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June 16, 2023

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Weymouth Neck Infrastructure Improvements Project  
PROJECT MUNICIPALITY : Weymouth  
PROJECT WATERSHED : Boston Harbor  
EEA NUMBER : 16698  
PROJECT PROPONENT : Town of Weymouth  
DATE NOTICED IN MONITOR : May 10, 2023

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62L) and Section 11.06 of the MEPA Regulations (301 CMR 11.00), I have reviewed the Expanded Environmental Notification Form (EENF) and hereby determine that this project **requires** the submission of an Environmental Impact Report (EIR). In accordance with Sections 11.06(8) of the MEPA regulations, the Proponent requested that I allow a Single EIR (Single EIR) in lieu of the usual two-stage Draft and Final EIR process. I hereby grant the request to file a Single EIR, which the Proponent should submit in accordance with the Scope included in this Certificate.

Project Description

As described in the EENF, the project consists of replacement/reconstruction of a seawall and revetment; improvements to drainage infrastructure; and addition of amenities to improve public safety, access, and recreation along Fort Point Road and at George Lane Beach (GLB) in Weymouth. Work includes reconstruction of  $\pm 2,400$  linear feet (lf) of concrete seawall along Fort Point Road and 540 lf of concrete seawall at GLB, with an increase in seawall height of  $\pm 1.5$  feet to elevation (El.) 12 feet<sup>1</sup>, reconstruction of the fronting rip rap revetment, and replacement of beach access stairs. Additionally,

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<sup>1</sup> All elevations referenced in this Certificate are based on North American Vertical Datum of 1988 (NAVD88) unless otherwise specified.

the project proposes replacement and upsizing of the existing stormwater drainage system to provide treatment, reduce flooding, and improve stormwater quality.

The project includes the following activities:

- Replacement of the existing precast concrete seawall and foundations with a new cast-in-place concrete gravity seawall to El. 12.0 feet ( $\pm 1.5$  feet)
- Reconfiguration and augmentation of the existing stone revetment within the existing disturbed footprint
- Improvements to adjacent stormwater management systems (e.g., roadway drainage, stormwater treatment systems, outfalls, etc.) including replacement of six existing outfalls with three larger outfalls with one-way check valves at more optimal locations
- Narrowing travel lanes on Fort Point Road to a consistent 24-foot width (a portion of Fort Point Road in the vicinity of the proposed sidewalk and greenspace will include a roadside shoulder to provide on-street parking on one side of the roadway)
- Addition of amenities including:
  - Replacement of five sets of stairs and five concrete structures with six sets of timber/concrete hybrid stairs
  - ADA-accessible boardwalk (beach access ramp) and viewing platform in vicinity of the existing GLB bathhouse
  - Natural sand berm along GLB seawall
  - Natural salt-tolerant landscaping and native plantings and dune fencing
  - Educational signage
  - Construction of sidewalk and crosswalks

In areas where Fort Point Road is wider than required for vehicle traffic, the seawall is proposed to be relocated  $\pm 5$  feet landward to reduce encroachment to resource areas and allow greater distance for wave runup to allow for energy dissipation.

### Project Site

The  $\pm 5.2$ -acre project site is located in Weymouth Neck, generally adjacent to the Weymouth Fore River along Fort Point Road and at GLB. The site is densely populated by single-family homes and contains coastal infrastructure (seawall, rock revetment, and drainage structures). The seawall and supporting structures were constructed circa the 1950s to break waves and stabilize the shoreline. Fort Point Road and River Street are directly behind and protected by the seawalls. Fort Point Road provides access to Birch Road, Bacon Road, Wolcott Street, Sawtelle Street, Parnell Street, Caldwell Street, and Mayflower Avenue. River Street provides access to the entire Weymouth Neck. The site is exposed to wave action from the north and northeast. Wave fetch distances range from four miles in the northerly direction and one mile in the west and northwest direction.

The Fort Point Road seawall is constructed of precast concrete units (typically seven-foot-long, four-foot-high, and four-foot-wide) set directly atop a stone rubble mound. The revetment in front of the seawall slopes toward the beach at various slopes. The top-of-wall elevation varies along the structure (typically 10.5 feet). The seawall is in poor condition (cracking and spalling) with localized failures of the precast concrete units (some of which have been repaired) and deterioration of the foundation slab.

According to the EENF, the extent of this severe deterioration indicates that these seawall units are at or beyond their service life and require replacement.

Access to the water within the project site is limited and existing stairs are generally in poor condition. Along the ±2,500 lf of the project site from Regatta Road to Fort Point Road, there are six known storm drain outfalls, ranging in outer diameter size from 8 to 12 inches. Outfall pipes are predominantly obscured by the existing revetment or buried in sand. The condition of the portions that are visible ranges from poor to good. Outfall pipes do not appear to have tide control devices installed and this allows for the surcharging of the system during high tides and during storm events.

Wetland resource areas on-site include Coastal Bank, Coastal Dune, Coastal Beach, Rocky Intertidal Shores, Land Subject to Coastal Storm Flowage (LSCSF), Land Under Ocean, Land Containing Shellfish (LCS), Salt Marsh, and 100-foot Buffer Zone. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), most of the site is located within a Zone VE (area subject to inundation by a one-percent annual chance flood event) with a base flood elevation (BFE) of 16 feet. Portions of the project are in Zone AE (El. 12 feet and El. 11 feet).

The project is deemed to be within the Designated Geographic Area (DGA) of Environmental Justice (EJ) populations<sup>2</sup> located in whole or in part within 1 mile of the project site as stated in 301 CMR 11.02 (definition of “DGA”). The project site is located within 1 mile of two EJ populations characterized by Minority and Income; and Minority, Income and English Isolation in Quincy. Numerous other EJ populations are within five miles of the project site (characterized by Minority; Income; Minority and English; Minority and English Isolation; and Minority, Income and English Isolation).

Environmental Impacts and Mitigation

Potential environmental impacts of the project include alteration of 1 acre of land associated with staging and laydown areas within upland/LSCSF and alteration of coastal wetlands as identified in Table 7-1 in the EENF.

**TABLE 7-1**  
Summary of Jurisdictional Resource Area Impacts

<b>Resource Area</b>	<b>Temporary Impacts (SF/Acreage)</b>	<b>Permanent Impact (SF/Acreage)</b>
Coastal Beach	7,170 SF/ 0.16 AC	-33 SF/ -.001 AC
Coastal Dune <sup>1</sup>	10,020 SF/ 0.23 AC	1,260 SF/ 0.029 AC
Rocky Intertidal Shores <sup>2</sup>	36,345 SF/ 0.83 AC	7,880 SF/ 0.18 AC
Subtotal Impacts <sup>3</sup>	53,535/ 1.23 AC	9,107 SF/ 0.21 AC
LSCSF <sup>4</sup>	153,198 SF/ 3.52 AC	35,190 SF/ 0.81 AC
100-Foot Buffer Zone <sup>4</sup>	157,988 SF/ 3.65 AC	35,188 SF/ 0.80 AC
Coastal Bank (LF only) <sup>5</sup>	--	2,900 LF
Land Containing Shellfish <sup>6</sup>	15,588 SF/ 0.35 AC	3,807 SF/ 0.09 AC

Greenhouse Gas (GHG) emissions and other air pollutants are associated with the burning of

<sup>2</sup> “Environmental Justice Population” is defined in M.G.L. c. 30, § 62 under four categories: Minority, Income, English Isolation, and a combined category of Minority and Income.

fossil fuels for vehicle trips during the construction period. Construction impacts include maintenance dredging of 3,000 cubic yards (cy) of material.

Measures to avoid, minimize and mitigate Damage to the Environment include removing a net 0.11 acres of impervious area, increasing public safety and public access at GLB, improving storm drainage, maintaining existing footprint and seaward extent of seawall and limit of revetment, limiting seaward construction access to 15 feet from the toe of revetment, limiting construction footprint at the outfalls to 20 feet on either side of the outfall, phasing work to limit temporary impacts to the intertidal zone, avoiding Salt Marsh by conducting work from the landward side of the seawall and limiting temporary construction phase access, implementing a Traffic Management Plan during construction, and implementing construction period best management practices (BMPs). The Single EIR should provide further analysis to demonstrate that the project includes measures to avoid impacts to wetland resource areas and waterways and minimize mobile-source greenhouse gas emissions during project construction to the maximum extent practicable.

### Jurisdiction and Permitting

This project is subject to MEPA review because it requires Agency Action and exceeds the ENF thresholds pursuant to 301 CMR 11.03(3)(b)(1)(a) for alteration of coastal bank, 11.03(3)(b)(1)(e) for new fill or structure or expansion of existing fill or structure in a velocity zone, 11.03(3)(b)(1)(f) for alteration of one-half or more acres of other wetlands, and 11.03(3)(b)(6) for reconstruction of an existing solid fill structure of 1,000 or more sf base area provided the structure occupies flowed tidelands or other waterways. The project requires the preparation of an EIR pursuant to 301 CMR 11.06(7)(b) because it is located within a DGA (1 mile) around one or more EJ populations. The project requires a Chapter 91 (c. 91) License and a Section 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP).

The project requires an Order of Conditions from the Weymouth Conservation Commissions (and, on appeal only, a Superseding Order of Conditions from MassDEP), Section 404 authorization from the U.S. Army Corps of Engineers (ACOE) through submission of a Preconstruction Notification (PCN), consultation with the Massachusetts Historical Commission under M.G.L. c. 9 (950 CMR 70-71), Federal Consistency Review from the Massachusetts Office of Coastal Zone Management, and a National Pollutant Discharge Elimination System (NPDES) Construction General Permit and General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4 General Permit) in Massachusetts from the U.S. Environmental Protection Agency (EPA).

The subject matter of the c. 91 license is sufficiently broad to be functionally equivalent to full scope jurisdiction. The project design has also received Financial Assistance from an Agency through the EEA Dam and Seawall Repair Program. Therefore, MEPA jurisdiction extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

### Request for a Single EIR

The MEPA regulations at 301 CMR 11.06(8) indicate that a Single EIR may be allowed provided I find that the EENF:

- a) describes and analyzes all aspects of the project and all feasible alternatives, regardless of any jurisdictional or other limitation that may apply to the Scope
- b) provides a detailed baseline in relation to which potential environmental impacts and mitigation measures can be assessed
- c) demonstrates that the planning and design of the project use all feasible means to avoid potential environmental impacts

For any Project for which an EIR is required in accordance with 301 CMR 11.06(7)(b), I must also find that the EENF:

- d) describes and analyzes all aspects of the Project that may affect EJ Populations located in whole or in part within the Designated Geographic Area around the project; describes measures taken to provide meaningful opportunities for public involvement by EJ Populations prior to filing the EENF, including any changes made to the project to address concerns raised by or on behalf of EJ Populations; and provides a detailed baseline in relation to any existing unfair or inequitable Environmental Burden and related public health consequences impacting EJ Populations in accordance with 301 CMR 11.07(6)(n)1

Consistent with this request, the EENF was subject to an extended comment period under 301 CMR 11.05(8).

#### Review of the EENF

The EENF includes a description of existing site conditions, project description, a detailed alternatives analysis and conceptual plans of proposed conditions. It provides a preliminary assessment of impacts and identifies proposed mitigation measures. Consistent with the MEPA Interim Protocol on Climate Change Adaptation and Resiliency, the EENF contains an output report from the MA Climate Resilience Design Standards Tool prepared by the Resilient Massachusetts Action Team (RMAT) (the “MA Resilience Design Tool”),<sup>3</sup> together with information on climate resilience strategies to be undertaken by the project.

Repairs and expansion of the Fort Point Road seawall and revetments were proposed in prior MEPA submissions in 2013 (EEA#15064) and 2017 (EEA#15753), which were withdrawn due to concerns regarding impacts. CZM comments note that state agencies have worked with the Town of Weymouth (Town) and its consultants to modify the project and reduce impacts. CZM comments acknowledge the improvements and enhancements identified in the EENF compared to previous filings; in particular, the project has been modified to avoid seaward encroachment of the shore protection structures. The Single EIR should provide a more detailed description of existing and proposed conditions and a comprehensive review of the project’s impacts and measures to avoid, minimize and mitigate such impacts, as set forth in the Scope below.

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<sup>3</sup> [https://resilientma.org/rmat\\_home/designstandards/](https://resilientma.org/rmat_home/designstandards/)

*Alternatives Analysis*

According to the EENF, a variety of alternatives were developed during the planning and conceptual design phase for the project, which were then discussed in consultation with regulatory agencies and other stakeholders. The EENF provides a detailed summary of numerous alternatives that were considered during earlier iterations of the project, which included (alone or in combination) repair of the seawall and revetment, beach nourishment, concrete encapsulation, improvement of the revetment and seawall, new seawall to various heights, new revetment, expanded revetment, cobble berms, sheet pile replacement seawall, in-kind replacement seawall, cast-in-place concrete gravity seawall, among others. It later was determined that the previously recommended alternative from a 2019 report (sheet pile replacement seawall) would pose a risk to the surrounding neighborhood infrastructure based on the vibrations produced during construction, which can lead to settlement and cracking of adjacent structures.

Current project alternatives were informed by previous alternatives summarized in the EENF and factors such as impacts to coastal resource areas, useful life, cost, climate adaptation/resiliency, constructability, timeline, impacts to abutters/neighborhood, and permitting complexity. The EENF describes alternatives for repair of coastal structures including: No Action; Removal of Seawall; Repair-in-Kind/Partial Reconstruction; Concrete Encapsulation; and Full Reconstruction (Preferred). Full Reconstruction would consist of removing/resetting greater than 50% of the revetment, replacing the seawall, raising the height of the seawall, replacing the base of the seawall, and reconstructing public access. According to the EENF, the Full Reconstruction Alternative is the most expensive option and would result in temporary environmental impacts due to the need for a larger footprint of the coastal structures. The Single EIR should confirm that the project will not, in fact, increase the footprint of coastal structures, as explicitly stated throughout the EENF. This alternative would also result in a longer construction period and greater impacts due to the need for a larger construction laydown area and access area required to construct a new wall. This alternative was selected as it provides the longest design life (50+ years) and the most increased resiliency for the longest duration. Agency comments do not identify additional alternatives for repair of the structures that should be evaluated in the Single EIR.

The analysis considered various seawall heights for the Full Reconstruction Alternative including Maintain Existing Wall Height (10.5 feet); Raise Wall Height to El. 23.5 feet (100-year flood event plus 1 Foot Freeboard); Raise Wall Height to El. 16 feet (FEMA VE Zone); and Raise Wall Height to El. 12 feet (Preferred). According to the EENF, the Raise Wall Height to El. 12 feet Alternative would provide increased resiliency over the existing condition and would balance visual impacts to those in the neighborhood (four feet above the roadway versus eight feet or more above the roadway in other alternatives). The height of the seawall was determined based on feedback from abutters, reducing visual impacts to the neighborhood, project costs, and overall feasibility of constructing a wall greater than four feet above the surroundings. This alternative is less expensive than others and has a shorter construction period.

The analysis also considered alternatives for seawall construction materials and design of the revetment for the Full Reconstruction Alternative including In-Kind Replacement Seawall (Precast Concrete Blocks); Sheet Pile Replacement Seawall; Cast-in-Place Seawall with Gravity Design and Footing; No Action to Revetment; and Reconfiguration of Revetment. According to the EENF, the preferred design will consist of a combination of the Cast-in-Place Seawall with Gravity Design and

Footing Alternative (highly durable and moderately expensive with a 50-year design life) and Reconfiguration of Revetment Alternative (increased resiliency with a 60-year design life).

The EENF indicates that the components of the preferred design alternative were selected, notwithstanding greater overall impacts to coastal resource areas, in order to provide the most resilient solution while also balancing adverse effects to surrounding neighborhoods.

### *Environmental Justice*

As noted above, the project site is located within 1 mile of two EJ populations characterized by Minority and Income; and Minority, Income and English Isolation in Quincy. Within the census tracts containing the above EJ populations, Chinese is identified as the language spoken by 5% of more of residents who also identify as not speaking English very well. During the MEPA review period, the Proponent translated the MEPA remote consultation notice into Chinese and offered to provide oral interpretation at the consultation session upon request. The translated meeting notice, together with an “EJ Screening Form” providing details of the project, were distributed to a list of community-based organizations (CBOs) and tribes/indigenous organizations (the “EJ Reference List”) provided by the MEPA Office.

Effective January 1, 2022, all new projects in “Designated Geographic Areas” (“DGA,” as defined in 301 CMR 11.02, as amended) around EJ populations are subject to new requirements imposed by Chapter 8 of the Acts of 2021: *An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy* (“Climate Roadmap Act”) and amended MEPA regulations at 301 CMR 11.00.<sup>4</sup> Two related MEPA protocols – the MEPA Public Involvement Protocol for Environmental Justice Populations (“MEPA EJ Public Involvement Protocol”) and MEPA Interim Protocol for Analysis of Project Impacts on Environmental Justice Populations (“MEPA Interim Protocol for Analysis of EJ Impacts”) – are also in effect for new projects filed on or after January 1, 2022. Under the new regulations and protocols, all projects located in a DGA around one or more EJ populations must take steps to enhance public involvement opportunities for EJ populations, and must submit analysis of impacts to such EJ populations in the form of an EIR.

The EENF indicates that the DGA for the project is 1 mile, and states that EJ populations are located in Quincy across the Weymouth Fore River and not within the vicinity of proposed project site construction. The EENF also indicates a variety of public benefits that the project is asserted to offer for EJ populations, including additional recreational amenities and improved access to GLB which have associated physical and mental health benefits. The EENF describes public involvement activities conducted prior to filing, including advance notification of the project to the EJ Reference List through dissemination of an EJ Screening Form, which was translated into Chinese, and a community meeting held on April 6, 2023. In addition, a public website is available which provides details on the project and contact information. The Single EIR should describe a public involvement plan that the project intends to follow for EJ populations within the DGA for the remainder of the MEPA review process.

The EENF contains a baseline assessment of any existing unfair or inequitable Environmental

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<sup>4</sup> MEPA regulations have been amended to implement Sections 55-60 of the Climate Roadmap Act, and took effect on December 24, 2021. More information is available at <https://www.mass.gov/service-details/information-about-upcoming-regulatory-updates>.

Burden and related public health consequences impacting EJ Populations in accordance with 301 CMR 11.07(6)(n)1 and the MEPA Interim Protocol for Analysis of EJ Impacts. According to the EENF, the data surveyed do not appear to indicate an existing “unfair or inequitable” burden impacting the identified EJ populations. Specifically, the EENF notes that the Department of Public Health (DPH) EJ Tool does not identify any census tract or municipality in which the EJ populations are located as exhibiting “vulnerable health EJ criteria”; this term is defined in the DPH EJ Tool to include any one of four environmentally related health indicators that are measured to be 110% above statewide rates based on a five-year rolling average.<sup>5</sup> In addition, the EENF indicates that the following sources of potential pollution exist within the identified EJ populations, based on the mapping layers available in the DPH EJ Tool: Massachusetts Bay Transportation Authority (MBTA) Bus and Rapid Transit Infrastructure (26 MBTA Bus Stops and Bus Routes are present within the two EJ communities within the DGA).

The Single EIR should provide additional analysis of impacts on EJ populations consistent with the MEPA Interim Protocol for Analysis of EJ Impacts and the Scope below.

### *Wetlands and Stormwater*

The project will permanently and temporarily alter Coastal Beach, Coastal Dune, Rocky Intertidal Shore, LSCSF, Coastal Bank, and LCS and buffer zone. The Weymouth Conservation Commissions will review the project for its consistency with the Wetlands Protection Act (WPA), Wetlands Regulations (310 CMR 10.00) and associated performance standards including stormwater management standards (SMS). MassDEP will review the project for its consistency with the c. 91 Waterways Regulations (310 CMR 9.00) and 401 WQC Regulations (314 CMR 9.00). The EENF describes the project’s consistency with the above regulations.

According to the EENF, most of the anticipated coastal resource area impacts are associated with temporary construction-period impacts within the existing developed area for construction access, work areas, staging, and laydown areas. Permanent impacts within coastal resource areas are quantified in Table 7-1 (above and in the EENF), and are associated with the removal and reconstruction of the seawall and revetment; removal and relocation of outfall pipes; installation of outfall outlet protection aprons; installation of new ADA access and natural sand berm at GLB; stair removal and replacement; and reconstruction of existing drainage structures landward of the seawall within the limits of existing gravel or paved roadways. The overall extent of permanent impacts related to seawall reconstruction is anticipated to be comparable to existing disturbance due to the project goal of replacing existing structures and resetting revetment within the existing footprint. The project will result in a net increase ( $\pm 750$  sf) in permanent impacts below the High Tide Line (HTL) compared to existing conditions due to removal and relocation of outfall pipes, installation of outfall outlet protection aprons, and stair removal/addition. This net increase in permanent impacts below HTL is located within the limits of Rocky Intertidal Shores/LCS. The Town will continue to coordinate with the Massachusetts Division of Marine Fisheries (DMF) regarding construction methodology for Rocky Intertidal Shores work to limit impacts to shellfish habitat. Permanent impacts within the 100-foot Buffer Zone include reconstruction of existing drainage structures, sidewalk improvements and the installation of amenities including landscape plantings.

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<sup>5</sup> See <https://matracking.ehs.state.ma.us/Environmental-Data/ej-vulnerable-health/environmental-justice.html>. Four vulnerable health EJ criteria are tracked in the DPH EJ Viewer. Two (childhood asthma and heart attack hospitalization) are tracked on a municipal level and two (childhood blood lead and low birth weight) are tracked on a census tract level.

The project includes dredging of  $\pm 3,000$  cy of material, of which  $\pm 2,350$  cy consists of existing revetment stone that will be repositioned below the Mean HTL and  $\pm 650$  cy consists of sediment to be dredged during the removal of the six existing outfall pipes, installation of the three outfall pipes, and installation of the new public access stairways.

The project will decrease impervious area by 0.11 acres. The EENF notes that existing stormwater drainage in the Fort Point Area includes three independent stormwater systems (in fair condition) with the remaining areas draining by sheet flow toward the water. This drainage system is critical to collect rainwater. Previous coastal flooding has highlighted problems with seepage and backflow through the drainage system, leaking or blocked drainage check valves, leaking pipe joints and a lack of sufficient gravity drainage capacity to drain floodwaters in a timely manner at low tides following a storm surge flooding event. The existing drainage system will be replaced and upsized while providing additional treatment and storage to help reduce flooding and improve stormwater quality. The EENF describes the project's consistency with the SMS. According to the EENF, existing stormwater outfalls within the project site are permitted pursuant to the 2016 NPDES MS4 General Permit.

### *Waterways*

The EENF notes that the project site contains waterways or tidelands (including filled former tidelands) associated with the Weymouth Fore River that are subject to M.G.L. c. 91. According to MassDEP comments, reconstruction of the seawall including relocation of stormwater outfalls and beach access stairways will require the submittal of a c. 91 License Application. MassDEP will perform a full technical review of the project once detailed plans are submitted with the c. 91 Waterways License Application, which meets the minimum filing standards as set forth in 310 CMR 9.11(3). According to the EENF, there are no existing licenses for the existing seawall/revetment, storm drain outfalls or other site features within the project site. MassDEP has determined that this project is a water-dependent use project pursuant to 310 CMR 9.12(2)(a). The EENF addresses consistency of the project with the Waterways Regulations (310 CMR 9.00). As the project is located within tidelands and is undergoing EIR review, it must obtain a Public Benefit Determination from the Secretary of EEA under M.G.L. c. 91, § 18B and 301 CMR 13.00.

### *Climate Change*

#### *Greenhouse Gas Emissions*

The project is not subject to review under the May 2010 MEPA GHG Emissions Policy and Protocol (GHG Policy) because it does not exceed mandatory EIR thresholds under 301 CMR 11.03 and is not anticipated to generate 2,000 tons per year (tpy) or more of GHG emissions, collectively, as required by the MEPA Interim Protocol for Analysis of EJ Impacts. GHG emissions are anticipated during the construction period of the project only and are not expected to be ongoing. The Proponent should reduce construction-period emissions through the use of ultra low sulfur diesel fuel (ULSD) and anti-idling requirements.

#### *Adaptation and Resiliency*

Effective October 1, 2021, all MEPA projects are required to submit an output report from the

MA Resilience Design Tool to assess the climate risks of the project. Based on the output report attached to the EENF, the project has a "High" exposure rating based on the project's location for the following climate parameters: sea level rise/storm surge; extreme precipitation (urban flooding); and extreme heat. Based on the 50-year useful life and the self-assessed criticality identified for the seawall and stormwater utility infrastructure, the Tool recommends a planning horizon of 2070 and a return period associated with a 200-year (0.5% annual chance) storm event when designing the project for the sea level rise parameter. The Tool recommends a planning horizon of 2070 and a return period associated with a 100-year (1% annual chance) storm event when designing the seawall and a 50-year (2% annual chance) storm event when designing the stormwater infrastructure for the extreme precipitation parameter.

According to the EENF, this structure has been identified as the highest priority for coastal resiliency mitigation in both the Weymouth Hazard Mitigation Plan (HMP) and the Weymouth Municipal Vulnerability Preparedness (MVP) Plan. The EENF discusses the project's consistency with the general guidance and best practices outlined in the RMAT Climate Resilience Design Standards and Guidelines (Guidelines) in light of the vulnerability of the properties and infrastructure along Fort Point Road and at George Lane Beach, which are subject to flooding and coastal erosion during extreme storm events due to the combination of storm surge, wind and wave action, extreme high tides and stormwater runoff. Impacts from climate change including more frequent and more intense storm events and sea level rise will exacerbate flooding and coastal erosion in the future, worsening impacts to important community assets. The project proposes to implement infrastructure improvements to increase resiliency.

The output report recommends that the elevation of the seawall consider the height of both the water elevation and wave height in year 2070. The 200-year storm water surface and wave action elevations are 14.6 feet and 17.9 feet, respectively (area weighted average). As noted above, the new seawall is proposed to be elevated only 1.5 feet above the existing seawall to El. 12.0 feet ( $\pm 4$  feet above the adjacent roadway), which is well below the current FEMA BFE of 16 feet; thus, overtopping of the seawall is likely in moderate to major coastal storm events. According to the EENF, the height of the seawall was determined based on feedback from abutters, reducing visual impacts to the neighborhood, project costs, and overall feasibility of constructing a wall greater than four feet above the surroundings.

For the extreme precipitation parameter, the output report recommends consideration of the 24-hour rainfall volume adjusted for climate change to reflect 2070 100-year storm conditions (11.1 inches). According to the EENF, in this scenario, approximately half of the pipes associated with the stormwater system can pass the flows; however, additional capacity to accommodate flows is infeasible based on space constraints, existing impervious area, and proximity to tidal influence. The drainage system has been designed to minimally accommodate the current 25-year storm event with pipes oversized wherever possible. Nonetheless, the project will provide an improvement over existing conditions, as total impervious area is being reduced by 0.11 acres to help reduce runoff and a small area of detention is proposed.

### *Construction Period*

The project will be completed in phases commencing in Fiscal Year (FY) 2025 depending on available funding. Construction duration is anticipated to be 12-18 months and will depend on any time

of year restrictions/defined work windows and planting/growing season for restoration plantings (Spring or Fall). Project work will be scheduled during non-summer months to minimize recreational use impacts in the area. During construction, traffic circulation along Fort Point Road will be one way to allow most of the proposed work to be conducted from the landward side of the seawall, and to provide a temporary equipment staging and laydown area. The Stormwater Report identifies an Erosion and Sediment Control Plan; the EENF includes a Traffic Management Plan. The project will develop a Stormwater Pollution Prevention Plan (SWPPP) in accordance with its NPDES CGP to manage stormwater during the construction period. Construction equipment will use low sulfur diesel fuel and vehicle idling will be limited to the extent practicable. The EENF provides a summary of releases managed under the Massachusetts Contingency Plan (MCP; 310 CMR 40.0000) at or near the site and describes the status of response actions.

## SCOPE

### General

The Single EIR should follow Section 11.07 of the MEPA regulations for outline and content and provide the information and analyses required in this Scope It should clearly demonstrate that the Proponent will pursue all feasible measures to avoid, minimize and mitigate Damage to the Environment to the maximum extent feasible.

### Project Description and Permitting

The Single EIR should provide a description of all project activities and identify any changes to the project since the filing of the EENF. It should identify and describe state, federal and local permitting and review requirements associated with the project and provide an update on the status of each of these pending actions. The Single EIR should confirm if the project will require a PCN or Individual Permit from ACOE. It should include a description and analysis of applicable statutory and regulatory standards and requirements, and a discussion of the project's consistency with those standards. It should include detailed site plans for existing and post-development conditions at a legible scale. Plans should clearly identify wetland resource areas and buffer zones. The Single EIR should provide detailed plans, sections, and elevations to accurately depict existing and proposed conditions.

The information and analyses identified in this Scope should be addressed within the main body of the Single EIR and not in appendices. In general, appendices should be used only to provide raw data, such as drainage calculations, traffic counts, capacity analyses and energy modelling, that is otherwise adequately summarized with text, tables and figures within the main body of the Single EIR. Information provided in appendices should be indexed with page numbers and separated by tabs, or, if provided in electronic format, include links to individual sections. Any references in the Single EIR to materials provided in an appendix should include specific page numbers to facilitate review.

### Environmental Justice

The Proponent should continue to take steps, including undertaking additional measures, to

meaningfully engage EJ populations in decision-making for the project. The Single EIR should describe a public involvement plan that the project intends to follow for EJ populations within the DGA for the remainder of the MEPA review process. The Single EIR, or a summary thereof, should be distributed to the EJ Reference List that was used to provide notice of the EENF, and the Proponent should obtain an updated list from the MEPA Office to ensure that outdated contacts are removed. The Proponent should continue to provide translation services in Chinese as part of future outreach including informational materials, summaries, and meeting notices; oral interpretation services should be offered.

The Single EIR should provide a comprehensive analysis of any project impacts that may materially exacerbate any existing environmental burdens or public health consequences identified for the EJ populations within the DGA of the project site. Any impacts during the construction period should be fully described, and the Single EIR should discuss how surrounding communities will be informed of any traffic or other disruptions that will occur during construction. The Single EIR should also analyze other short-term and long-term environmental or public health impacts of the project, including public health benefits that will result for EJ populations.

### Wetlands

The Town notes throughout the EENF that the project will replace existing structures and reset revetment within the existing footprint; however, the EENF states that the Full Reconstruction Alternative would “result in temporary environmental impacts due to the need for a larger footprint of the coastal engineering structures”. The Single EIR should confirm that the project will not, in fact, increase the footprint of coastal engineering structures. The Single EIR should include updated impacts to wetland resource areas (temporary and permanent) and buffer zones regulated under the WPA in a narrative, tabular format, and on legible figures at a reasonable scale. It should provide an update on the how the project will meet the performance standards for impacted resource areas, if required. The Proponent indicates the project proposes only maintenance dredging; the Single EIR should confirm that no improvement dredging is proposed. The Coastal Beach performance standard at 310 CMR 10.27(5) requires that beach nourishment have clean sediment of a grain size compatible with that on the existing beach. The Single EIR should confirm that existing grain size distribution will be established prior to implementation of a monitoring and maintenance program as described further below.

The EENF indicates that the Proponent will continue to consult with DMF regarding construction methodology and any time of year (TOY) restrictions. The Single EIR should identify specific TOY restrictions that will be adhered to avoid impacts to diadromous fish resources. The Single EIR should identify containment measures for any silt-producing work.

### Stormwater

The Single EIR should describe any changes to the proposed management of stormwater. It should include a plan showing the location of proposed BMPs, and low impact development (LID) and green stormwater infrastructure (GSI) measures. The Single EIR should describe how the proposed stormwater system will capture and treat this sheet flow to the maximum extent practicable. The Single EIR should clarify the total suspended solids (TSS) removal rate associated with the proposed system and describe how the rate will be maximized to the maximum extent practicable. It should also describe how the proposed system will treat bacteria to the maximum extent practicable based on the existing

impairment of the Weymouth Fore River, Quincy Bay and Hingham Bay. The Single EIR should describe how the proposed stormwater system will function, particularly with sea level rise, during a storm that coincides with high tide, especially considering the proposed lowering of outfall elevations to accommodate the new system. The Single EIR should discuss how the stormwater system will be designed to be climate resilient to the maximum extent practicable and discuss whether the project design allows for future expansions and if so, how. CZM comments provide guidance on useful resources<sup>6</sup> to consult to improve the resiliency of stormwater infrastructure.

#### Waterways / Public Benefit Determination

MassDEP will review all proposed work located on filled and/or flowed tidelands under the applicable Waterways Regulations at 310 CMR 9.00. It has determined that the project is a water-dependent use project pursuant to 310 CMR 9.12(2)(a). The Single EIR should provide an update on the c. 91 application process, including any updates to the information that will be provided to MassDEP. The Single EIR should include sufficient information including plans to demonstrate the project will comply with all applicable performance standards pursuant to 310 CMR 9.00. The work area includes the seawall adjacent to #138 and #140 Fort Point Road. The Single EIR should clarify, in the narrative and on project plans, whether the seawall is on public land or privately owned. The Proponent should consult with MassDEP to determine if the project will require consistency with additional performance standards based on the seawall's location and summarize the outcome of these discussions. The Single EIR should address the project's consistency with the criteria for issuing a Public Benefit Determination (PBD) under 301 CMR 13.00.

#### Adaptation and Resiliency

According to the EENF, the new seawall will be shifted landward along a section of Fort Point Road where the road is wider than needed. The Single EIR should confirm that the proposed revetment along these sections will be pulled landward to minimize seaward expansion instead of increased in size (as shown on plans in the EENF) to reduce the interaction of the waves with the structure, and consequently, reduce reflection and improve long-term resiliency. The Town should commit to development of a beach monitoring and maintenance program to monitor the lowering of the coastal beach and allow for mitigation of any lowering periodically before it can result in increased storm impacts. The Single EIR should provide a draft beach monitoring and maintenance plan that includes beach profile locations, length of the profiles, frequency of monitoring, documentation of the existing beach grain size distribution, and a commitment to maintaining the level of the beach (i.e., providing beach nourishment) periodically as needed. The Single EIR should identify commitments to beach nourishment considering potential funding under CZM's Coastal Resilience Grant Program and making the project more competitive under EEA's Dam and Seawall Grant Program. The Single EIR should confirm and describe how the ends of the revetment, particularly the eastern end, will taper down in slope and width to minimize any end effects.

The Single EIR should confirm that the design for any stairs seaward of the seawall will be pile-supported because use of concrete pads (as shown on plans in the EENF) can increase scour and wave reflection. The Single EIR should provide plans of the proposed access ramp by the bathhouse with sufficient detail to understand how it may affect the function of the coastal dune. The Single EIR should

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<sup>6</sup> <https://www.mass.gov/service-details/report-on-climate-change-impacts-to-coastal-stormwater-treatment-systems>

confirm that new structures will be pile-supported to minimize impacts on the coastal dune. The Single EIR should consider extending the proposed sand berm (at the western end) further along the seawall to improve resiliency; the EENF noted the length as 150 feet long. It should describe approaches to educating beach users to avoid walking over it if it extended further to the east (i.e., new signage and sand fencing). The Single EIR should reconsider options to maintain the existing width of Fort Point Road and to keep the existing gravel surface to slow down floodwater in order to improve resiliency. Given the modest elevation proposed for the new seawall, the Single EIR should discuss how the Town will manage overtopping during coastal events, and what other measures are in place to address neighborhood effects during storm events.

### Construction Period

The Single EIR should provide a review of the project's construction-period impacts. It should identify the schedule for construction, the specific construction methodology for each phase, and the location of storage and dewatering areas. It should provide the construction management plan (CMP) that will include detailed information on mitigation measures to address construction activities, noise, air and water quality, traffic, EJ populations, etc. The Single EIR should discuss any requirements to use construction equipment with engines manufactured to Tier 4 federal emission standards, or selection of project contractors that have installed retrofit emissions control devices or vehicles that use alternative fuels to reduce emissions of volatile organic compounds (VOCs), carbon monoxide (CO) and particulate matter (PM) from diesel-powered equipment. It should confirm use of ULSD fuel in construction equipment. It should describe measures to avoid or limit excessive idling during the construction period. It should describe stormwater management measures that will be implemented during construction to avoid and minimize impacts to sensitive receptors and minimize damage to the site and adjacent areas. It should describe potential construction period dewatering requirements, discuss how dewatering will be conducted in a manner consistent with regulations/guidelines, and identify any necessary permits.

The Proponent is advised that excavating, removing, and/or disposing of contaminated soil, pumping of contaminated groundwater, or working in contaminated media must be done under the provisions of M.G.L. c. 21E and all applicable laws, regulations and bylaws. If oil and/or hazardous material are identified during the implementation of this project, notification pursuant to the MCP must be made to MassDEP, if necessary, and managed in accordance with the MCP. The Single EIR should describe how contaminated soil or groundwater encountered during construction will be managed in accordance with M.G.L. c. 21E and the MCP.

### Mitigation/Draft Section 61 Findings

The Single EIR should include a separate chapter summarizing all proposed mitigation measures including construction-period measures. This chapter should also include a comprehensive list of all commitments made by the Proponent to avoid, minimize and mitigate the impacts of the project, and should include a separate section outlining mitigation commitments relative to EJ populations. The Single EIR should contain clear commitments to implement these mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation. The list of commitments should be provided in a tabular format organized by subject matter (rare species, wetlands, waterways, stormwater, GHG, EJ, etc.) and identify the Agency Action or Permit associated with each category of impact. Draft Section 61 Findings should

be separately included for each Agency Action to be taken on the project. The Single EIR should clearly indicate which mitigation measures will be constructed or implemented based upon project phasing, either tying mitigation commitments to overall project phase or environmental impact thresholds, to ensure that adequate measures are in place to mitigate impacts associated with each phase.

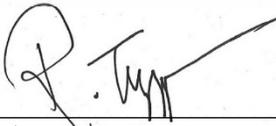
Responses to Comments

The Single EIR should contain a copy of this Certificate and a copy of each comment letter received. It should include a comprehensive response to comments on the EENF that specifically address each issue raised in the comment letter; references to a chapter or sections of the Single EIR alone are not adequate and should only be used, with reference to specific page numbers, to support a direct response. This directive is not intended to, and shall not be construed to, enlarge the Scope of the Single EIR beyond what has been expressly identified in this certificate.

Circulation

In accordance with 301 CMR 11.16, the Proponent should circulate the Single EIR to each Person or Agency who commented on the EENF, each Agency from which the project will seek Permits, Land Transfers or Financial Assistance, and to any other Agency or Person identified in the Scope. Pursuant to 301 CMR 11.16(5), the Proponent may circulate copies of the Single EIR to commenters in a digital format (e.g., CD-ROM, USB drive) or post to an online website. However, the Proponent should make available a reasonable number of hard copies to accommodate those without convenient access to a computer to be distributed upon request on a first come, first served basis. A copy of the Single EIR should be made available for review in the Weymouth Public Library.

June 16, 2023  
Date

  
\_\_\_\_\_  
Rebecca L. Tepper

Comments received:

- 06/06/2023 Massachusetts Department of Environmental Protection (MassDEP) – Southeast Regional Office (SERO)
- 06/06/2023 Massachusetts Office of Coastal Zone Management (CZM)

RLT/PPP/ppp



## MEMORANDUM

TO: Rebecca L. Tepper, Secretary, EEA  
ATTN: Purvi Patel, MEPA Office  
FROM: Lisa Berry Engler, Director, CZM  
DATE: June 6, 2023  
RE: EEA-16698, Weymouth Neck Infrastructure Improvements Project

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Expanded Environmental Notification Form (EENF), noticed in the *Environmental Monitor* dated May 10, 2023, and offers the following comments.

### Project Description

The EENF for the project proposes the reconstruction of approximately 2,400 linear feet (lf) of concrete seawall and revetment along Fort Point Road and 540 lf of a concrete seawall at George Lane Beach, with an increase in seawall height of approximately 1.5 feet to elevation 12 NAVD88, reconstruction of the fronting rip rap revetment, and replacement of beach access stairs. Additionally, the project proposal includes the replacement and upsizing of the existing stormwater drainage system to provide treatment, reduce flooding, and improve stormwater quality. The proposal also incorporates a new ADA-accessible beach access ramp and a sand berm and plantings at George Lane Beach. The project site is located in Weymouth Neck, generally adjacent to the upper Weymouth Fore River along Fort Point Road and at George Lane Beach, and is located within an approximately 5.2-acre area. Fort Point Road and River Street are directly behind and protected by the seawalls. Fort Point Road provides access to Birch Road, Bacon Road, Wolcott Street, Sawtelle Street, Parnell Street, Caldwell Street, and Mayflower Avenue. River Street provides access to the entire Weymouth Neck. Most of the project components are located in a VE elevation 16 NAVD88 flood zone, as mapped by the Federal Emergency Management Agency on their Flood Insurance Rate Maps. Portions of the project are in AE zone, elevation 12, and AE zone, elevation 11 NAVD88.

Repairs and expansion of the Fort Point Road seawall and revetments were proposed in prior MEPA filings in 2013 and 2017, which were withdrawn due to concerns regarding adverse impacts. State agencies have worked with the Town and its consultants to modify the project and reduce impacts.

### Project Comments

#### *Coastal Processes and Resiliency*

The proponent has made improvements and enhancements in this filing, particularly that the project has been modified to avoid seaward encroachment of the shore protection structures. The project includes shifting the new seawall landward along a section of Fort Point Road where the road is wider than necessary. The plans in the EENF show the proposed revetment in these sections have been increased in size. The project should include pulling this structure landward instead of increasing the size of the revetment, resulting in a reduction of the interaction of the waves with the structure, thereby reducing reflection and improving long-term resiliency.



One of the causes of seawall and revetment failures over time is the lowering of the seaward coastal beach, allowing larger waves to reach the structures. To mitigate any lowering of the beach and maintain the beach's ability to dissipate wave energy before it reaches the wall, and reduce overtopping, a beach monitoring and maintenance program should be developed to monitor the lowering of the beach and allow for mitigation of any lowering periodically before it can result in increased storm impacts. The monitoring plan should include beach profile locations, the length of the profiles, frequency of monitoring, documentation of the existing beach grain size distribution, and a commitment to maintaining the level of the beach periodically as needed. Beach nourishment to improve resiliency is an activity that qualifies for funding under [CZM's Coastal Resilience Grant Program](#). Conducting nourishment as part of the seawall maintenance also makes the project more competitive under the State's Dam and Seawall Grant Program. The ends of the revetment should also taper down in slope and width to minimize any end effects. The eastern end of the proposed revetment has a slight taper. This end of the proposed revetment should be tapered more in slope and width to minimize end effects.

In the project plans for the EENF, there are two pile-supported concrete pads proposed on the beach for future private staircases. Since there can be increased scour and wave reflection around concrete pads, the design for any stairs seaward of the seawall should be pile-supported. The project plans don't show the proposed access ramp by the bathhouse in sufficient detail to understand how it may affect the function of the coastal dune. The new structures should be pile-supported to minimize impacts on the coastal dune.

The proposed sand berm seaward of the concrete seawall at the west end of the project is 150 feet long. The Town indicated that this is limited due to the potential impacts of beach users walking over it if it extended further to the east. Although there would be some education and signage associated with changing beach access habits around a new berm, the proposed sand fencing around the dune in combination with educational signage has shown to be effective in other areas. The Woods Hole Sea Grant Program has free signs that can be laminated and posted to help redirect people to the new access. Since the seawall is being reconstructed, this is an opportunity to correct beachgoers' habits and introduce new signage. The Town should consider extending the berm further along the seawall to improve resiliency.

A portion of Fort Point Road is currently gravel and unpaved. As part of the project, the Town is proposing to pave the road. Since the proposed seawall elevation of 12 feet NAVD88 is well below the FEMA flood zone elevation of 16 feet NAVD88, there will be overtopping of the seawall in moderate to major coastal storm events. Flood water speeds up across solid surfaces such as pavement, where gravel tends to slow it down. The Town also stated that residents requested a wider paved roadway for parking in one area of the project. To improve resiliency, the Town should reconsider options to maintain the existing width of the paved roadway and options to keep the existing gravel surface to slow down floodwater.

### *Stormwater*

The EENF indicates that stormwater drainage in the Fort Point Area includes three independent stormwater systems, with the remaining areas draining by sheet flow toward the water. The new stormwater system should capture and treat this sheet flow to the maximum extent practicable. The EENF notes that the total suspended solids (TSS) removal rate with the upgraded system will be 80% in some sections of the document and 25% in others. Clarification regarding what the TSS removal rate will be with the new system should be provided. The TSS removal rate should be maximized to

the maximum extent practicable. The Weymouth Fore River, Quincy Bay, and Hingham Bay are all listed as Category 5 waters impaired for bacteria according to the DEP List of Integrated Waters. If possible, the new stormwater system should treat bacteria to the maximum extent practicable. Clarification on how the stormwater system functions, particularly with sea level rise, during a storm that coincides with high tide, should be provided. This is a particular concern if the outfall elevations will be lowered to accommodate the new system. The stormwater system should be designed to be climate resilient to the maximum extent practicable. The [“Assessment of Climate Change Impacts on Stormwater BMPs and Recommended BMP Design Considerations in Coastal Communities”](#) report on the CZM website may be a useful resource regarding improving the resiliency of stormwater infrastructure.

### **Federal Consistency Review**

The proposed project may be subject to CZM federal consistency review, and if so, must be found to be consistent with CZM’s enforceable program policies. For further information on this process, please contact Robert Boeri, Project Review Coordinator, at [robert.boeri@mass.gov](mailto:robert.boeri@mass.gov), or visit the CZM website at [www.mass.gov/federal-consistency-review-program](http://www.mass.gov/federal-consistency-review-program).

LE/rh/ap/sd/jy

cc: Rebecca Haney, Adrienne Pappal, Sean Duffey, CZM  
Greg DeCesare, Nate Corcoran, Brendan Mullaney, DEP SERO  
John Logan, DMF



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

June 9, 2023

Rebecca L. Tepper,  
Secretary of Energy and Environment  
Executive Office of Energy &  
Environmental Affairs  
ATTN: MEPA Office 100 Cambridge  
Street, Suite 900  
Boston, MA 02114

RE: EENF Review EOEEA 16698  
WEYMOUTH. Weymouth Neck  
Infrastructure Improvements Project  
at Fort Point Road and George Lane Beach

Dear Secretary Tepper,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Extended Environmental Notification Form (EENF) for the Weymouth Neck Infrastructure Improvements Project at Fort Point Road and George Lane Beach, Weymouth, Massachusetts (EOEEA # 16698). The Project Proponent provides the following information for the Project:

**The proposed preferred alternative is a full reconstruction of the seawall, drainage infrastructure improvements, and the addition of amenities to improve public safety, access, and recreation.**

**The Project consists of the reconstruction and improvement of approximately 2,400 LF of concrete seawall along Fort Point Road and 540 LF of concrete seawall at GLB, with an increase in seawall height by approximately 1.5 FT to elevation 12 NAVD88. The Project also proposes significant improvements to the adjacent stormwater management systems (e.g., roadway drainage, stormwater treatment systems, outfalls, etc.), and the incorporation of a natural sand berm at GLB. The existing drainage system will be replaced and upsized while providing additional treatment and storage to help reduce flooding and improve stormwater quality. Six existing undersized and poorly located drainage outfalls will be removed and replaced with three larger outfalls located at more ideal locations. The drainage outfalls will be fitted with check valves to prevent surcharging of the drainage system during high tides.**

**A total of five sets of stairs and five dilapidated concrete structures will be removed from the Project Site and replaced with six sets of timber/concrete hybrid stairs. An ADA-accessible access and viewing point will be added to GLB. In areas where Fort Point Road is wider than required for vehicle traffic, the seawall is proposed to be relocated approximately 5 FT landward, reducing encroachment to the resource area and allowing a greater distance for wave runup to allow for energy dissipation. On GLB, the area directly in front of the seawall is proposed to be enhanced with a natural sand berm with plantings and dune fencing.**

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

***Bureau of Water Resources (BWR) Comments***

Wetlands. The applicant will need to submit a Notice of Intent (NOI) to DEP and the Weymouth Conservation Commission for the Project. DEP notes that if the minimum submittal requirements have been met a File Number will be issued. It is anticipated that the Weymouth Conservation Commission will conduct a Public Hearing and issue an Order of Conditions. A final Order of Conditions must be obtained before any work within Areas Subject to Jurisdiction commences.

The proposed Project involves the reconstruction/ improvement of the existing seawall at Weymouth Neck. One of the main drivers of seawall and coastal engineering structure failure is the lowering of the fronting coastal beach. When the beach is lowered, it diminishes the ability to dissipate wave energy and can potentially undermine the structure. To mitigate that process and prevent an adverse impact on the coastal beach, a monitoring and maintenance program should be developed to monitor beach elevation and provide nourishment when elevation drops.

The Coastal Beach performance standard at 310 CMR 10.27(5) requires that beach nourishment have clean sediment of a grain size compatible with that on the existing beach. The existing grain size distribution should be established prior to the implementation of a monitoring and maintenance program.

The Project proposes to pave a portion of Fort Point Road that is currently gravel. A gravel surface tends to slow down floodwater while a paved surface can accelerate it. Given that the area will likely be overtopped during large storm events, alternatives such as keeping the gravel road or using a material with greater surface roughness should be considered.

Waterways. The Waterways Program offers the following comments on the EENF submitted by the Town of Weymouth to reconstruct and make improvements to concrete seawall and stone revetment at Fort Point Road & George Lane Beach area.

As indicated in the EENF the reconstruction of the seawall, including the relocation of stormwater outfalls and beach access stairways will require the submittal of a Chapter 91 License Application. The Project will be reviewed as a water-dependent use Project in accordance with the Waterways Regulations at 310 CMR 9.12(2)(a).

The work area includes the seawall adjacent to #138 and #140 Fort Point Road. It is unclear from the Project plans whether the seawall is on public land or privately owned. During the review of the Chapter 91 Application the Proponent will be requested to address this issue.

***Bureau of Waste Site Cleanup (BWSC) Comments***

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

MassDEP agrees with the Proponent's assertions that six disposal sites exist within the vicinity of the proposed Project area. Those disposal sites are represented by RTNs 4-3003889, 4-0023385, 4-3020277, 4-3001314, 4-0025621 and 4-3017160.

Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer at [MassMapper](#). Under the Available Data Layers listed on the right sidebar, select “Regulated Areas”, and then “DEP Tier Classified 21E Sites”. MCP reports and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <https://eeaonline.eea.state.ma.us/portal#!/search/wastesite>

The Project Proponent is advised that if oil and/or hazardous materials are encountered during the improvements to the adjacent stormwater management systems along Fort Point Road, addressing the contamination might be accomplished using the Utility-Related Abatement Measures provisions at 310 CMR 40.0461 through 40.0469.

The Project Proponent is advised that if potentially impacted soil and/or sediment are encountered, dredged, excavated, removed, relocated and/or disposed of during the proposed Project it must be conducted under the provisions of Chapter 21E (and, potentially, M.G.L. c. 21C) and all other applicable federal (including the Environmental Protection Agencies Toxic Substance Control Act - TSCA), state, and local laws, regulations, and bylaws. Contaminated media cannot be managed without prior submittal of appropriate plans to MassDEP (such as a Release Abatement Measure (RAM) Plan), which describes the proposed handling and disposal of any contaminated media encountered, and health and safety precautions for those conducting the work. If contamination at the site is known or suspected, the appropriate tests should be conducted in advance of the start of construction, and professional environmental consulting services should be readily available to provide technical guidance to facilitate any necessary permits. If contaminated media is encountered a Licensed Site Professional (LSP) must be employed or engaged to manage, supervise, or perform the necessary response actions at the Site.

Spills Prevention and Control. A spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction activities should be presented to workers at the site and enforced. The plan should include but not be limited to, refueling of machinery, storage of fuels, and potential on-site activity releases.

### ***Bureau of Air and Waste (BAW) Comments***

Air Quality. Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor or noise. To determine the appropriate requirements please refer to:

- 310 CMR 7.09 Dust, Odor, Construction, and Demolition
- 310 CMR 7.10 Noise

### ***Construction-Related Measures***

The Proponent reports that “The Proponent is committed to reducing air quality and emissions impacts from construction-period traffic through the use of ultra-low sulfur diesel fuel and anti-idling requirements”.

MassDEP requests that all non-road diesel equipment rated fifty horsepower or greater meet EPA’s Tier 4 emission limits, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, then the Proponent should use construction equipment that has been retrofitted with appropriate emissions reduction equipment. Emission reduction equipment includes EPA-verified, CARB-verified, or MassDEP-approved diesel oxidation catalysts (DOCs) or Diesel Particulate Filters (DPFs). The Proponent should maintain a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece of equipment on file for Departmental review.

MassDEP reminds the Proponent that unnecessary idling (i.e., in excess of five minutes), with limited exception, is not permitted during the construction and operations phase of the Project (310 CMR 7.11). Regarding construction period activity, typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure compliance with this regulation once the Project is occupied, MassDEP requests that the Proponent install permanent signs limiting idling to five minutes or less on-site.

Solid Waste. The Proponent reports “Solid waste generated from the Project will be taken to a Massachusetts licensed facility and will be reused or recycled in accordance with Massachusetts waste-ban laws. We note that asphalt pavement, brick, concrete and metal are banned from disposal at Massachusetts landfills and waste combustion facilities and wood is banned from disposal at Massachusetts landfills. Excess soil will be disposed of based on facility acceptance criteria either at a Massachusetts lined or unlined landfill, asphalt batching facility, thermal desorption facility, Out-of-State RCRA Subtitle D landfill or RCRA Subtitle C Hazardous Waste Landfill.”

As a reminder, the Project Proponent is advised of the following requirements:

1. *Compliance with Waste Ban Regulations:* Waste materials discovered during construction that material (e.g., metal, asphalt, brick, and concrete) shall be disposed, recycled, and/or otherwise handled in accordance with the Solid Waste Regulations including *310 CMR 19.017: Waste Bans*. Waste Ban regulations prohibit the disposal, transfer for disposal, or contracting for disposal of certain hazardous, recyclable, or compostable items at solid waste facilities in Massachusetts, including, but not limited to, metal, wood, asphalt pavement, brick, concrete, and clean gypsum wallboard. The goals of the waste bans are to: promote reuse, waste reduction, or recycling; reduce the adverse impacts of solid waste management on the environment; conserve capacity at existing solid waste disposal facilities; minimize the need for construction of new solid waste disposal facilities; and support the recycling industry by ensuring that large volumes of material are available on a consistent basis. Further guidance can be found at: <https://www.mass.gov/guides/massdep-waste-disposal-bans>.

MassDEP recommends the Proponent consider source separation or separating different recyclable materials at the job site. Source separation may lead to higher recycling rates and lower recycling costs. Further guidance can be found at: <https://recyclingworksma.com/construction-demolition-materials-guidance/>

For more information on how to prevent banned materials from entering the waste stream the Proponent should contact the RecyclingWorks in Massachusetts program at (888) 254-5525 or via email at [info@recyclingworksma.com](mailto:info@recyclingworksma.com). RecyclingWorks in Massachusetts also provides a website that includes a searchable database of recycling service providers, available at <http://www.recyclingworksma.com>.

2. *Asphalt, brick, and concrete (ABC) rubble*, such as the rubble generated by the demolition of buildings or other structures must be handled in accordance with the Solid Waste regulations. These regulations allow, and MassDEP encourages, the recycling/reuse of ABC rubble. The Proponent should refer to MassDEP's Information Sheet, entitled "Using or Processing Asphalt Pavement, Brick and Concrete Rubble, Updated February 27, 2017", that answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations that pertain to recycling/reusing ABC rubble. This policy can be found on-line at the MassDEP website: <https://www.mass.gov/files/documents/2018/03/19/abc-rubble.pdf>.

3. *Dredge Disposal*. The Proponent is proposing to transport approximately 1,050 cubic yards of dredged sediment to a Massachusetts landfill (“landfill”). Accordingly, and as a result of our review of the proposed ENF #15452, MassDEP-Solid Waste Program offers the following comments pursuant to Massachusetts Solid Waste Regulations, 310 CMR 19.000 and MassDEP’s policy, “COMM-94-007: Reuse and Disposal of Dredge Sediment at Permitted Landfills, February 1995” (the “Policy”).
  1. Reuse or disposal of dredge at a lined landfill requires compliance with the Policy. For dredge projects that do not meet the criteria stated in the Policy, submittal of a BWP SW22 Permit Application would be required for review and approval.

OR

2. 2. Reuse or disposal of dredge at an unlined landfill requires MassDEP approval. If applicable, the Owner should contact the Solid Waste Management Section for pre-application guidance. Please contact either Mark Dakers (508 946 2847) or Elza Bystrom (617 413 2711) at MassDEP’s Southeast Regional Office.

If you have any questions regarding the Solid Waste Management Program comments above, please contact Elza Bystrom at [elza.bystrom@mass.gov](mailto:elza.bystrom@mass.gov) or Mark Dakers at [Mark.Dakers@mass.gov](mailto:Mark.Dakers@mass.gov) for solid waste comments.

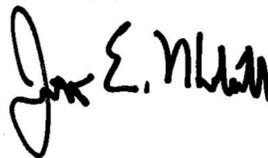
### ***Proposed s.61 Findings***

The “Certificate of the Secretary of Energy and Environmental Affairs on the Extended Environmental Notification Form” may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

### ***Other Comments/Guidance***

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this ENF. If you have any questions regarding these comments, please contact George Zoto at [George.Zoto@mass.gov](mailto:George.Zoto@mass.gov) or Jonathan Hobill at [Jonathan.Hobill@mass.gov](mailto:Jonathan.Hobill@mass.gov).

Very truly yours,



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