
From: Mary Parsons <maryaparsons@verizon.net>
Sent: Tuesday, May 25, 2021 3:52 PM
To: Zoning Rockland; Robert Galvin
Cc: Heidi Ricci; Henry Nover; Marta Nover; Jillian Green; Jackie; Doug Golemme; Duane Levangie; Barbara Ohara; B.McDonoughCyndy@verizon.net; Bouck, Bruce (DEP); David.DeCoste@mahouse.gov; Doreen Bargoot; Glenda Haggarty; J L; jack egan; joanne marques; john.keenan@masenate.gov; Joseph P. Gambon; Kathleen Peters; 'Ken Zeb'; 'Kristen derKinderen'; laura.a.mccarthy@comcast.net; LME; 'Mary Ann Dunlop'; Mary Frazier; pjtspirit@gmail.com; Patricia Bouzan; Paul Sinkiewicz; Rich Furlong; 'Shannan Reis'; swtogo@verizon.net; Sherri Vallie; smacfaden@wildlandstrust.org
Attachments: 0 Pnd Street - DEP e-mail from Richard friend documenting site visit with watr dept. Zone A.docx; Conservation - section 407 Wetlands Protection Wetlands Protection (1).pdf

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Rob Rosa, Chairman
Rockland Zoning Board of Appeals
242 Union Street
Rockland, Ma 02370

May 25, 2021

Dear Chairman Rosa.

I am submitting more comments to the Shinglemill, LLC / 0 Pond Street proposed 40B development behind Home Depot in Rockland and I would like these comments included. I am attaching a Mass Department of Environmental Protection Agency e-mail, by Richard Friend DEP, documenting a Rockland water department and Coneco Engineers & Scientists site visit to the area in question May 12, 2021. Our Zone A municipal water supply and ORW area is of the utmost importance right now with PFAS/PFOS being found in the Hannigan Hingham Street reservoir. The water dept. is working on that issue now. The Home Depot Store currently sits on the former Boston Whaler Company site. The Boston Whaler manufactured fiberglass boats there and on some days we could smell the fiberglass.. All of this combined with the conservation Commission consultants, BTA Group and Henry Nover Professional Civil Engineer, review of the project should be enough to deny this project in this area. These documents can be viewed at rockland-ma.gov.

The Chapter 407 Wetlands Protection By-Law, 407-5 Permit and Conditions C. Should not be waived by the ZBA. Town Meeting approved that By-Law and should be carried out not waived.

Mary A. Parsons
754 Union St.
Rockland, MA 02370
maryaparsons@verizon.net

Attached is a public request e-mail from the water dept.

[A copy of the Wetland Protection B-Law](#)

From: Joe LaPointe [mailto:jlapointe@abrockwater.com]

Sent: Friday, April 16, 2021 11:06 AM

To: Mary Parsons

Subject: FW: Hingham reservoir Zone A site visit

From: Friend, Richard (DEP) <richard.friend@state.ma.us>

Sent: Thursday, April 15, 2021 3:47 PM

To: Lori MacDonald, PWS, CWB <LMacDonald@Coneco.com>; Joe LaPointe <jlapointe@abrockwater.com>; Stephen Olson <sco@h2olsonengineering.com>

Cc: Bouck, Bruce (DEP) <bruce.bouck@state.ma.us>

Subject: Hingham reservoir Zone A site visit

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

This email is to document the results of a site visit I conducted yesterday, Wednesday April 14, 2021 at the Hingham Street Reservoir at 835 Hingham Street, Rockland, Mass. The reservoir is owned and operated by Abington-Rockland Joint Water Works (ARJWW) that serves the towns of Abington and Rockland. There are two adjacent reservoirs: the original Hingham Street reservoir to the north and an expansion reservoir to the southeast. Water from both reservoirs are treated at an on-site drinking water treatment plant. Present were Mr. Joe LaPointe from ARJWW, two ARJWW staff, Stephen Olson of H2Olson Engineering, and Lori MacDonald of Coneco consultants.

The site visit was requested by Coneco, whose client is proposing development of the Shingle Mill Multifamily Development project at 0 Pond Street in Rockland. Most of the property proposed to be developed is within the Zone A Surface Water Supply Protection Area for the Hingham Street Reservoir.

See screen shots of the area below. Ben Mann Brook and one of its tributaries originates northeast of the development property, flow through and along the border of the development property, then runs along the eastern side of the original reservoir, and between the original reservoir and the expanded reservoir. The Zone A for the brook and a tributary to the brook cover most of the area of the proposed development. There is no indication on the hydrography layer shown on the MassGIS layer "Massachusetts Water Features" that the brook discharges to either reservoir; the brook is shown as passing through the two reservoirs. Coneco requested the site visit to clarify whether the brook discharged to the reservoirs because if not, it would eliminate the Zone A area at the development site at 0 Hingham Street.

The site visit revealed that there are three locations where Ben Mann Brook can and does discharge to one or both reservoirs, shown as locations A, B, and C. on lower screen shot below. Therefore, the Zone A areas above the reservoirs will remain as mapped.

Location A: there is a dam structure with stop logs on the western side of the stream. Removing the stop logs allows water to flow from the stream into the reservoir through a buried corrugated iron pipe approximately 20 inches in diameter. At the time of the site visit, the stream level was below the top of the stop logs, but stream water was leaking through the stop logs and was discharging into the reservoir at a relatively low flow (less than 20 gallons per minute).

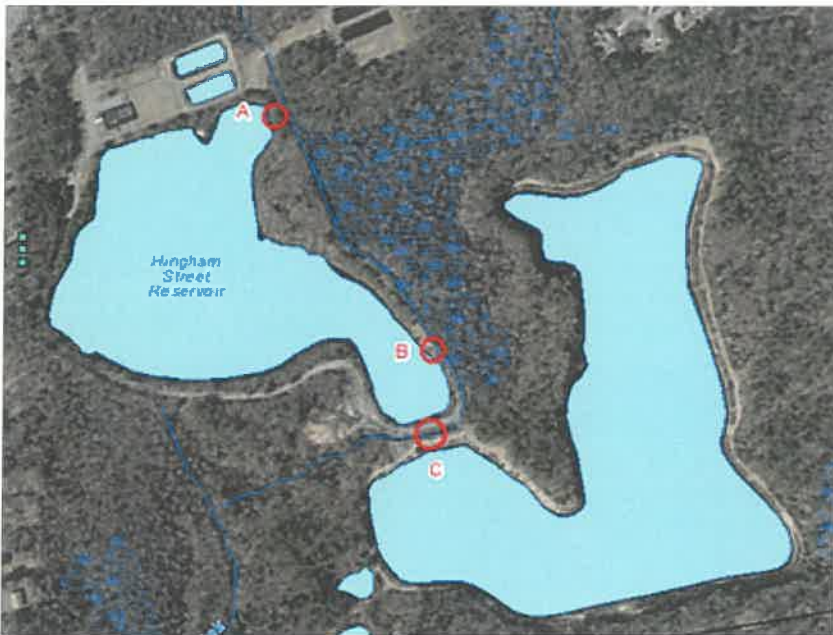
Location B: two PVC pipes approximately 8 inches in diameter run from the stream downward to the reservoir and could allow flow from the stream to the reservoir under high flow conditions. Neither pipe had flowing water at the time of the site visit. There are no controls on the pipes.

Location C: The stream flows to the southwest, between the two reservoirs. There is a structure with stoplogs that allow water to flow by gravity from the brook into either or both reservoirs when flow in the brook is sufficient and the elevation of the brook is higher than the reservoirs. Mr. LaPointe reported that ARJWW removes the stoplogs when streamflow allows and they want to fill the reservoirs.

The proposed development is in the red circle below. The crosshatch area is Zone A.



At locations A, and B Ben Mann Brook can discharge into the Hingham Street Reservoir; at location C it can discharge to both reservoirs:



Richard Friend
MassDEP Drinking Water Program



This email has been checked for viruses by Avast antivirus software.

www.avast.com

From: Joe LaPointe [mailto:jlapointe@abrockwater.com]
Sent: Friday, April 16, 2021 11:06 AM
To: Mary Parsons
Subject: FW: Hingham reservoir Zone A site visit

From: Friend, Richard (DEP) <richard.friend@state.ma.us>
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Cc: Bouck, Bruce (DEP) <bruce.bouck@state.ma.us>
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The site visit was requested by Coneco, whose client is proposing development of the Shingle Mill Multifamily Development project at O Pond Street in Rockland. Most of the property proposed to be developed is within the Zone A Surface Water Supply Protection Area for the Hingham Street Reservoir.

See screen shots of the area below. Ben Mann Brook and one of its tributaries originates northeast of the development property, flow through and along the border of the development property, then runs along the eastern side of the original reservoir, and between the original reservoir and the expanded reservoir. The Zone A for the brook and a tributary to the brook cover most of the area of the proposed development. There is no indication on the hydrography layer shown on the MassGIS layer "Massachusetts Water Features" that the brook discharges to either reservoir; the brook is shown as passing through the two reservoirs. Coneco requested the site visit to clarify whether the brook discharged to the reservoirs because if not, it would eliminate the Zone A area at the development site at O Hingham Street.

The site visit revealed that there are three locations where Ben Mann Brook can and does discharge to one or both reservoirs, shown as locations A, B, and C. on lower screen shot below. Therefore, the Zone A areas above the reservoirs will remain as mapped.

Location A: there is a dam structure with stop logs on the western side of the stream. Removing the stop logs allows water to flow from the stream into the reservoir through a buried corrugated iron pipe approximately 20 inches in diameter. At the time of the site visit, the stream level was below the top of

the stop logs, but stream water was leaking through the stop logs and was discharging into the reservoir at a relatively low flow (less than 20 gallons per minute).

Location **B**: two PVC pipes approximately 8 inches in diameter run from the stream downward to the reservoir and could allow flow from the stream to the reservoir under high flow conditions. Neither pipe had flowing water at the time of the site visit. There are no controls on the pipes.

Location **C**: The stream flows to the southwest, between the two reservoirs. There is a structure with stoplogs that allow water to flow by gravity from the brook into either or both reservoirs when flow in the brook is sufficient and the elevation of the brook is higher than the reservoirs. Mr. LaPointe reported that ARJWW removes the stoplogs when streamflow allows and they want to fill the reservoirs.

The proposed development is in the red circle below. The crosshatch area is Zone A.



At locations A, and B Ben Mann Brook can discharge into the Hingham Street Reservoir; at location C it can discharge to both reservoirs:



Richard Friend
MassDEP Drinking Water Program

Chapter 407

WETLANDS PROTECTION

GENERAL REFERENCES

Zoning — See Ch. 415.

§ 407-1. Purpose.

The purpose of this bylaw is to protect the wetlands of the Town of Rockland by controlling activities deemed to have a significant effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution, fisheries, shellfish, wildlife, recreation and aesthetics (collectively, the "interests protected by this bylaw").

§ 407-2. Definitions.

The following definitions shall apply in the interpretation and implementation of this bylaw.

- A. The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organizations, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agencies, public or quasi-public corporations or bodies, the Town of Rockland, and any other legal entity, its legal representatives, agents or assigns.
- B. The term "alter" shall include, without limitation, the following actions when undertaken in areas subject to this bylaw:
 - (1) Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
 - (2) Changing drainage characteristics, flushing characteristics, salinity distributions, sedimentation patterns, flow patterns and flood retention characteristics;
 - (3) Drainage or other disturbances of water level or water table;
 - (4) Dumping, discharging or filing with any material which may degrade water quality;
 - (5) Driving of piles, erection of buildings or structures of any kind;
 - (6) Placing of obstructions whether or not they interfere with the flow of water;
 - (7) Destruction of plant life, including cutting of trees;

- (8) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water;
 - (9) Placement of a Title V subsurface disposal system for new construction within 100 feet of any area subject to protection under the bylaw.
- C. The term "banks" shall mean that part of land adjoining any body of water which confines the water.
- D. The term "vernal pool" shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act,¹ any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be 100 feet outward from the mean annual high-water line defining the depression, but shall not include existing lawns, gardens, landscaped or developed areas.
- E. The Commission may adopt additional definitions not inconsistent with this § 407-2 in its regulations promulgated pursuant to § 407-12 of this bylaw.

§ 407-3. Application for permit and request for determination.

- A. Application for permit. No person shall remove, fill dredge, alter or build upon or within 100 feet of any bank, freshwater wetland, including isolated land subject to flooding, coastal wetlands, beach, dune flat, marsh, meadow, bog, swamp, or upon or within 100 feet of any estuary, creek, river, stream, pond or lake, or upon or within 100 feet of any land under said waters or upon or within 100 feet of any land subject to tidal action, coastal storm flowage, flooding or inundation, or within 100 feet of the 100-year storm line, other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, without filing written application for a permit so to remove, fill dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued pursuant to this bylaw.

1. Editor's Note: See M.G.L. c. 131, § 40.

- B. Form of application. Such application may be identical in form to a notice of intention filed pursuant to M.G.L. c. 131, § 40, shall be sent by certified mail to the Rockland Conservation Commission (the "Commission"), and must be filed concurrently with or after applications for all other variances and approvals required by the Zoning Bylaw, the Subdivision Control Law or any other bylaw or regulation have been obtained. Sufficiently in advance of the public hearing, the applicant shall be expected to submit (1) receipts of mailings to abutters; (2) vested interest in the property information, such as a deed, purchase and sale agreement, notarized statement from owner, and plans and water calculations with a P.E. or R.L.S. stamp if applicable.
- C. Request for determination. Upon written request of any person, the Commission shall, within 21 days, make a written determination as to whether this bylaw is applicable to any land or work thereon. When the person requesting a determination is other than the owner, notice of the determination shall be sent to the owner as well as to the requesting person.
- D. Filing fees. The Commission shall set a filing fee by regulation, but no filing fee is required when the Town of Rockland or its officers, boards, departments and/or commissions file an application for a permit.
- E. Exceptions. The provisions of this section shall not apply to work performed for normal maintenance or improvement of land in agricultural use.

§ 407-4. Notice and hearing.

The Commission shall hold a public hearing on the application within 21 days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five days prior to the hearing, by publication in a newspaper of general circulation in Rockland and by mailing a notice to the applicant, the Board of Health, Board of Selectmen, Planning Board and to such other persons as the Commission may by regulation determine. The applicant at his expense shall mail notice of the time and place of hearing to all abutters of the land on which the proposed work is to be done by certified mail, at least seven days prior to the hearing and shall present to the Commission proof in the form of receipts of such mailing at the time of the hearing. The Commission, its agents, officers, and employees, may enter upon privately owned land for the purpose of performing their duties under this bylaw. The Commission is authorized to establish a schedule of fees and costs as may be reasonably required to process applications.

§ 407-5. Permit and conditions.

- A. If after the public hearing, the Commission determines that the area which is the subject of the application is significant to the interest protected by this bylaw, the Commission shall, within 21 days of such

hearing, issue or deny a permit for the work requested. If it issues a permit after making such determination, the Commission shall impose such conditions as it determines are necessary or desirable for protection of those interests, and all work shall be done in accordance with those conditions.

- B. The Commission is empowered to deny a permit for failure to meet the requirements of this chapter for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this chapter and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.
- C. Lands within 100 feet of the specified resource areas, and within 200 feet of rivers, streams, and creeks, are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse effect upon them either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, but not be limited to, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. In order to protect such areas, there shall be a strip of continuous, undisturbed vegetative cover within 25 feet of the specified resource areas shall not be disturbed and treated as a no disturbance area. The Commission therefore may also require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the aforementioned 100-foot or 200-foot area, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by this chapter. In the case of areas within 200 feet of rivers, streams, and creeks, no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of the chapter, has proved by a preponderance of the evidence that there is no practicable alternative to the proposed project with less adverse effects, and should there be no practicable alternative, that such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this chapter. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purposes, logistics, existing technology, costs of the alternatives and overall project cost.
- D. Permits shall expire three years from the date of issuance, unless renewed prior to expiration, and all work shall be completed prior to expiration. No proposal which has been unfavorably acted upon by the

Commission shall be considered within two years after the date of such unfavorable action unless by a 4/5 vote of the Commission.

§ 407-6. Emergency projects.

This bylaw shall not apply to any emergency project as defined in M.G.L. c. 131, § 40.

§ 407-7. Pre-acquisition violation.

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this bylaw or in violation of any permit issued pursuant to this bylaw shall forthwith comply with any such order or restore such land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless commenced within three years following date of acquisition of the real estate by such person.

§ 407-8. Security.

The Commission may require, as a permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

- A. By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town of Rockland;
- B. By a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in the case of registered land).

§ 407-9. Burden of proof.

The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this bylaw. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interest protected by this bylaw shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions, or in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

§ 407-10. Relationship to wetlands protection act.

The Commission shall not impose additional or more stringent conditions pursuant to M.G.L. c. 131, than it imposes pursuant to this bylaw, nor shall it require a Notice of Intention pursuant to § 40, to provide materials or data in addition to those required pursuant to this bylaw.

§ 407-11. Enforcement.

- A. Any person who violates any provision of this bylaw or of any condition or a permit issued pursuant to it shall be punished by a fine of \$300 per day. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This bylaw may be enforced pursuant to M.G.L. c. 40, § 210, by a Town police officer or other officer having police powers.
- B. Upon request of the Commission, the Board of Selectmen and Town Counsel shall take such legal action as may be necessary to enforce this bylaw and permits issued pursuant to it.
- C. Moreover, the Building Commissioner/Zoning Enforcement Officer shall not sign a building permit or certificate of occupancy permit for any structure upon land wherein an order of conditions is in effect without written consent of the Conservation Commission.

§ 407-12. Rules and regulations.

After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.