

***Town of Weymouth
Massachusetts***

Mary Ellen Schloss
Conservation Administrator
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May 20, 2021

TO: Conservation Commission
FR: Mary Ellen Schloss, Administrator *MES*
RE: Staff comments on Charlotte Street Driveway NOI

Below are my initial staff comments on the NOI for the Charlotte Street driveway. The project applicant is James Bristol, III of Bristol Brothers Development Corp. The representative for the NOI hearing is John Zimmer, South River Environmental. The project scope is construction of a gravel access driveway, approximately 1,100 feet in length, from Front Street, over Charlotte Street (an unimproved private way), to reach the interior Finnell Drive property.

1. Submitted Plans and Documents. The Conservation website has a link to the submitted plans and documentations. This is at:
<https://www.weymouth.ma.us/conservation-commission/pages/charlote-street-0-finnell-drive-notice-of-intent>

Documents submitted include:

- a. Notice of Intent, Driveway improvements Charlotte Street & 0 Finnell Drive. Prepared by South River Environmental. Dated April 2021.
- b. Site plans. Access Drive Improvements, prepared by Crocker Design Group, signed and stamped by Gabriel R. Crocker, PE, dated 3-30-21. This is 5 sheets. Cover sheet, Layout Plan, Driveway Plan 1, Driveway Plan 2, and Construction Details.
- c. Stormwater Management Report for Access Drive Improvements, 0 Finnell Drive, Weymouth. Prepared for Bristol Brothers Development Corp. by Crocker Design Group, LLC. Signed and stamped by Gabriel R. Crocker, PE, dated March 30, 2021.

- d. Legal opinion letter. From Drohan Tocchio & Morgan, PC. Signed by attorney Mark S. Bourbeau.
- e. Accompanying documents to support legal opinion letter regarding Bristol's rights to access Charlotte Street.

2. Wetland resource area mapping

- a. As stated in the NOI, most of the Bordering Vegetated Wetland (BVW) flags were approved under a prior Order of Resource Area Delineation. The ORAD did not include vernal pool mapping.
- b. While reviewing the new wetland flags, staff identified a wet area (wetland soils and plants) east of new wetland flag 3, near the shed located on the #761/DePaolo side of the Charlotte street layout. This area was not shown on the plans and needs to be reviewed with the project wetland scientist and plans updated accordingly. The wet area appears to be located within the proposed work area.
- c. There is a vernal pool located within the BVW G series. This vernal pool, and the locally-jurisdictional vernal pool resource area and buffer zone need to be shown on the existing conditions (or resource area) plans. This vernal pool has not yet been certified with Natural Heritage and Endangered Species Program and so shows up as a Potential Vernal Pool on the NHESP maps. Staff identified breeding of obligate species in the pool this spring.

The Weymouth Wetlands Protection Ordinance creates a 200-foot jurisdictional area around vernal pools. There is a vernal pool resource area that extends 100 feet from the mean annual boundary of the pool. A vernal pool buffer extends 100 feet from the resource area.

- d. Riverfont. The plan shows the 100-foot and 200-foot Riverfront areas but the Mean Annual High Water (where the Riverfront begins) has not been delineated in the field and is not shown on the plans. This line has not been reviewed by Conservation staff.

3. Existing conditions Plan

- a. There should be a separate existing conditions plan and/or resource area plan. The roadway, elevations and wetlands are shown on the "Layout Plan", Sheet C-2. The roadway shown on the plan obscures the existing contour elevations.
- b. Weymouth Wetlands Protection Regulations, Section 8.03 requires the following information to be shown on the plan that are not shown or not shown in full:

- i. Structures (plan does not show the shed on the north (#761/DePaolo) side of Charlotte Street. This shed would have to be removed in order to construct the roadway).
 - ii. trees with a diameter of 6” or more at breast height,
 - iii. rock and ridge outcroppings
 - iv. stone walls (partially shown).
 - c. Existing conditions plan will need to be updated to reflect revised wetland resource areas and jurisdictions.
4. The applicant has not divulged the purpose of the driveway. The local NOI filed as a commercial/industrial project. We will need additional information for the alternatives analysis and the Stormwater Management Standards (see below). I recommend that the applicant be more forthcoming about the project they are planning so we can ensure that the project scope, alternatives, conditions and mitigation are appropriate to the project proposal.
5. Alternatives Analysis/Performance Standards for work in Riverfront
 - a. Work is proposed in Riverfront Area and the Mass. Wetlands Protection Act regulations, at 310 CMR 10.58(4), General Performance Standard, require the applicant to prove “by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in MGL c. 131 sec. 40 [the Mass. Wetlands Protection Act] and that the work, including proposed mitigation, will have no significant adverse impacts on the riverfront area to protect the interests identified in MGL c. 131 sec. 40.”
 - b. The regulations require that there “must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in MGL c. 131 sec. 40.”
 - c. Unless the Commission determines otherwise, Riverfront area is presumed to be significant to private or public water supply; protection of groundwater; flood control; prevention of storm damage; prevention of pollution; protection of land containing shellfish; protection of wildlife habitat; and protection of fisheries.
 - d. More information on the project purpose is needed to properly scope the alternatives analysis. Under Scope of Alternatives (310 CMR 10.58(4)(c)(2), the Mass WPA regulations state:
 - i. The scope of alternatives under consideration shall be commensurate with the type and size of the project.

- ii. The area under consideration for practicable alternatives extends to the original parcel and the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality for activities associated with industrial or commercial projects.
- e. The alternatives analysis contained in the NOI provides a quantitative analysis of Riverfront impacts for accessing this area of the site via Finnell Drive. A schematic should be provided so that we can understand what route was analyzed and whether this was the least impactful route via Finnell Drive.
- f. The alternatives analysis should address whether there is viable access to the project site from the utility right-of-way on Summer Street. With regard to wetland impacts, this appears to be the least impactful route to the proposed project site.
- g. The alternatives analysis should address whether there is viable access from Route 3.

6. Wetland impacts from driveway design and construction

- a. The NOI quantifies the wetland impacts for this project as follows:
 - i. Inland Bank – 20 linear feet (for construction of the crossing over the intermittent stream)
 - ii. Riverfront – 570 square feet within 100-foot buffer. Note that Riverfront delineation has not been reviewed. This is a perennial stream that is tributary to the Mill River. It receives flow from a wetland on the north side of Route 3. The stream enters a culvert on the north side of Charlotte Street and is piped all the way to the Mill River, where it discharges at an outfall located near the intersection of Front and Mill Streets.
 - iii. No impacts are shown for Bordering Vegetated Wetland. See below regarding probably BVW impacts during construction.
 - iv. The NOI states that no part of the project is in an Outstanding Resource Water. The perennial tributary to the Mill River is an Outstanding Resource Water. All wetlands and tributaries that are tributary to Whitman's Pond are Outstanding Resource Waters, per the Massachusetts Water Quality Standards.
- b. The proposed driveway is a commercial/industrial project with permanent impacts in the 50-foot no-disturb zone. A waiver from local regulations has been requested and would need to be granted for this work.
- c. The proposed roadway is shown being constructed right up to the wetland line, from Wetland Flag 3 to Wetland Flag 9. The proposed driveway is one to two feet higher than the adjacent wetland. There is insufficient information to understand how this grade difference is being

handled or how to prevent stormwater from discharging gravel roadway materials directly into wetland resource areas.

- i. Construction detail sheet C-3 has a “Porous Stone Driveway Cross Section” that shows a 2:1 slope on either side of the driveway. If these slopes are being constructed between Wetland Flags 3 and 9, **this would entail permanent fill in wetlands.**
 - ii. If temporary or permanent fill is proposed in wetlands, this will need to be detailed in the NOI plans and documents. The project could request “limited project” status to impact wetlands for a driveway crossing to access uplands. Fill in an Outstanding Resource Water may trigger other permit filing requirements.
 - d. The proposed driveway is shown as being constructed within the 100-foot vernal pool resource area. I have conveyed to the applicant my opinion that the driveway should be redesigned to stay out of the vernal pool resource area and that the driveway should be kept as far as possible from the vernal pool.
 - e. The proposed driveway crosses over a 12” HDPE pipe that carries the perennial stream. Are there modifications that will need to be made to ensure that the driveway can support heavy trucks without the risk of crushing the pipe?
 - f. Provide more information on the utility pole installations. How deep will the utility pole foundations need to go?
7. Historic stone walls
- a. Local Ordinance includes “Historical and archaeological preservation” as a resource value (Section 7-301(a)).
 - b. Local Wetland Regulations (Section 8.03(13)) require the identification of stone walls and require detail of proposed alterations.
8. Impact to abutters
- a. The project will significantly impact the two property owners that presumably own to the center of Charlotte Street. The owners to the south (#769/Golden) have a fenced-in yard area within the private way and the owners to the north (#761/DePaulo) have a shed and driveway in the private way.
 - b. We have received a public comment from Mr. Golden (attached to this memo).

9. Compliance with Stormwater Management Standards

- a. The stormwater design should be reviewed by an engineer to demonstrate compliance with the DEP Stormwater Management Standards. I have discussed this with Town Engineer, Chip Fontaine, and he said that the Engineering Division will have the staff resources to review the project. I would recommend that this review not begin until we have determined whether new project plans and stormwater design/report is going to be submitted.
- b. I have the following staff comments based on my cursory review of the stormwater design and report:
 - i. The report (p. 2) states that there is an assumed depth to groundwater of 80 inches. Why is this assumption used when the roadway is directly adjacent to wetlands and just a foot or two above the wetland elevation?
 - ii. The outdated SCS precipitation data is used. Although this is allowed under the regulations, it should be noted that this will significantly underestimate stormwater runoff.
 - iii. The driveway is modeled to store roadway runoff. It is assumed that that the driveway stone (consisting of 8" of three- to five-inch stone, topped by 4" of one-inch stone) will consist of 40% void space and will store roadway runoff. The roadway is modeled without any runoff in the two-year or 10-year storm. This seems like an unrealistic model.
 - iv. Is the runoff table missing a storm event (25-year storm?)
 - v. The runoff curve number for existing conditions seems high (CN = 72).
 - vi. The existing and proposed watershed plans show one design point, with all runoff entering the Mill River tributary. The contours indicate that all runoff will not discharge to the Mill River tributary.
 - vii. The design does not include any measures to treat driveway runoff. This should be evaluated.
 - viii. The design will need to include measures to prevent roadway materials from eroding into the wetland.
 - ix. The Operation & Maintenance Plan states that the removal of sediment from the driveway will be necessary every 5 years. How would this work be conducted? What impacts could this have on wetlands and buffer zones?
 - x. The Operation & Maintenance Plan discusses snow removal. Is it intended that the driveway would be plowed in the winter? How would you prevent gravel materials from

being pushed into the wetlands?

10. Other

- a. The stormwater report mentions parcel 775 Front Street (Assessors Reference 32-421-1) as part of the project area. This parcel is not mentioned in the Notice of Intent. Should it be?