

Debra Shettlesworth

From: Maureen Shorrock <shorrock.m@comcast.net>
Sent: Wednesday, December 14, 2022 4:41 PM
To: Zoning Rockland
Subject: Shinglemill Project
Attachments: 0 Pond Street - 11Nov22 Peer Review-SHINGLEMILL.pdf

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To whom it may concern, I ask that the ZBA please consider the information provided in the attached document prior to providing any waivers for this project.

Please also consider using the expertise of BETA Consultants and Henry Nover/Civil Engineer when considering your options.

Thank you

Maureen Shorrock
191 Webster St
Rockland, Ma

Sent from my iPhone

November 11, 2022

Douglas Golemme, Chairman
Rockland Conservation Commission
242 Union Street
Rockland, MA

RE: **Shinglemill Apartments – September 2022 Submission**
75-79 Pond Street, Rockland, MA
DEP File No. 273-0408

Dear Mr. Golemme,

In September 2022, the Applicant for the Shinglemill 40B residential development located at 75-79 Pond Street, Rockland, MA submitted a set of revised site plans, stormwater management calculations and landscaping plans. Our review of the September 2022 submission involved an evaluation of the proposed project for compliance with the Massachusetts Wetlands Protection Regulations and Stormwater Standards. We also evaluated the project for compliance with the Town of Rockland Wetlands Protection Bylaw. Based on this review, it is our opinion that the Applicant has not submitted sufficient information to describe the site, the work and the affects of the work on the resource areas. Therefore, the Commission does not have the information it needs to issue an Order of Conditions approving the project.

Filing Documents – Additional and/or Revised

- Shinglemill Apartments, Comprehensive Permit Drawings, 75-79 Pond Street, Rockland, MA; Prepared by Coneco Engineers & Scientists; dated February 14, 2022, Last Revised September 23, 2022. Sheets 1-28 of 28.
- Stormwater Management Report, 75-79 Pond Street, Rockland, MA; Prepared by Coneco Engineers & Scientists; dated February 14, 2022, Last Revised September 23, 2022.
- Shinglemill Apartments, Rockland, Massachusetts Landscaping Plans, prepared by Traverse Landscape Architects, Last Revised September 23, 2022, 9 Sheets.
- Email Correspondence from Amory Engineers to Coneco Engineers & Scientists, Damien Dmitruk, multiple dates.

General Comments and Summary of Findings

The September 2022 project plans are not sufficiently detailed for the Commission to reliably predict impacts to wetlands. In past peer review comment letters, BETA Group, Inc. has repeatedly requested details related to the access road including existing culvert structural competence, constructability of the retaining walls directly alongside the vegetated wetland boundary and how the retaining wall will be built with the existing culverts to remain in place.

This is not a Buffer Zone only filing as claimed by the Applicant. Although not depicted on the project plans, in their March 14, 2021, Response Letter to the Commission, Coneco stated that there will be 2,815 square feet of temporary alteration to BVW from construction of the access road's retaining walls. From experience, we have found that construction of retaining walls at the proposed height as high as 13 feet typically use a 5 to 10-foot work zone for the clearing, grubbing of tree / root systems, excavation of the wall's footing and construction of

the wall. The project plans therefore will need to detail and quantify the locations of anticipated BVW alteration.

Since the vegetated wetland and streams on this Project site are classified as Outstanding Resource Waters (ORW)¹, a 401 Water Quality Certification is required. Per the Water Quality Regulations, any fill in ORW requires a 401 Water Quality Certification regardless of whether the total alteration is less than 5,000 square feet.² Since a MA state permit is required, there is MEPA jurisdiction. Alteration of ORW is a MEPA threshold that triggers the requirement for the issuance of a MEPA Certificate.

The Commission should require that a structural engineer provide a statement regarding the competency of the existing culverts and a professional opinion that the culverts will support over 10 feet of fill. Once the road is constructed, the replacement of any of the three culverts due to partial or full collapse is not feasible. Elimination of any hydraulic connection between the upgradient and downgradient wetlands would likely cause further flooding in the wetlands and potentially to adjacent properties.

Based on this review, the project as proposed does not comply with MA DEP Stormwater Regulations and Standards. Full compliance with the Standards is required to presume that the work will protect the interests of the Massachusetts Wetlands Protection Act. We are coordinating our review with the ZBA's consultant, Amory Engineers, who have provided preliminary comments via email to Coneco. Based on communications with Amory, it is our understanding that Coneco will respond to their comments once they have received additional comment from the Conservation Commission. We concur with Amory's comments.

Resource Area General Performance Standards

It can not be determined whether the Project meets the General Performance Standards listed in the Wetland Regulations, 310 CMR 10.00. The expected resource area impacts have not been qualified or quantified by the Applicant.

RA1. Bordering Vegetated Wetlands.

Coneco states in their March 13, 2021, response letter that construction of the retaining wall will cause impacts to BVW. The current Project plans should clearly depict a reasonable limit of work associated with the construction of the retaining wall and footings and quantify BVW impacts in the proposed locations. The Project plans currently do not show any BVW impacts.

We recommend that the Commission require the Applicant to provide construction details prepared by a structural engineer for the retaining wall along the road and project development limits. Currently, the wall details are "Not-to-Scale" and do not show the dimensions of the footings or the footing's excavation limits. The Commission has the authority to require supporting materials when in its judgement the complexity of the proposed work warrants specialized expertise. 310 CMR 10.05(4)(h).

¹ Outstanding Resource Waters in Massachusetts include public water supply reservoirs, their tributaries, and associated wetlands.

² Any activity in an area not subject to jurisdiction of the Wetlands Protection Act which is subject to 33 U.S.C. 1251 (i.e., isolated vegetated wetlands) which will result in the loss of up to 5000 square feet cumulatively of bordering and isolated vegetated wetlands and land under water, provided there is no discharge Effective 10/24/2014 314 CMR: DIVISION OF WATER POLLUTION CONTROL of dredged or fill material to any Rare Species Habitat or to any Outstanding Resource Water.

RA2. Bank and Land Under Water associated with on-site Stream.

Impacts to stream bank and stream bed in the location where one of the culverts will be extended needs to be qualified and quantified on the Project plans and in a revised NOI WPA form. The Applicant should present credible evidence that such impacts to a Zone A stream (Bank and Land Under Water) won't adversely affect its ability to protect the interests of the Act – specifically, protection of surface water quality. The banks of the stream also need to be identified in the field and shown on the Project plans so that the Commission can evaluate the proposed work and its potential effect on them.

- RA3. The Applicant is required to evaluate the feasibility to meet the Stream Crossing Standards when a culvert is going to be replaced and/or repaired. Note 1 found on Sheet 13 of 28, Grading and Drainage Plan Sheet 1 of 2, states that the culverts beneath proposed access road will be assessed on site for structural integrity and function. It further states that the Contractor will coordinate with retaining wall designer to confirm that the pipes can be left in place, or they should be removed and replaced. A determination that the culvert needs to be removed and replaced after the Order of Conditions is issued **would require the filing of a new Notice of Intent** as it would result in additional impacts to resource area and therefore, would not qualify for an Amended Order of Conditions. Therefore, it is strongly advisable that a credible determination whether the culvert(s) need replacing be performed now.

Landscaping Plans

Based on our review of the Shinglemill Apartments Landscaping Plans, Last Revised September 23, 2022, we have the following comments.

- LA1. The Applicant should provide specific details for type and quantity of fertilizer to be used in the mapped Zone A.
- LA2. The proposed location of the erosion controls associated with the Open Space area proposed at the end of Wilson Street (existing house lot to be acquired) should be adjusted to reflect the limit of clearing and grubbing. The limit of clearing and grubbing should also be adjusted to avoid work within 100 feet of the vernal pool depression boundary.
- LA3. We recommend that a fence to keep dogs away from the vernal pool be installed along the limit of the cleared open space area.
- LA4. If work is allowed in the 25-foot NDZ, those areas should be planted with woody shrubs and trees vs loam and seed. The 25-foot buffer zone is critically important to wildlife's ability to migrate, nest and find native food sources.
- LA5. The Applicant should describe the lighting proposed on the areas near the vernal pools. Manufacturers cut sheet for each type of lighting proposed would be helpful.

Chapter 407 Wetlands Protection By-Law

The Rockland Zoning Board of Appeals has not issued a 40B Comprehensive Permit and has not voted to waive the Town of Rockland's Chapter 407 Wetlands Protection Bylaw at this time. The Applicant has requested that the Commission review the Project under the WPA only. We recommend that the Public Notice be reviewed to confirm that the hearing was opened under the WPA only.

We offer the following comments relative to the Project's compliance with the Bylaw Permit Conditions in the event the ZBA does not waive the Bylaw or Bylaw Section 407-5 Permit and Conditions.

- BL1. There is a substantial amount of work proposed in the Bylaw's 25-foot No Disturb Zone (NDZ).³ At this time, the project does not comply with the Bylaw's Permit Conditions and therefore, is not permissible under the Bylaw.
- BL2. There is work proposed within the Bylaw's Vernal Pool resource area and within its 25' NDZ. Currently, the project does not comply with the Bylaw's Permit Conditions and therefore, is not permissible under the Bylaw.

DEP Stormwater Regulations & Standards

Correspondence between Amory Engineers and Coneco indicates that in order to demonstrate compliance with the Massachusetts Stormwater Standards adjustments to some of the stormwater proposed stormwater facilities will be necessary. Coneco revised their hydrologic model of the project and submitted by email a revised Hydrologic Report to Amory along with a mounding analysis. The Commission has not received these submissions.

While recognizing and fully supporting the ongoing stormwater management review by Amory we are providing related comments. It is our opinion that the Coneco's hydrologic model is under estimating the Project's stormwater impacts. To facilitate our continued collaborative review, we request that Coneco copy us on any future stormwater related correspondence with Amory and the ZBA.

Before we can confirm compliance with the Standards, we need a resolution to Amory's comments and the following comments satisfactorily addressed:

- SW1. The small portion of the Site to be developed should have been modeled as a separate subcatchment area for both the pre and post developed conditions. A composite area understates the Project impact.
- SW2. Multiple design points at the edge of the Bordering Vegetated Wetlands adjacent to the proposed developed area should be evaluated instead of the single point at the edge of the property. The single design point estimates the peak flow rate in the stream leaving the Project property, but it does not address potential runoff impacts at the individual discharge points from the Project's stormwater management systems.
- SW3. Overland flow paths should be perpendicular to the contours and follow the streams identified during the evaluation of the limits of the Zone A.
- SW4. The estimated Time of Concentration(s) incorrectly uses "dense brush" for wooded sheet flow and uses "shallow concentrated flow" for long sections of the existing streams that should be modelled as channels.

³ Chapter 407 Wetlands Protection By-Law, § 407- 5 Permit and Conditions.

- SW5. The mounding estimates submitted by Coneco indicate that the proposed stormwater infiltration systems will not be able to infiltrate the amount of runoff estimated by their hydrologic model. Bypass of the systems will occur with potential increases in the peak rate of runoff.
- SW6. No additional TSS removal credit should be given to the required pretreatment BMPs. The proprietary BMP high TSS removal rate is questionable. No pretreatment credit should be given to the Infiltration System Isolation Rows.
- SW7. Additional pretreatment is required for the stormwater captured by the catch basins that connect to Infiltration Chamber System C.
- SW8. De Minimus calculation needs to be based on the peak rate from a 2 year -24 hour storm event.
- SW9. Use of Soil Group D in areas mapped as A/D soils is limited to areas where the groundwater is less than 2.0 feet in depth. Use of D versus A soils incorrectly estimates the amount of runoff.
- SW10. We recommend witnessing soil observation holes to confirm soil texture and depth to groundwater.

Sewer Connection / Mapped Zone A

The current Project propose the sewer connection from Wilson Street. The location of the connection and portion of the new sewer line is within the mapped Zone A. According to the MA Surface Water Protection Regulations, 310 CMR 22.00, within the Zone A of all surface water supplies and tributaries as defined in 310 CMR 22.02, all sewer lines and appurtenances are prohibited, except as required to eliminate existing or potential pollution to the water supply, or where the crossing of tributaries is necessary to construct a public sewer system. The Applicant needs to address this regulatory condition prior to approving the sewer line proposed in the mapped Zone A in Wilson Street and on the project site. Both areas are within an area Subject to Jurisdiction.

Additionally, no generators are allowed in a mapped Zone A. Therefore, the proposed generator will need to be relocated to an area not mapped Zone A on the project site.

Review Summary

Based on our review of the revised plans and calculations, it is our opinion that the Applicant has not provided the Conservation Commission with sufficient information to describe the Site, the work, and the effect of the work on the interests identified in the Act and the Bylaw. We do not recommend the issuance of an Order of Conditions at this time.

If we can be of any further assistance regarding this matter, please let us know.

Very truly yours,



Henry T. Nover, P.E.



Marta J. Nover