements.

3. Controlling the duration of use or development and the time within which any temporary structure must be removed;

The intent would be to start in the spring/summer months and complete work in the fall

4. Assuring satisfactory installation and maintenance of required public improvements;

Upon construction completion the installations will be inspected to confirm conformance to the approved plans and documents.

5. Designating the exact location and nature of development; and

The plans note that the location of the proposed improvements (maintenance road) shall be staked in the field by a licensed surveyor prior to construction.

6. Establishing detailed records by submission of drawings, maps, plots, or specifications.

Approved plans and reports shall be on site during construction.

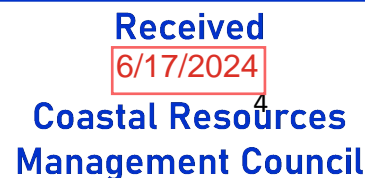
A. Category B Requirements

1. The requirements herein for a Category B Assent are necessary data and information for the purposes of federal consistency reviews. All persons applying for a Category B Assent are required to:

a. Demonstrate the need for the proposed activity or alteration;

The sewer line is located in the base of a valley with very steep side slopes 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 purpose of this project is to construct a replacement access road that will allow the City of Providence to inspect, maintain and repair the sewer line. Inspection, maintenance and repairs are necessary to allow the sewer line to function in a manner safe to the environment, preventing clogged lines and overflow/backup conditions

b. Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of a project in §§ 1.3.1(B), (C), (F),



(H), (I), (K), (M), (O) and (Q) of this Part; for projects on state land, the state building official, for the purposes of this section, is the building official;

The city of Providence has an easement for the sewer line and for the original access road on the Butler Hospital property. This is a project requested by the City of Providence, and is not subject to zoning code review. Grading adjacent to the shoreline as shown on the plans is necessary for the new access road installation, and will not alter the or modify the current drainage patterns. Stormwater BMP improvements are not applicable to this project.

c. Describe the boundaries of the coastal waters and land area that is anticipated to be affected;

The coastal wetland/freshwater wetland edges have been delineated and are on the site plans.

d. Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters;

The project is within the FEMA Flood zone but does not require compensatory storage for this work. Soil erosion and sediment control measures will be utilized throughout the project. During storm events the City will require the Contractor to ensure that the erosion controls are in place, stable and effective after storm events and/or weekly.

e. Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life;

The alteration in the minimum necessary to accommodate the maintenance of the access road without putting undo impacts on the abundance of plant and animal life. Short-term impacts of construction activity will impact wildlife using the Grotto Brook area.

f. Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore;

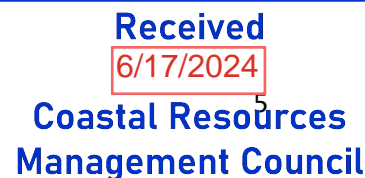
This project is not within the vicinity of public access and is not for the general public use. Installation in accordance with the plans does not require compensatory storage or mitigation for floodplain areas.

g. Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation;

Soil erosion and sediment control measures will be utilized throughout the project. The city will conduct routine inspections to ensure the site is stable during construction. During storm events the City will require the Contractor to ensure that the erosion controls are in place, stable and effective after storm events and/or weekly.

h. Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;

Stabilization during construction as noted on the plans and reports shall be followed by the contractor and shall be confirmed by the city. Final installations shall be stabilized.



i. Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;

There are no historical or archeological significant items existing within this valley area.

j. Demonstrate that the alteration or activity will not result in significant conflicts with water dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;

The project is not within the vicinity of recreational boating, fishing or swimming. And with proper soil erosion and sediment control installations, impacts from construction will not alter any activities in the area. The unnamed tributary and the Seekonk River shall be protected from erosion impacts with proper installation and inspection/maintenance of these erosion controls, as outlined in the Soil Erosion and Sediment Control Manual prepared for this project. The city would provide/retain a responsible party to also inspect the construction and erosion controls.

k. Demonstrate that measures have been taken to minimize any adverse scenic impact (see § 1.3.5 of this Part).

The project area is located in a valley between two bluffs. The project will not have any long-term impact on scenic values.

