NOTICE OF INTENT

Kings Cove Conservation Restriction Area MCP Response Action

82-90 Bridge Street
Weymouth, Massachusetts

PREPARED FOR

Algonquin Gas Transmission, LLC
890 Winter Street, Suite 300
Waltham, Massachusetts 02451

PREPARED BY

101 Walnut Street
PO Box 9151
Watertown, MA 02471

July 2024

July 11, 2024

Ref: 16165.00

Mr. John Reilly, Chair
Weymouth Conservation Commission
Town Hall, 75 Middle Street
Weymouth, Massachusetts 02189

Re: **Notice of Intent: Kings Cove Conservation Restriction Area MCP Response Action**
82-90 Bridget Street
Weymouth, Massachusetts

Dear Chairman Reilly and Commissioners:

On behalf of Algonquin Gas Transmission, LLC (the Applicant), Vanasse Hangen Brustlin, Inc. (VHB) respectfully submits this Notice of Intent (NOI) for implementation of the preferred Remedial Action Alternative under the Massachusetts Contingency Plan (MCP) at the Kings Cove Conservation Restriction Area (KCCRA) in Weymouth, Massachusetts (the Project Site). This NOI is filed as a Limited Project under the Massachusetts Wetlands Protection Act (WPA) [310 CMR 10.24(7)(c)(6)] for work within resource areas jurisdictional under the WPA and the Weymouth Wetlands Ordinance (the Ordinance), including Coastal Beach, Coastal Bank, Land Containing Shellfish, and Land Subject to Coastal Storm Flowage. The full scope of work is described in the attached NOI narrative.

In compliance with the WPA, notification to abutters within 100 feet of the property regarding this NOI has been made by certified return receipt mail. A copy of the abutter notification form and a list of abutters are enclosed as part of the NOI.

As required, a check made payable to the Commonwealth of Massachusetts in the amount of $712.50 has been sent directly to the DEP Lock Box for payment of the state's share of this filing fee. A check made payable to the Town of Weymouth in the amount of $737.50 is enclosed for payment the Town share of the state filing fee. A separate check made payable to the Town of Weymouth for the Ordinance filing fee will be provided prior to the initial public hearing.

www.vhb.com

Engineers | Scientists | Planners | Designers

101 Walnut Street
PO Box 9151
Watertown, Massachusetts 02471
P 617.924.1770
F 617.924.2286

Please advertise this matter for public hearing at the Commission's next scheduled meeting. Should you have any questions concerning this submittal, or require additional information please contact me at (617) 607-6310 or tdonovan@vhb.com.

Sincerely,

Taylor Donovan

Taylor Donovan
Environmental Scientist

Attachment: Notice of Intent – Kings Cove Conservation Restriction Area MCP Response Action

CC: DEP Southeast Regional Office (filed electronically via eDEP)
Algonquin Gas Transmission, LLC

Table of Contents

Notice of Intent Forms

Notice of Intent Figures

Attachment A - Notice of Intent Narrative

Attachment B – Photographic Log

Attachment C – Abutter Notification

Attachment D – Project Plans

Notice of Intent Forms

- Weymouth Wetlands Ordinance NOI Form
- WPA Form 3
- NOI Fee Transmittal Form
- Copies of Filing Fee Checks
- Weymouth Site Access Authorization Form

NOTICE OF INTENT
UNDER THE TOWN OF WEYMOUTH
WETLANDS PROTECTION ORDINANCE, CHAPTER 7, SECTION 301

1. Project Location 0 Bridge Street / 82-90 Bridge Street

2. Town of Weymouth Atlas Reference (Parcel #) 63-3

3. Project Description Implementation of the preferred MCP Remedial Action Alternative for Kings Cove Conservation Restriction Area

4. County, Norfolk: Book 34726 Page 482

5. *Applicant Algonquin Gas Transmission, LLC *Telephone# 587-545-4075

6. *Applicant Address 890 Winter Street, Suite 300 Waltham, MA 02451

7. Property Owner Calpine Fore River Energy c/o Calpine Corporation, and Algonquin Gas Transmission, LLC c/o Duff & Phelps, LLC

8. Representative Taylor Donovan Telephone# 617-607-6310

9. Representative's Address 260 Arsenal Place #2, Watertown, MA 02472

10. Billing Party for Legal Notice (All info is required):
Name: Algonquin Gas Transmission, LLC
Address: 890 Winter Street Suite 300 Waltham, MA 02451
Home Phone: _____ Cell: 587-545-4075
Email address Alana.Clark@enbridge.com

11. Has the Conservation Commission received the **original** material **plus** ~~six (6)~~ three (3) **copies** of the Notice of Intent form, 8.5"X11", U.S.G.S. locus and 8.5"x11" sheet clearly showing the proposed site and work in addition to labeled resource areas? YES X NO _____

12. Are the following additional interests relevant to the proposed project? If so, Notice of Intent must include a discussion of these interests. Aesthetics _____ Wildlife _____ Recreation _____ Erosion Control X

13. Have you filed your Local Wetland Fees? State Fees? YES X NO _____

14. Have you filed the Abutters' Notification and Affidavit of Service? YES X NO _____

I, THE UNDERSIGNED, HEREBY APPLY FOR A PERMIT PURSUANT TO THE CODE OF ORDINANCES, TOWN OF WEYMOUTH, CHAPTER 7, SECTION 301

Alana J. Clark

Signature

June 27, 2024

Date

*THE WEYMOUTH CONSERVATION OFFICE WILL SUBMIT THE NECESSARY LEGAL AD, AND THE APPLICANT WILL BE BILLED DIRECTLY BY THE PATRIOT LEDGER. FOR BILLING PURPOSES, THE PATRIOT LEDGER REQUIRES THAT THE TELEPHONE NUMBER SUBMITTED MUST BE THE DIRECT CONTACT NUMBER THAT MATCHES THE NAME AND ADDRESS OF THE APPLICANT, OTHERWISE THE LEGAL AD WILL NOT BE PUBLISHED AND THE HEARING WILL BE DELAYED.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 - Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1688880
City/Town:WEYMOUTH

A.General Information

1. Project Location:

a. Street Address	82-90 BRIDGE ST		
b. City/Town	WEYMOUTH	c. Zip Code	02191
d. Latitude	42.24355N	e. Longitude	70.96207W
f. Map/Plat #	63	g.Parcel/Lot #	3

2. Applicant:

☐ Individual ☑ Organization

a. First Name		b.Last Name			
c. Organization	ALGONQUIN GAS TRANSMISSION, LLC				
d. Mailing Address	890 WINTER STREET, SUITE 300				
e. City/Town	WALTHAM	f. State	MA	g. Zip Code	02451
h. Phone Number	587-545-4075	i. Fax		j. Email	Alana.Clark@enbridge.com

3.Property Owner:

☑ more than one owner

a. First Name				b. Last Name	
c. Organization	CALPINE FORE RIVER ENERGY				
d. Mailing Address	P.O. BOX 3288				
e. City/Town	HOUSTON	f.State	TX		g. Zip Code
h. Phone Number		i. Fax			j.Email

4.Representative:

a. First Name	TAYLOR		b. Last Name	DONOVAN	
c. Organization	VHB				
d. Mailing Address	260 ARSENAL PLACE #2				
e. City/Town	WATERTOWN	f. State	MA	g. Zip Code	02472
h.Phone Number	617-607-6310	i.Fax		j.Email	tdonovan@vhb.com

5.Total WPA Fee Paid (Automatically inserted from NOI Wetland Fee Transmittal Form):

a.Total Fee Paid	1,450.00	b.State Fee Paid	712.50	c.City/Town Fee Paid	737.50

6.General Project Description:

IMPLEMENTATION OF THE PREFERRED MCP REMEDIAL ACTION ALTERNATIVE FOR KINGS COVE CONSERVATION RESTRICTION AREA SPECIFIED IN THE PHASE III REMEDIAL ACTION PLAN.

7a.Project Type:

1. ☐ Single Family Home	2. ☐ Residential Subdivision
3. ☐ Limited Project Driveway Crossing	4. ☐ Commercial/Industrial
5. ☐ Dock/Pier	6. ☐ Utilities
7. ☑ Coastal Engineering Structure	8. ☐ Agriculture (eg., cranberries, forestry)
9. ☐ Transportation	10. ☐ Other

7b.Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310

CMR 10.53 (inland)?

1. ☑ Yes ☐ No — If yes, describe which limited project applies to this project:
2. Limited Project — 310 CMR 10.24(7)(C)(6)

8.Property recorded at the Registry of Deeds for:

a.County:	b.Certificate:	c.Book:	d.Page:
NORFOLK		34726	482

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1.Buffer Zone & Resource Area Impacts (temporary & permanent):

☐ This is a Buffer Zone only project - Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.

2.Inland Resource Areas: (See 310 CMR 10.54 - 10.58, if not applicable, go to Section B.3. Coastal Resource Areas)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a.☐ Bank	1. linear feet	2. linear feet
b.☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c.☐ Land under Waterbodies and Waterways	1. Square feet	2. square feet
	3. cubic yards dredged	
d.☐ Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e.☐ Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced

f.☐ Riverfront Area

1. Name of Waterway (if any)

2. Width of Riverfront Area (check one)
- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project

square feet

4. Proposed Alteration of the Riverfront Area:

a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3.Coastal Resource Areas: (See 310 CMR 10.25 - 10.35)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under	Land under the ocean below,
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coatstal Dunes, below	
d. ☑ Coastal Beaches	37105 1. square feet	0 2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment
f. ☑ Coastal Banks	590 1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab, crea.
i. ☐ Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. ☑ Land Containing Shellfish	37105 1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. ☑ Land Subject to Coastal Storm Flowage	46385 1. square feet	

4.Restoration/Enhancement

☐ Restoration/Replacement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5.Projects Involves Stream Crossings

☐ Project Involves Streams Crossings

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

a. number of new stream crossings

b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage of Endangered Species program (NHESP)?

a. ☐ Yes ☑ No

If yes, include proof of mailing or hand delivery of NOI to:
Natural Heritage and Endangered Species
Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

b. Date of map:FROM MAP VIEWER

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18)....

c. Submit Supplemental Information for Endangered Species Review * (Check boxes as they apply)

1.☐ Percentage/acreage of property to be altered:

(a) within Wetland Resource Area — percentage/acreage

(b) outside Resource Area — percentage/acreage

2.☐ Assessor's Map or right-of-way plan of site

3.☐ Project plans for entire project site, including wetland resource areas and areas outside of wetland jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

a.☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

b.☐ Photographs representative of the site

c.☐ MESA filing fee (fee information available at: http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html)
Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

*Projects altering **10 or more acres** of land, also submit:*

d.☐ Vegetation cover type map of site

e.☐ Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the following

1.☐ Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2.☐ Separate MESA review ongoing.

a. NHESP Tracking Number

b. Date submitted to NHESP

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review...

2. For coastal projects only, is any portion of the proposed project located below the mean high waterline or in a fish run?
a. ☐ Not applicable - project is in inland resource area only
b. ☑ Yes ☐ No
If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 S. Rodney French Blvd
New Bedford, MA 02744

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

If yes, it may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. ☐ Yes ☑ No

If yes, provide name of ACEC (see instructions to WPA Form 3 or DEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC Name

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
a. ☐ Yes ☑ No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L.c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L.c. 130, § 105)?
a. ☐ Yes ☑ No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
a. ☐ Yes, Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol.2, Chapter 3)
2. ☐ A portion of the site constitutes redevelopment
3. ☐ Proprietary BMPs are included in the Stormwater Management System

b. ☑ No, Explain why the project is exempt:
1. ☐ Single Family Home
2. ☐ Emergency Road Repair

3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department by regular mail delivery.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the
☑ Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland
☑ [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s).
☐ Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. List the titles and dates for all plans and other materials submitted with this NOI.
☑

a. Plan Title:	b. Plan Prepared By:	c. Plan Signed/Stamped By:	c. Revised Final Date:	e. Scale:
KINGS COVE COASTAL RESTORATION PLANS	VHB	MARK COSTA	7/10/2024	1" = 20'

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
☑
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
☐
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
☑
8. Attach NOI Wetland Fee Transmittal Form.
☑
9. Attach Stormwater Report, if needed.
☐

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

385693	7/10/2024
2. Municipal Check Number	3. Check date
385683	7/10/2024
4. State Check Number	5. Check date
Vanasse Hangen Brustlin, Inc.	
6. Payer name on check: First Name	7. Payer name on check: Last Name

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

Daniel Clark	June 27, 2024
1. Signature of Applicant	2. Date
Calpine Fore River Energy Center, LLC	6/18/2024 | 1:24 PM CDT
3. Signature of Property Owner(if different)	4. Date
Taylor Donovan	7/10/2024
5. Signature of Representative (if any)	6. Date

DS DL

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in Section C, Items 1-3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 - Notice of Wetland FeeTransmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1688880
City/Town:WEYMOUTH

A. Applicant Information

1. Applicant:

a. First Name		b.Last Name			
c. Organization	ALGONQUIN GAS TRANSMISSION, LLC				
d. Mailing Address	890 WINTER STREET, SUITE 300				
e. City/Town	WALTHAM	f. State	MA	g. Zip Code	02451
h. Phone Number	5875454075	i. Fax		j. Email	Alana.Clark@enbridge.com

2.Property Owner:(if different)

a. First Name				b. Last Name	
c. Organization	CALPINE FORE RIVER ENERGY				
d. Mailing Address	P.O. BOX 3288				
e. City/Town	HOUSTON	f.State	TX	g. Zip Code	
h. Phone Number		i. Fax		j.Email	

3. Project Location:

a. Street Address	82-90 BRIDGE ST	b. City/Town	WEYMOUTH

Are you exempted from Fee? ☐ (YOU HAVE SELECTED 'NO')

Note: Fee will be exempted if you are one of the following:

- City/Town/County/District
- Municipal Housing Authority
- Indian Tribe Housing Authority
- MBTA

State agencies are only exempt if the fee is less than $100

B. Fees

Activity Type	Activity Number	Activity Fee	RF Multiplier	Sub Total
K.) OIL AND/OR HAZARDOUS MATERIAL RELEASE RESPONSE ACTIONS.	1	1450.00		1450.00

City/Town share of filling fee	State share of filing fee	Total Project Fee
$737.50	$712.50	$1,450.00

Additional Property Owner:

Algonquin Gas Transmission, LLC c/o Duff & Phelps, LLC
890 Winter Street, Suite 300 Waltham, MA 02451

After printing this label:
1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

VANASSE HANGEN BRUSTLIN, INC.
260 ARSENAL PLACE • PO BOX 9151
WATERTOWN, MASSACHUSETTS 02471-9151

CITIZENS BANK
MASSACHUSETTS
5-7017/2110

385693
CHECK DATE

July 10, 2024

Seven Hundred Thirty Seven and 50/100

AMOUNT

$737.50

Town of Weymouth
Attn: Mary Ellen Schloss
75 Middle Street
Weymouth, MA 02189

AUTHORIZED SIGNATURE

Security Check features included. Details on back.

⑈385693⑈ ⑆211070175⑆ 113016137⑈

VANASSE HANGEN BRUSTLIN, INC.
260 ARSENAL PLACE • PO BOX 9151
WATERTOWN, MASSACHUSETTS 02471-9151

EMILY BUSINESS FORMS 800.392.6018 VISION

385693

Check Date: 7/10/2024

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
Taylor Donovan	7/9/2024	1477103	$737.50			$737.50
Town of Weymouth		TOTAL	$737.50			$737.50
Citizens	11	0003488				

VANASSE HANGEN BRUSTLIN, INC.
260 ARSENAL PLACE • PO BOX 9151
WATERTOWN, MASSACHUSETTS 02471-9151

CITIZENS BANK
MASSACHUSETTS
5-7017/2110

385683
CHECK DATE

July 10, 2024

Seven Hundred Twelve and 50/100

AMOUNT

$712.50

Commonwealth of Massachusetts
DEP-Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

AUTHORIZED SIGNATURE

Security Check features included
Details on back

⑈385683⑈ ⑆211070175⑆ 113016137⑈

VANASSE HANGEN BRUSTLIN, INC.
260 ARSENAL PLACE • PO BOX 9151
WATERTOWN, MASSACHUSETTS 02471-9151

EMILY BUSINESS FORMS 800.392.6018 VISION

385683

Check Date: 7/10/2024

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
Taylor Donovan 7/9	7/9/2024	1477104	$712.50			$712.50
Commonwealth of Massachusetts		TOTAL	$712.50			$712.50
Citizens 1		0004919				

SITE ACCESS AUTHORIZATION

DATE: 7/11/2024

PROJECT: Kings Cove Conservation Restriction Area MCP Response Action

TO: **Weymouth Conservation Commission and Conservation Administrator**

FROM: Algonquin Gas Transmission, LLC

LOCATION: 0/82-90 Bridge Street, Weymouth, MA
(Hereafter referred to as the property)

I (We) hereby authorize the individual members of the Conservation Commission and its agents to enter upon the property for the purpose of gathering information prior to issuing a Determination of Applicability or an Order of Conditions and for the purpose of enforcing the Order of Conditions prior to the issuance of a Certificate of Compliance.

TIME: FROM THE PRESENT TO DATE OF ISSUANCE OF CERTIFICATE OF COMPLIANCE

PROPERTY OWNER: Calpine Fore River Energy & Algonquin Gas Transmission, LLC **DATE:** 7/11/2024

Notice of Intent Figures

\\vhb.com\gbl\proj\Boston\15542.00\Reports

0 1000 2000 4000 Feet

Kings Cove Conservation Restriction Area Remediation | Weymouth, MA

Legend

Limit of Work

Figure 1 - USGS Locus Map

Source Info: USGS, MassGIS, VHB

\\vhb.com\gbl\proj\Boston\15542.00\Reports

0 150 300 600 Feet

Kings Cove Conservation Restriction Area Remediation | Weymouth, MA

Legend

Limit of Work

Figure 2 - Aerial Map

Source Info: USGS, MassGIS, VHB

\\vhb.com\gbl\proj\Boston\15542.00\Reports

0 150 300 600 Feet

Kings Cove Conservation Restriction Area Remediation | Weymouth, MA

Legend

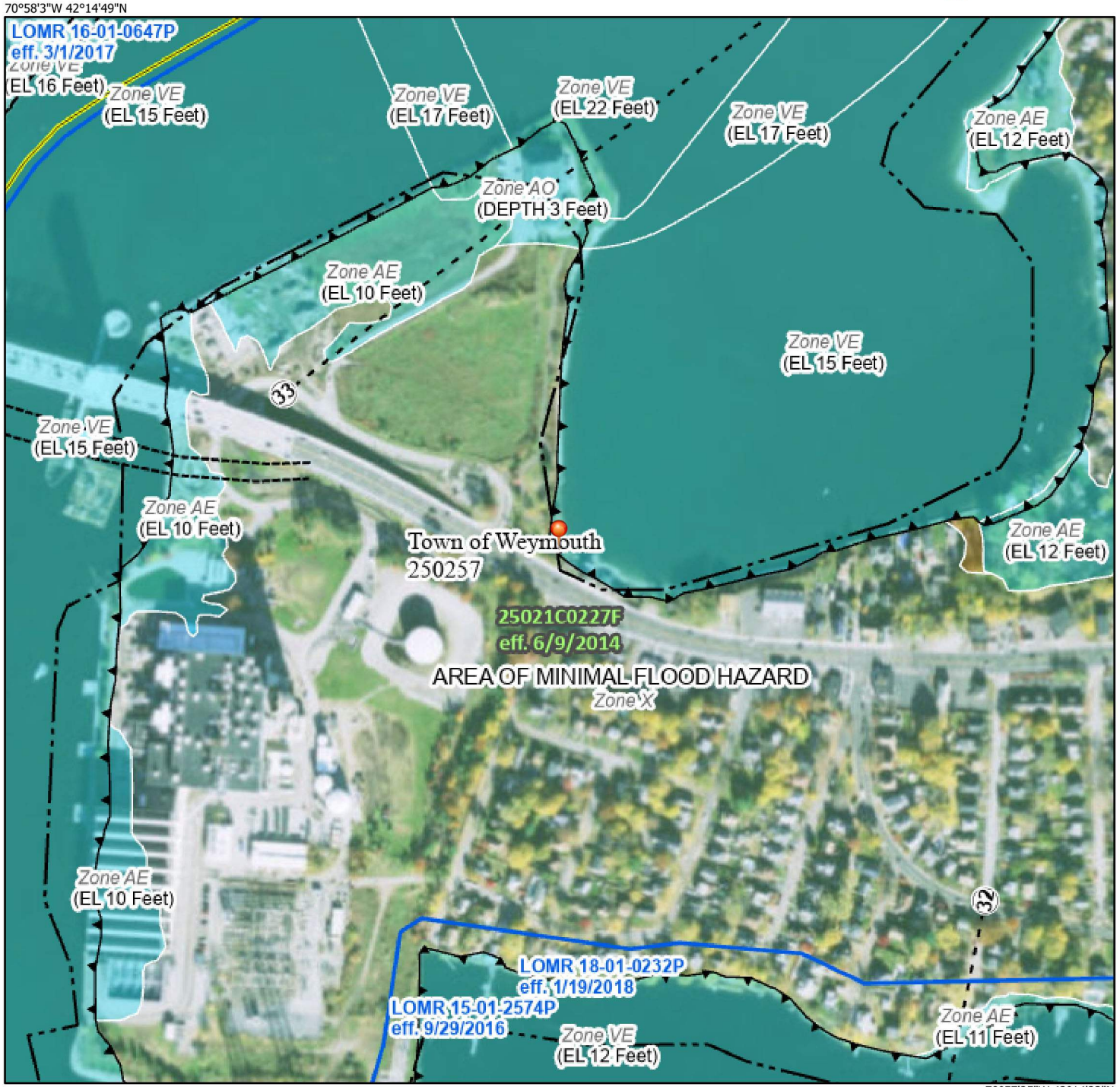
- Limit of Work
- Areas of Critical Environmental Concern - None Present
- NHESP Estimated Habitats of Rare Wildlife - None Present
- NHESP Priority Habitats of Rare Species - None Present
- NHESP Certified Vernal Pools - None Present
- NHESP Potential Vernal Pools - None Present

Figure 3 - NHESP Map
Source Info: USGS, MassGIS, VHB

Figure 4: FEMA Map

National Flood Hazard Layer FIRMette

FEMA



Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 Cross Sections with 1% Annual Chance / Water Surface Elevation
- Coastal Transect
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/21/2024 at 12:43 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

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0 50 100 200 Feet

Legend

Limit of Work

Limit of Work

Shellfish Suitability

Common Name

Soft-shell clam

Kings Cove Conservation Restriction Area Remediation | Weymouth, MA

Figure 5 - Shellfish Suitability Areas

Source Info: USGS, MassGIS, VHB

Attachment A
Notice of Intent Narrative

- Introduction
- Site Description
- Work Description
- Mitigation Measures
- Regulatory Compliance
- Summary

Attachment A - Notice of Intent Narrative

This Notice of Intent (NOI) is filed pursuant to the Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40; the WPA) and its implementing regulations (310 CMR 10.00) and the Weymouth Wetlands Protection Ordinance (Section 7 -301) (Ordinance) and its implementing regulations. This narrative describes wetland resource areas as defined in the WPA, the Ordinance, and their implementing regulations associated with the area of the Kings Cove Conservation Restriction Area (KCCRA) in which a Limited Project, as defined at 310 CMR 10.24(7)(c)(6), is proposed in response to the presence of oil and/or hazardous materials (OHM) in accordance with the Massachusetts Contingency Plan (310 CMR 40.0000) (MCP). This narrative also describes the proposed Limited Project, the impacts of the Limited Project to wetland resources, and how those impacts might be mitigated. The accompanying plans included as Attachment D (bound separately) present the layout and details of the Limited Project components.

Introduction

The Applicant, Algonquin Gas Transmission, LLC (Algonquin), is responsible for response actions under the MCP at the KCCRA. OHM have been identified at the KCCRA related to the historical filling which created the KCCRA. Based on a Phase II Comprehensive Site Assessment (CSA) prepared by TRC Companies, Inc. (TRC) on behalf of Algonquin, future erosion of part of the Coastal Bank in the KCCRA could expose fill containing elevated concentrations of arsenic and lead. In addition, nickel and vanadium concentrations exceeding ecological Apparent Effects Thresholds (AETs) are present in areas of fill within the KCCRA below Mean High Water (MHW).

In a Phase III Remedial Action Plan (RAP) prepared by TRC on behalf of Algonquin, a preferred Remedial Action Alternative was selected to respond to OHM in the KCCRA (the Project). This NOI is submitted in the hope of receiving an Order of Conditions from the Weymouth Conservation Commission under the WPA, the Ordinance, and their implementing regulations authorizing the implementation of the preferred Remedial Action Alternative as further described in the Phase IV Remedy Implementation Plan (RIP) and this NOI.

In addition to achieving a Permanent Solution under the MCP, the preferred Remedial Action Alternative will provide the benefit of a cleaner intertidal substrate to help to support fisheries and wildlife use of the Kings Cove area and the additional public benefit of impeding future erosion of the KCCRA.

The area of the KCCRA in which the preferred Remedial Action Alternative would be implemented (the Project Site) contains the following wetland resource areas: Coastal Beach (including Tidal Flats), Coastal Bank, Land Containing Shellfish (LCS), and Land Subject to Coastal Storm Flowage (LSCSF).

The preferred Remedial Action Alternative qualifies as a Limited Project under 310 CMR 10.24(7)(c)(6) because it is *"containment, mitigation, and remediation of, or [a] other response to, a release or threat of release of oil and/or hazardous material" in accordance with the provisions of 310 CMR 40.0000: Massachusetts Contingency Plan"* and meets the applicable WPA provisions. As required under 310 CMR 10.24(7), the below narrative serves to demonstrate that the impacts of the Limited Project will be avoided where possible, and when not possible will be minimized and that mitigation measures have been provided to contribute to the protection of the interests identified in the WPA.

Wetland resource areas will be protected from impacts during implementation of the preferred Remedial Action Alternative through the employment of an erosion and sedimentation control program, which includes provisions to limit erosion through stabilization and prevent sediment from leaving the Project Site by the use of structural controls.

There will be no increase in impervious surfaces as a result of the implementation of the preferred Remedial Action Alternative so compliance with the stormwater management standards specified at 310 CMR 10.05(6)(k) is not required.

The Project plans, included as Attachment D, present a detailed depiction of the Project.

Background

Prior to the 1900s, Kings Cove and the surrounding land areas were flowed tidelands. In 1922, a license to fill portions of Kings Cove was obtained by the Edison Electric Illuminating Company of Boston (Edison Electric) in order to construct the coal-fired power station located south of Bridge Street. As a result, installation of a coastal engineering structure within Kings Cove was required to contain the proposed fill area. By 1928, a north-south oriented bulkhead was approved and constructed within Kings Cove and the area behind the bulkhead was filled. Historical license plans depict the bulkhead located relatively parallel to the Mean Low Water (MLW) line in the northern portions of the peninsula and closer to the shoreline and Mean High Water (MHW) as it nears Bridge Street. The OHM identified in the KCCRA area were contained in that fill. The MCP filings for the KCCRA [Release Tracking Number (RTN) 4-26230] provide additional background regarding the historical filling that created the KCCRA and its impacts[1].

[1] MassDEP Waste Site File Viewer: https://eeaonline.eea.state.ma.us/EEA/FileViewer/Rtn.aspx?rtn=4-0026230

Note: TRC's August 2023 Phase III RAP refers to the "Upland area" and the "Shore area" portions of the KCCRA. The bounds of the "Upland area" defined in the Phase III RAP include a portion of Coastal Bank.

Additional Regulatory Review

In addition to the permit application contained herein, several additional environmental permits and/or authorizations must be obtained in order to advance the Project. Table 1 shows a summary of the local, state, and federal permits and approvals that may be required to implement the preferred Remedial Action Alternative.

Table 1 List of Permits and Approvals

Agency Name	Permit / Review / Approval	Status
Federal		
US Army Corps of Engineers (USACE)	Section 404 Pre-Construction Notification	To be obtained
US Environmental Protection Agency (EPA)	National Pollution Discharge Elimination System (NPDES) permits for construction storm water and dewatering	May be obtained if required
State		
Executive Office of Energy and Environmental Affairs	Review under the Massachusetts Environmental Policy Act (MEPA)	Environmental Notification Form (ENF) to be filed in Spring 2024
Department of Environmental Protection (DEP)	Chapter 91 License	To be obtained
	401 Water Quality Certification for intertidal dredging/fill	To be obtained
Local		
Weymouth Conservation Commission	Wetlands Protection Act Order of Conditions for work within jurisdictional resource areas. Includes review by the Department of Marine Fisheries (DMF)	Application herein

Site Description

The Project Site is located in the southwestern portion of the KCCRA, south of Bridge Street.

The KCCRA shoreline is dominated by the presence of historical fill materials emplaced in the early 1900s. At the northern limit of the Project Site, there is an existing rip rap revetment which extends north along the Kings Cove shoreline to the top of the peninsula. In the southern portion of the Project Site, where rip rap is not present and the bulkhead is no longer exposed, erosion of the Coastal Bank is occurring. MLW at the

Project Site is located at elevation -5.3-feet NAVD88, and MHW is located at elevation 4.3-feet NAVD88. Topography at the Project Site slopes steeply down to the edge of the water.

According to the most recently available data provided by the Massachusetts Natural Heritage and Endangered Species Program (NHESP)[2], there are no Priority Habitats of Rare Species or Estimated Habitats of Rare Wildlife within the Project Site limits. There are no Certified or Potential vernal pools located on or adjacent to the Project Site (Figure 3). No portion of the Project Site is located within an Area of Critical Environmental Concern (ACEC) or an area designated as an Outstanding Resource Water (ORW)[3]. The most recently issued FEMA Flood Insurance Rate Map (FIRM)[4] indicates that the Project Site is within the mapped coastal floodplain for the 100-year storm event (Figure 4). These areas in the 100-year floodplain are regulated as LSCSF and are shown on the Project plans (Attachment D). The Natural Resources Conservation Service (NRCS) soil survey[5] has mapped the surface soils within the Project Site as Urban Land (602).

Wetland resource areas on/near the Project Site are described below.

Wetland Resource Areas

The following sections of this narrative describe the wetland resource areas on or near the Project Site that are regulated under the WPA, the Ordinance, or their implementing regulations. The wetland resource areas and their buffer zones are depicted on the attached Project plans (Attachment D).

- **Coastal Beach:** As defined at 310 CMR 10.27, Coastal Beach *"means unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal beaches extend from the mean low water line landward to the dune line, coastal bankline or the seaward edge of existing human-made structures, when these structures replace one of the above lines, whichever is closest to the ocean."*

  Also defined at 310 CMR 10.27 is **Tidal Flat** – *which "means any nearly level part of a coastal beach which usually extends from the mean low water line landward to the more steeply sloping face of the coastal beach or which may be separated from the beach by land under the ocean."*
- **Coastal Bank:** As defined at 310 CMR 10.30, Coastal Bank *"means the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland."*
- **Land Containing Shellfish:** As defined at 310 CMR 10.34, Land Containing Shellfish *"means land under the ocean, tidal flats, rocky intertidal shores, salt marshes and land under salt ponds when any such land contains shellfish."*

[2] NHESP, 2021. *Massachusetts Natural Heritage Atlas, 15th Edition*.

[3] DEP, 2010. Designated Outstanding Resource Waters of Massachusetts.

[4] Federal Emergency Management Agency, National Hazard Flood Layer, Digital Flood Insurance Rate Map (DFIRM) and FEMA FIRM Panel 25021C0227F

[5] Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey

- **Land Subject to Coastal Storm Flowage**: As defined at 310 CMR 10.04: Land Subject to Coastal Storm Flowage is *"Land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater."*

The WPA also establishes a 100-foot buffer zone from the top of Coastal Bank. Wetland resource areas and their buffer zones on/adjacent to the property, as well as the methods of delineation, are described in more detail in the following sections of this attachment.

Coastal Beach

Areas of Coastal Beach on the Project Site are those areas located landward of the MLW water line (-5.3-feet NAVD88) and seaward of the toe of Coastal Bank. Coastal Beach areas on the Project Site are best characterized as gravel-sized and cobble-sized pieces of coal slag and other fill material such as bricks mixed with small amounts of natural sand and gravel.

Coastal Bank

Coastal Bank on the Project Site was delineated using landscape position, slope determinations and limits of LSCSF, in accordance with the DEP Wetlands Program Policy 92-1: Coastal Banks.[6] DEP provides the following standards to delineate the "top of coastal bank":

- The slope of a coastal bank must be greater than or equal to 10:1.
- For a coastal bank with a slope greater than or equal to 4:1 the "top of coastal bank" is that point above the 100-year flood elevation where the slope becomes less than 4:1.
- For a coastal bank with a slope greater than or equal to 10:1 but less than 4:1, the top of coastal bank is the 100-year flood elevation.
- A "top of coastal bank" will fall below the 100-year flood elevation and is the point where the slope ceases to be greater than or equal to 10:1.

A Coastal Bank runs parallel to the western edge of Kings Cove throughout the limits of the Project Site. Generally, the limits of Coastal Bank are coincident with the top of slope along the perimeter of the Project Site, at approximately elevation 15 feet NAVD88. Certain portions of Coastal Bank which exist within the limits of the Project Site meet different delineation criteria for Coastal Bank (using the standards listed above).

There is an existing rip rap revetment within the northern limit of the Project Site. The armored bank transitions to an unarmored section of Coastal Bank and continues south approximately 200 feet northeast of Bridge Street. Along the unarmored Coastal Bank, evidence of scour and erosion is visible, exposing fill containing anthropogenic debris. Vegetation is scrubby and thick along the top of Coastal Bank.

[6] Wetlands Program Policy 92-1: Coastal Banks | Mass.gov

The WPA regulates Coastal Banks to protect their function as sediment sources, and/or for their function in storm damage prevention. The Coastal Bank outside of the existing revetment is currently functioning as both a sediment source and storm damage protection. Interrupting the function of the unarmored Coastal Bank as a sediment source (including the OHM contained therein) is one of the benefits of the preferred Remedial Action Alternative.

Land Containing Shellfish

Based on the MassGIS data layer for Shellfish Suitability Areas[7], LCS is found within Coastal Beach on the Project Site. The area of LCS on the Project Site is mapped as a spawning/settlement area for soft-shell clam (Figure 5) and a Conditionally Restricted shellfish growing area GBH1.20[8]. However, based on the Stage II Environmental Risk Characterization (ERC) Report for KCCRA[9], no populations of soft-shell clams were observed during the shellfish abundance survey in May and June 2022. It was also noted that the soft-shell clam population is not large enough to self-seed any of these areas.

Land Subject to Coastal Storm Flowage

Figure 4 shows the limits of LSCSF based on the base flood elevation of 15 feet NAVD88, as defined by FEMA.[10] LSCSF within the Project Site includes the Coastal Beach and the Coastal Bank, which is steeply sloped in areas of the Project Site.

Buffer Zone

The WPA regulations (310 CMR 10.02(2)(b)) and the Ordinance regulations establish a 100-foot buffer zone from the top of Coastal Bank described above. The 100-foot buffer zone includes upland areas of the KCCRA.

Locally Regulated Areas

The Ordinance regulations establish a locally jurisdictional 50-foot No Disturb Zone (NDZ) extending from the limits of top of Coastal Bank. The NDZ on the Project Site includes upland areas of the KCCRA.

Work Description

The preferred Remedial Action Alternative includes dredging 630 cubic yards (CY) of sediment/impacted fill within an intertidal area, extending the rip rap revetment in the northern area of the Project Site to contain eroding impacted fill, and placing cobble to create a gradual surficial transition between the dredging area and the revetment. The Project has been designed to minimize potential impacts to the Upland area of the

7 MassGIS Data: Shellfish Suitability Areas | Mass.gov

8 Source: Massachusetts Division of Marine Fisheries website. https://www.mass.gov/service-details/shellfish-classification-areas.

9 2022, TRC. Phase III RAP Appendix B. https://eeaonline.eea.state.ma.us/EEA/FileViewer/FileViewer.aspx?fileEncryptionId=hhiegijj

10 FEMA FIRM Panel 25021C0227F

KCCRA through construction access directly from Bridge Street, rather than through the KCCRA.

Each of these components and their associated work are described in more detail below.

Dredging

As summarized in the Phase III RAP, an area of fill below MHW within the KCCRA contains nickel and vanadium at concentrations exceeding the Site-specific ecological AETs for those metals. The preferred Remedial Action Alternative includes the removal of 630 cubic yards (CY) of fill and sediment from below the MHW line in the areas determined to contain elevated concentrations of nickel and vanadium. The dredging is anticipated to occur only during low tide in order to limit sediment/impacted fill movement and to contain the work area. A turbidity curtain will also be installed within Kings Cove to control migration of suspended fine materials away from the dredged areas. Machinery will access the work area from the beach to remove and transport the sediments to the proposed dewatering location(s) located onsite near Bridge Street. The dredged volume will be replaced with an equal amount of clean cobble stone to restore the dredged area to the preexisting mudline elevation.

To facilitate required state permitting, prior to any dredging, sediment samples will be collected within the dredging area and submitted for appropriate laboratory analyses to determine disposal options. Samples will be collected using hand tools only. All dredged material will be dewatered onsite prior to being transported offsite for disposal, in accordance with proper waste handling and transport procedures. Dewatering is anticipated to be complete in approximately 48 hours.

An offsite area outside of jurisdictional resource areas will be used, as needed, for staging dredged material during construction.

Dredging Alternatives

The following dredging Alternatives were evaluated in the Phase III RAP:

Fill Removal Below MHW Alternative 1 (No Action): In Alternative 1, no work below MHW would be conducted. Based on the results of a Method 3 Risk Characterization completed as part of the MCP, fill removal is not required from below MHW to maintain a Condition of No Significant Risk as defined in the MCP. While this alternative would be the least impactful to the wetland resource areas affected, it does not meet MassDEP's preference for removal of fill containing nickel and/or vanadium at concentrations exceeding the AETs. Therefore, Alternative 1 was not selected as the Preferred Remedial Action Alternative.

Fill Removal Below MHW Alternative 2 (Dredging with Offsite Disposal): In Alternative 2, the area of fill below MHW containing nickel and/or vanadium at concentrations exceeding the AETs would be dredged and filled with clean material, with dredged fill and sediment disposed of offsite at an appropriate licensed disposal facility. This alternative would reduce nickel and vanadium concentrations in the intertidal area but

does not afford the beneficial reuse of dredged material and reduction of the impacts of offsite disposal.

Fill Removal Below MHW Alternative 3 (Dredge with Offsite Disposal and Onsite Beneficial Reuse - Selected Alternative): Alternative 3 is similar to Alternative 2, except that to the extent practicable, dredged material will be beneficially reused onsite during construction of the revetment along the Coastal Bank. The existing, eroding Coastal Bank would be graded to a sloped surface, dewatered dredged material would be placed, and the area would then be reinforced with geotextile fabric and a layer of bedding stone before the rip rap/armor stones are placed. Any dredged material which could not be reused onsite would be sampled and transported to an offsite disposal facility.

While Alternatives 2 and 3 are very similar, Alternative 3 was selected due to the opportunity to beneficially reuse a certain volume of the dredged material during onsite construction of the rip rap revetment.

Rip Rap Revetment

Upgradient of the proposed dredging area, the Project proposes containment and armoring of the eroding portions of Coastal Bank with a rip rap revetment. The erosion occurring along this area of Coastal Bank is exposing the OHM impacted fill which was emplaced landward of the bulkhead in the 1920s. To prevent additional exposure to impacted fill, a revetment would be constructed on the face of the existing, unarmored Coastal Bank. To allow this work to occur "in the dry," a sandbag cofferdam will be established along the length of the Project Site between the proposed construction access at Bridge Street and the edge of the existing revetment.

In areas where backfill is required to support the revetment (landward of the rip rap revetment), a certain volume of the dredged material will be reused for that purpose. The impacted fill will be contained behind a layer of geotextile fabric, followed by a layer of clean core stone and the larger armor stones.

To gradually connect the dredged area to the new revetment area, clean cobble will be placed between the two areas, which will further contain residual slag on the shallow portions of the Coastal Beach. The cobble will help dissipate wave energy within the waterbody and intertidal areas to protect the new revetment, while also providing an improved benthic surface for organisms within the intertidal zone.

Eroding Coastal Bank Alternatives

Remedial alternatives developed as part of the Phase III RAP were used to assess Coastal Bank design options which would minimize the Project's footprint and impact, while still meeting the Project purpose and need of containing impacted fill within the Coastal Bank. The containment of the impacted fill is necessary since a Method 3 Risk Characterization completed as part of the MCP Phase II CSA concluded that further erosion in the area of the currently eroding Coastal Bank could expose fill containing elevated concentrations of arsenic and lead. The following alternatives were considered:

Eroding Coastal Bank Remedial Alternative 1 (Extended Stone Revetment – Selected Alternative): In Remedial Alternative 1**,** the existing stone revetment would be extended to the south toward Bridge Street. The eroding fill that comprises the Coastal Bank would be contained behind beneficially reused dredged material, then topped with clean fill and core stone, and armored with rip rap. An Activity and Use Limitation (AUL) would be implemented for the Upland portion of the KCCRA to maintain a Condition of No Significant Risk under the MCP.

Eroding Coastal Bank Remedial Alternative 2 (Sheet Pile Bulkhead and Stone Revetment): Remedial Alternative 2 would include installation of a sheet pile bulkhead along the eroding Coastal Bank, just above the MHW line. The eroding Coastal Bank would be shaped and covered with geotextile fabric, backfilled with clean, compacted fill, and topped with a concrete pile cap and fence. The top elevation of the bulkhead would be consistent with the top of the existing revetment to the north. If deemed necessary during final design, a parallel deadman would be installed 20-30 feet landward of the bulkhead and connected to the bulkhead via tie rods to provide lateral support. The deadman would likely be comprised of additional sheet piles, helical anchors, or poured concrete cylinders. To reduce wave impacts on the installed bulkhead, a stone revetment would be installed on the seaward side and sloped to match the landside topography. An AUL would be implemented for the upland portion of the Conservation Restriction Area to maintain a Condition of No Significant Risk under the MCP.

Remedial Alternative 2 was not selected because the proposed subsurface work (installing the sheetpile and potential deadman) would negatively impact Massachusetts Water Resources Authority (MWRA) facilities and utilities in the KCCRA.

Eroding Coastal Bank Remedial Alternative 3 (Complete Excavation and Replacement): Remedial Alternative 3 consists of removing and replacing all existing fill above MHW within the KCCRA up to depths of approximately 12 feet below grade. This would involve excavation and offsite disposal of approximately 45,000 tons of fill. Due to the location and scope of the excavation, utilities which supply water, gas, electricity, and telecommunications to the nearby MWRA pumping station would need to be relocated.

Due to the significant scale of this proposed work, as well as the additional external coordination and risks involved, this alternative was not selected as the Preferred Alternative.

Eroding Coastal Bank Remedial Alternative 4 (Soft Shoreline Solution): Though not previously evaluated as an alternative under the MCP, a soft shoreline alternative was also considered for this Project. This alternative would include a more gradually sloped design on which coastal wetland plantings would be installed to slow down wave velocities. Because of the more gradual (almost flat) slope this design would require, a wider limit of work would need to be established. Implementing Alternative 4 would therefore result in impacts to the Upland portion of the KCCRA and a much larger area of Coastal Beach. Additionally, a soft solution such as Alternative 4 would result in natural erosion of the living shoreline during large storm events, which would eventually expose the impacted fill material within the Coastal Bank, defeating the purpose of the remedial action. For this reason, a soft shoreline solution is not a viable alternative.

Eroding Coastal Bank Remedial Alternative 5 (No Action): While this alternative would be the least impactful to wetland resource areas, it does not meet the purpose of further remedial actions identified in the Phase II CSA and, for that reason, it was not selected.

Remedial Alternative 1 was the selected as the Preferred Remedial Alternative for several reasons, including its reliability in achieving a Permanent Solution under the MCP, its relative ease of implementation and its consistency with the existing armoring of the Coastal Bank immediately adjacent to the Project Site.

Construction Sequence

The Project will consist of the following general activities:

- Before any work begins, installing erosion and sedimentation controls according to the Project Plans, including controls for in-water work;
- Dredging the remediation area during low tide cycles;
- Placing clean cobble cover;
- Constructing the rip rap revetment, including placing dewatered dredged material behind the armor stone;
- Removal of remaining dredge material for off-site disposal;
- Restoration of disturbed construction access and staging areas (loaming and seeding);
- Removing erosion and sedimentation controls.

Work in Wetland Resource Areas

The Project will result in impacts to Coastal Beach, Coastal Bank, LCS, and LSCSF, as summarized below in Table 2.

Table 2 Impacts to Wetland Resource Areas

Wetland Resource Area	Impacts
Coastal Beach/Land Containing Shellfish	37,105 SF
Coastal Bank	590 LF
Land Subject to Coastal Storm Flowage	46,385 SF

All square footages are approximate values as they have been rounded to the nearest value of ten (most values were rounded up).
LF = linear feet
SF = square feet

Work in Coastal Beach/Land Containing Shellfish

As proposed, the Project will require dredging within Coastal Beach. During construction, dredge areas will be sized to allow for complete dredge and backfilling of each area

within one tidal cycle/one day of work. After the dredging is completed, clean cobble will be placed as backfill. To gradually connect the dredged areas to the new revetment, clean cobble will be placed between the two areas, which will further contain residual slag on the shallow portions of the Coastal Beach. As a result, there will be a slight change to existing beach elevations as a result of this work. As proposed, this work will result in 37,105 square feet (SF) of permanent impact to Coastal Beach.

Work on Coastal Bank

Work proposed on Coastal Bank includes construction of the rip rap revetment. Construction of the revetment will include placement of beneficially reused dredge material or other backfill material, then placement of geotextile fabric covered by clean fill material, core stones, and armor stones atop. As proposed, this work will result in 590 linear feet (LF) of permanent impact to Coastal Bank.

Work in Land Subject to Coastal Storm Flowage

The Project will alter approximately 46,385 SF of LSCSF as a result of the work proposed in Coastal Beach and Coastal Bank as described above. Proposed work on the Project Site will not divert flood waters to adjacent properties. As a result of the proposed work, the KCCRA will receive additional protection from coastal flooding events.

Work in Buffer Zone

Work within the 100-foot buffer zone primarily includes construction access along Bridge Street and onsite locations for dewatering the dredged material.

Work in Locally Regulated Areas

Work in the local 50-foot NDZ includes temporary activities related to construction access, staging, and dewatering of dredged materials. Trees within the NDZ will be maintained to the extent practicable and disturbed areas will be loamed and seeded after the completion of work.

Mitigation Measures

A suite of mitigation measures is proposed to prevent short- and long-term impacts to wetland resource areas, including an erosion and sedimentation control program. Sediment and turbidity controls, including a turbidity curtain for in-water work, will be utilized to prevent the spread of sediments into Kings Cove.

Erosion and Sediment Control

An erosion and sedimentation control program will be implemented to minimize temporary impacts to wetland resource areas during the construction phase of the project. The program incorporates Best Management Practices (BMPs) specified in

guidelines developed by the DEP[11] and the U.S. Environmental Protection Agency[12] (EPA).

Proper implementation of the erosion and sedimentation control program will:

- minimize exposed soil areas through sequencing and temporary stabilization;
- establish a permanent vegetative cover or other forms of stabilization as soon as practicable.

The following sections describe the controls that will be used and practices that will be followed during construction. These practices comply with criteria contained in the NPDES Construction General Permit (CGP) for Discharges from Large and Small Construction Activities issued by the EPA.

Structural Controls

Structural erosion and sedimentation controls to be used on the Project Site include sandbag cofferdams, a turbidity curtain, and stabilized construction exits.

Sandbag Cofferdam

Sandbags will be utilized to create a cofferdam around the revetment construction area to protect Kings Cove from potential sediment inflow as a result of the work. The cofferdam will also establish a work area "in the dry" for the construction of the revetment.

Turbidity Curtain

An anchored turbidity curtain with a weighted bottom will be installed seaward of the dredge limits within Kings Cove to control migration of suspended fine material away from the dredged areas. The turbidity curtain will be attached to vertical poles installed within the waterway using ring connectors, which will allow vertical movement of the turbidity curtain as water levels change during tidal cycles.

Stabilized Construction Exits

Stone anti-tracking pads will be installed at the southern construction access point to the work area to prevent the offsite transport of sediment by construction vehicles. The stabilized construction exits will be at least forty feet long and will consist of a 4-inchthick layer of crushed stone (1.5 inches in diameter). The stone will be placed over a layer of non-woven filter fabric. The anti-tracking pads will remain in place until the proposed work is complete.

[11] DEP, 1997. *Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas: A Guide for Planners, Designers, and Municipal Officials*.

[12] EPA, 2007. *Interim Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites*. Office of Water. Report EPA 833-R-060-04.

Regulatory Compliance

The section below describes how the Project complies with the provisions of the WPA. The Project is requesting a waiver from the performance standards of the Weymouth Wetland Protection Regulations, as detailed below.

Limited Project

The Project is reviewable as a Limited Project under 310 CMR 10.24(7)(c)(6). Per 310 CMR 10.24(7)(c)(6), a project may be permitted as Limited Project if:

a. *There are no practicable alternatives to the response action being proposed that are consistent with the provisions of 310 CMR 40.0000: Massachusetts Contingency Plan and that would be less damaging to resource areas. The alternatives analysis shall include the following:*

   i. *an alternative that does not alter resource areas, which will provide baseline data for evaluating other alternatives; and*

   ii. *an assessment of alternatives to both temporary and permanent impacts to resource areas.*

A "Comprehensive Remedial Action Alternative" that is selected in accordance with the provisions of 310 CMR 40.0851 through 40.0869 shall be deemed to have met the requirements of 310 CMR 10.24(7)(c)6.a.;

The purpose of the preferred Remedial Action Alternative is to achieve a Permanent Solution respecting releases of OHM in compliance with the MCP. The Phase III RAP identified the preferred Remedial Action Alternative in accordance with the provisions of 310 CMR 40.0850 through 40.0869 (the Phase III requirements in the MCP). The alternatives analysis provided in the Work in Wetland Resource Areas section of this NOI summarizes how the preferred Remedial Action Alternative was selected.

The Method 3 Risk Assessment in the Phase II CSA Report concluded that a Condition of No Significant Risk did not exist respecting certain future use scenarios for the KCCRA because further erosion could expose fill containing elevated concentrations of arsenic and lead. The preferred Remedial Action Alternative would achieve a Condition of No Significant Risk respecting arsenic and lead in the fill in the Upland portion of the KCCRA and maintain a Condition of No Significant Risk regarding nickel and vanadium in near shore fill.

b. *Such projects shall be designed, constructed, implemented, operated, and maintained to avoid or, where avoidance is not practicable, to minimize impacts to resource areas, and to meet the following standards to the maximum extent practicable:*

i. hydrological changes to resource areas shall be minimized;

Due to the locations of the OHM-impacted fill, work within wetland resource areas is unavoidable. The Project has been designed to minimize hydrological changes to wetland resource areas while still achieving the remedial action objective specified in the Phase III RIP. The revetment will continue to provide functions of a Coastal Bank, including velocity dissipation, storm damage prevention, and flood control. There are no anticipated hydrological changes resulting from the proposed dredging, as the mudline will be largely restored to existing elevations following the removal of fill with concentrations of metals exceeding the AETs.

ii. best management practices shall be used to minimize adverse impacts during construction, including prevention of erosion and siltation of resource areas in accordance with standard U.S.D.A. Soil Conservation Service methods;

Refer to the Mitigation Measures section of this NOI for details of the erosion and sedimentation control program that will be implemented to minimize temporary impacts to wetland resource areas during the implementation of the preferred Remedial Action Alternative.

iii. mitigating measures shall be implemented that contribute to the protection of the interests identified in M.G.L. c. 131, §40;

By containing the affected area along the Coastal Bank and removing affected intertidal sediments, the Project will protect wetland resource areas.

iv. no access road, assessment or monitoring device, or other structure or activity shall restrict flows so as to cause an increase in flood stage or velocity;

No access road, device, or structure is proposed that will increase flood stage or velocity. The revetment will provide additional resiliency to the KCCRA.

v. temporary structures and work areas in resource areas, such as access roads and assessment and monitoring devices, shall be removed within 30 days of completion of the work. Temporary alterations to resource areas shall be substantially restored to preexisting hydrology and topography. At least 75% of the surface of any area of disturbed vegetation shall be reestablished with indigenous wetland plant species within two growing seasons and prior to said vegetative reestablishment any exposed soil in the area of disturbed vegetation shall be temporarily stabilized to prevent erosion in accordance with standard U.S.D.A. Soil Conservation Service methods. Temporary structures, work areas, and alterations to resource areas are those that no longer are necessary to fulfill the requirements of 310 CMR 40.0000: Massachusetts Contingency Plan;

Temporary construction access roads and temporary structures will be removed within 30 days of the completion of work. Temporarily altered resource areas within staging

areas will be substantially restored to existing hydrologic and topographic conditions with vegetative cover.

vi. work in resource areas shall occur only when the ground is sufficiently frozen, dry, or otherwise stable to support the equipment being used.

Work in resource areas is proposed to occur "in the dry" by working during the low-tide cycles for the Project Site and/or through the establishment of sandbag cofferdams.

Coastal Beach (310 CMR 10.27)

When a Coastal Beach is determined to be significant to storm damage prevention, flood control, or protection of wildlife habitat, 310 CMR 10.27(3) through (7) shall apply:

(3) Any project on a coastal beach, except any project permitted under 310 CMR 10.30(3)(a), shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift coastal beach.

The proposed dredging within Coastal Beach will not increase erosion or decrease volume of the Coastal Beach since all dredged fill and sediment will be replaced with clean fill designed to be scour resistant and proposed mudline elevations will be similar to the existing elevations. Cobble would be placed within portions of the nearshore/Coastal Beach area to establish a more natural ground cover. This is not anticipated to have an adverse effect on the ability of the Coastal Beach to provide storm damage prevention, flood control, or protection of wildlife habitat. The proposed cobble will replace existing areas of coal slag and other debris and is expected to function similarly due to its similar size and shape. The cobble will help dissipate wave energy within the waterbody and intertidal areas to protect the new revetment, while also providing an improved benthic surface for organisms within the intertidal zone.

(4) Any groin, jetty, solid pier, or other such solid fill structure which will interfere with littoral drift, in addition to complying with 310 CMR 10.27(3), shall be constructed as follows:

(a) It shall be the minimum length and height demonstrated to be necessary to maintain beach form and volume. In evaluating necessity, coastal engineering, physical oceanographic and/or coastal geologic information shall be considered.

(b) Immediately after construction any groin shall be filled to entrapment capacity in height and length with sediment of grain size compatible with that of the adjacent beach.

(c) Jetties trapping littoral drift material shall contain a sand by-pass system to transfer sediments to the downdrift side of the inlet or shall be periodically redredged to provide beach nourishment to ensure that downdrift or adjacent beaches are not starved of sediments.

Not applicable; the preferred Remedial Action Alternative does not propose a groin, jetty, solid pier, or other such solid fill structure within areas of Coastal Beach.

(5) Notwithstanding 310 CMR 10.27(3), beach nourishment with clean sediment of a grain size compatible with that on the existing beach may be permitted.

Not applicable; the preferred Remedial Action Alternative does not include beach nourishment.

WHEN A TIDAL FLAT IS DETERMINED TO BE SIGNIFICANT TO MARINE FISHERIES OR THE PROTECTION OF WILDLIFE HABITAT, 310 CMR 10.27(6) SHALL APPLY:

(6) In addition to complying with the requirements of 310 CMR 10.27(3) and (4), a project on a tidal flat shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries and wildlife habitat caused by:

(a) alterations in water circulation;

(b) alterations in the distribution of sediment grain size; and

(c) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of dissolved oxygen, temperature or turbidity, or the addition of pollutants.

Once dredging and restoration of the tidal flat bottom is complete, mudline elevations will be similar to the existing elevations and the proposed cobble will replace existing areas of coal slag and other debris to create a similar substrate. As the cobble area transitions southerly to the revetment, it results in a slight fill over existing conditions. This design will minimize changes to water circulation, sediment distribution, and water quality to avoid negative impacts to marine fisheries and wildlife. In contrast, the cleaner substrate will help to support fisheries and wildlife use of the Kings Cove area.

(7) Notwithstanding the provisions of 310 CMR 10.27(3) through (6), no project may be permitted which will have any adverse effect on specified habitat sites or rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

No rare wildlife habitat has been identified on the Project Site.

Coastal Bank (310 CMR 10.30)

When a Coastal Bank is determined to be significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes or barrier beaches, 310 CMR 10.30(3) through (5) shall apply:

(3) No new bulkhead, revetment, seawall, groin or other coastal engineering structure shall be permitted on such a coastal bank except that such a coastal engineering

structure shall be permitted when required to prevent storm damage to buildings constructed prior to the effective date of 310 CMR 10.21 through 10.37 or constructed pursuant to a Notice of Intent filed prior to the effective date of 310 CMR 10.21 through 10.37 (August 10, 1978), including reconstructions of such buildings subsequent to the effective date of 310 CMR 10.21 through 10.37, provided that the following requirements are met:

(a) a coastal engineering structure or a modification thereto shall be designed and constructed so as to minimize, using best available measures, adverse effects on adjacent or nearby coastal beaches due to changes in wave action, and

(b) the applicant demonstrates that no method of protecting the building other than the proposed coastal engineering structure is feasible.

(c) protective planting designed to reduce erosion may be permitted.

None of the Remedial Action Alternatives, other than no action, meet this performance standard. However, the preferred Remedial Action Alternative is properly reviewed as a Limited Project since it is a response action required to achieve a Permanent Solution under the MCP.

(4) Any project on a coastal bank or within 100 feet landward of the top of a coastal bank, other than a structure permitted by 310 CMR 10.30(3), shall not have an adverse effect due to wave action on the movement of sediment from the coastal bank to coastal beaches or land subject to tidal action.

None of the Remedial Action Alternatives other than no action meet this performance standard. The preferred Remedial Action Alternative is intended to *contain* the OHM-impacted fill which comprises the Coastal Bank.

5) The Order of Conditions and the Certificate of Compliance for any new building within 100 feet landward of the top of a coastal bank permitted by the issuing authority under M.G.L. c. 131, § 40 shall contain the specific condition: 310 CMR 10.30(3), promulgated under M.G.L. c. 131, § 40, requires that no coastal engineering structure, such as a bulkhead, revetment, or seawall shall be permitted on an eroding bank at any time in the future to protect the project allowed by this Order of Conditions.

Not applicable; the preferred Remedial Action does not include the construction of a building.

WHEN A COASTAL BANK IS DETERMINED TO BE SIGNIFICANT TO STORM DAMAGE PREVENTION OR FLOOD CONTROL BECAUSE IT IS A VERTICAL BUFFER TO STORM WATERS, THE FOLLOWING SHALL APPLY:

(6) *Any project on such a coastal bank or within 100 feet landward of the top of such coastal bank shall have no adverse effects on the stability of the coastal bank.*

The preferred Remedial Action Alternative will improve the stability of the Coastal Bank by armoring the unprotected, eroding slope.

(7) Bulkheads, revetments, seawalls, groins, or other coastal engineering structures may be permitted on such a coastal bank except when such bank is significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes, and barrier beaches.

None of the Remedial Action Alternatives other than no action meet this performance standard. The preferred Remedial Alternative is intended to *contain* the OHM-impacted fill.

(8) Notwithstanding the provisions of 310 CMR 10.30(3) through (7), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

No rare wildlife habitat has been identified on the Project Site.

Lands Containing Shellfish (310 CMR 10.34)

When a resource area, including tidal flats, is determined to be significant to the protection of land containing shellfish and therefore to the protection of marine fisheries, 310 CMR 10.34(4) thorough (8) shall apply:

(4) Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:

(a) alterations of water circulation;
(b) alterations in relief elevation;
(c) the compacting of sediment by vehicular traffic;
(d) alterations in the distribution of sediment grain size;
(e) alterations in natural drainage from adjacent land; or
(f) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.

The preferred Remedial Action Alternative will not adversely affect the productivity of LCS within the Project Site by altering water circulation, sediment distribution, erosion or accretion, or water quality. There may be temporary disturbance of these functions during the construction period, but all function is anticipated to be restored after the completion of the Project. No structures are proposed within LCS that would result in an alteration to water circulation, there will only be a slight change to mudline elevations, no change to the distribution of sediment grain size (bottom sediment is primarily fill and debris with small to medium-sized gravel and cobble now, and will remain that way), and no alterations to natural drainage from adjacent land. Vehicular transport of dredged materials over areas of LCS is not anticipated to significantly compact

sediments due to the nature of the current fill. The only anticipated changes to water quality as a result of this Project are positive changes, as the reason for the dredging element of the preferred Remedial Action Alternative is to remove elevated concentrations of nickel and vanadium in fill in the LCS.

(5) Notwithstanding the provisions of 310 CMR 10.34(4), projects which temporarily have an adverse effect on shellfish productivity but which do not permanently destroy the habitat may be permitted if the land containing shellfish can and will be returned substantially to its former productivity in less than one year from the commencement of work, unless an extension of the Order of Conditions is granted, in which case such restoration shall be completed within one year of such extension.

The preferred Remedial Action Alternative will not negatively impact shellfish productivity within the limits of the Project Site. Shellfish productivity in Kings Cove is already limited by poor water quality and substrate quality[13]. During a site visit in September 2023, VHB observed nearshore and intertidal areas and found no evidence of shellfish, consistent with the earlier findings of the Stage II ERC. Additionally, it was noted by VHB that there was limited algal growth on the gravel and slag currently present.

(6) In the case of land containing shellfish defined as significant in 310 CMR 10.34(3)(b) (i.e., those areas identified on the basis of maps and designations of the Shellfish Constable), except in Areas of Critical Environmental Concern, the issuing authority may, after consultation with the Shellfish Constable, permit the shellfish to be moved from such area under the guidelines of, and to a suitable location approved by, the Division of Marine Fisheries, in order to permit a proposed project on such land. Any such project shall not be commenced until after the moving and replanting of the shellfish have been commenced.

The Project Site is mapped as a spawning/settlement area for soft-shell clam, but no individuals have been observed within nearshore areas of the Project Site. No transfer of shellfish is proposed under this Project.

(a) Notwithstanding 310 CMR 10.34(4) through (6), projects approved by the Division of Marine Fisheries that are specifically intended to increase the productivity of land containing shellfish may be permitted. Aquaculture projects approved by the appropriate local and state authority may also be permitted.

This Project is not specifically intended to enhance shellfish stocks or include aquaculture.

(b) Notwithstanding the provisions of 310 CMR 10.34(4) through (7), no project may be permitted which will have any adverse effect on specified habitat of rare

[13] 2022, TRC. Phase III RAP Appendix B. https://eeaonline.eea.state.ma.us/EEA/FileViewer/FileViewer.aspx?fileEncryptionId=hhiegijj

vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

No rare wildlife habitat has been identified on the Project Site.

Land Subject to Coastal Storm Flowage (310 CMR 10.02)

Work within LSCSF is not governed by specific regulatory performance standards; however, measures have been incorporated into the Project design to ensure that work will be done in a manner that prevents impacts to downgradient wetland resources while creating a resilient waterfront. The Project has also been designed to follow the guidance provided in the 2017 document released by DEP and CZM: *Applying the Massachusetts Coastal Wetlands Regulations: A Practical Manual for Conservation Commissions to Protect the Storm Damage Prevention and Flood Control Functions of Coastal Resource Areas*[14] (the Coastal Manual).

LSCSF on the Project Site is coincident with areas of Coastal Beach and Coastal Bank, and the work proposed in LSCSF is the same as the work proposed in those resource areas as described above. Additionally, as a result of the proposed work the KCCRA will receive additional protection from coastal flooding as a result of the construction of the revetment in the KCCRA.

Overall, a clear limit of work will be identified, and erosion and sedimentation control areas will be installed throughout the Project Site. Temporary disturbances in vegetated areas will be restored in place.

Weymouth Wetland Regulations

The Weymouth Wetland Protection Regulations establish performance standards for the resource areas in which work is proposed on the Project Site, as detailed below.

2.03 Coastal Beaches

(3) No activity, other than the maintenance of an already existing structure, which will result in the building within or upon, removing, filling, or altering of coastal beaches or tidal flats, or of any land within 50 feet of any coastal beach or tidal flat, shall be permitted by the Conservation Commission, except for activity which is allowed under a waiver from these regulations.

The preferred Remedial Action Alternative will require a waiver from this performance standard as would any Remedial Action Alternative other than no action.

2.05 Coastal Banks

(3) No activity, other than the maintenance of an already existing structure, which will result in the building within or upon, removing, filling, or altering of a coastal bank or

[14] Applying the Massachusetts Coastal Wetlands Regulations

of any land within 50 feet of any coastal bank shall be permitted by the Conservation Commission, except for activity which is allowed under a waiver from the regulations.

The preferred Remedial Action Alternative will require a waiver from this performance standard as would any Remedial Action Alternative other than no action.

(4) Any activity which is allowed under a waiver granted pursuant to Section 5.01 of these regulations on a coastal bank or within 100 feet of a coastal bank shall comply with the following regulations:

(a) No new bulkhead, revetment, seawall, groin or other coastal engineering structure shall be permitted on such a coastal bank except that such a coastal engineering structure may be permitted when required to prevent storm damage to buildings constructed prior to the effective date of these regulations or constructed pursuant to a Notice of Intent filed prior to the effective date of these regulations, including reconstructions of such buildings subsequent to the effective date of these regulations, provided that the following requirements are met:

(i) a coastal engineering structure or a modification thereto shall be designed and constructed so as to minimize, using best available measures, adverse effects on adjacent or nearby coastal beaches due to changes in wave action, and

(ii) the applicant demonstrates that no method of protecting the building other than the proposed coastal engineering structure is feasible.

(iii) protective planting designed to reduce erosion may be permitted.

The preferred Remedial Action Alternative will require a waiver from this performance standard as would any Remedial Action Alternative other than no action.

(b) Any project on a coastal bank or within 100 feet landward of the top of a coastal bank, other than a structure permitted by Section 2.05 (4) (a), shall not have an adverse effect due to wave action on the movement of sediment from the coastal bank to coastal beaches or land subject to tidal action.

The preferred Remedial Action Alternative will require a waiver from this performance standard as would any Remedial Action Alternative other than no action. The preferred Remedial Alternative is intended to *contain* the OHM-impacted fill that comprises the Coastal Bank.

(c) The Permit and the Certificate of Compliance for any new building within 100 feet landward of the top of a coastal bank permitted by the Conservation Commission under Town Code Chapter 119 shall contain the specific condition: Section 2.05 of the Wetlands Regulations, promulgated under the Weymouth Wetlands Protection Bylaw, requires that no coastal engineering structure, such as a bulkhead, revetment, or seawall shall be permitted on an eroding bank at any time in the future to protect the project allowed by this Permit.

Not applicable; the Project does not propose construction of a new building, or the construction of a building within 100 feet landward of the top of Coastal Bank.

(d) When a coastal bank is determined to be significant to storm damage prevention or flood control because it is a vertical buffer to storm waters, the following regulation shall apply:

(i) Any project on such a coastal bank or within 100 feet landward of the top of such coastal bank shall have no adverse effects on the stability of the coastal bank.

The preferred Remedial Action Alternative will actually improve the stability of the Coastal Bank.

2.07 Land Containing Shellfish

(3) Except as provided in Section 2.07 (4) and (5) below, any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:

(g) alterations of water circulation;
(h) alterations in relief elevation;
(i) the compacting of sediment by vehicular traffic;
(j) alterations in the distribution of sediment grain size;
(k) alterations in natural drainage from adjacent land; or
(l) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.

As is discussed in the section above regarding the application of 310 CMR 10.34, the preferred Remedial Action Alternative will not adversely affect the productivity of LCS within the Project Site by altering water circulation, sediment distribution, erosion or accretion, or water quality in the final condition.

(4) Except in Areas of Critical Environmental Concern, the Conservation Commission may, after consultation with the Shellfish Constable, permit the shellfish to be moved from such area under the guidelines of, and to a suitable location approved by, the Division of Marine Fisheries, in order to permit a proposed project on such land. Any such project shall not be commenced until after the moving and replanting of the shellfish have been commenced.

The Project Site is mapped as a spawning/settlement area for soft-shell clam, but no shellfish have been observed within nearshore areas of the Project Site. No transfer of shellfish is proposed under this Project.

(5) Notwithstanding Section 2.07 (3), projects approved by D.M.F. that are specifically intended to increase the productivity of land containing shellfish may be permitted at the discretion of the Conservation Commission. Aquaculture projects approved by the appropriate local and state authority may also be permitted at the discretion of the Conservation Commission.

This Project is not specifically intended to enhance shellfish stocks or include aquaculture.

Work in Buffer Zone

Work within buffer zone is not governed by specific regulatory performance standards in the WPA. In general, work within buffer zones is permissible when said work has been designed, or can be conditioned, such that there will be no impact on the downgradient wetland resource area(s) being buffered. As identified in 310 CMR 10.53(1) of the WPA regulations:

For work in Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the issuing authority should consider the characteristics of the buffer zone, such as the presence of steep slopes, that may increase the potential for adverse impacts on resource areas. Conditions may include limitations on the scope and location of work in the buffer zone as necessary to avoid alteration of resource areas. The issuing authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the resource area and/or other measures commensurate with the scope and location of the work within the buffer zone to protect the interests of the Act.

The preferred Remedial Action Alternative has been designed to address these requirements. Work within the 100-foot buffer zone primarily includes construction access and dewatering areas along Bridge Street. As identified in the Mitigation Measures section of this attachment, an erosion and sedimentation control program will be implemented to prevent adverse impacts during construction.

Conclusion

The preferred Remedial Action Alternative for the KCCRA will result in impacts to Coastal Beach, Coastal Bank, LCS, and LSCSF. Those impacts will be overwhelmingly positive, including removing or containing OHM-impacted fill at the KCCRA. The Applicant is requesting that the Project be approved as a Limited Project under 310 CMR 10.24(7)(c)(6). Additionally, the Applicant is requesting waivers from the Weymouth Wetlands Protection regulation prohibitions contained in Sections 2.03 (3), 2.05 (3), and 2.05 (4)(b) which would prevent any of the Remedial Action Alternatives other than no action.

The Applicant respectfully requests that the Weymouth Conservation Commission find these measures adequately protective of the interests identified in the WPA and the Ordinance and their implementing regulations and issue an Order of Conditions approving the work described in this NOI and shown on the accompanying plans.

Attachment B
Photographic Log

NO. 1 / 9.8.2023

DESCRIPTION

View looking north at the shoreline of Kings Cove. The existing revetment (light-colored stones) can be seen in the background of the photo.

NO. 2 / 9.8.2023

DESCRIPTION

View looking west/northwest at the Coastal Bank of Kings Cove. Vegetation is present along the upper limits of the Coastal Bank.

NO. 3 / 9.8.2023

DESCRIPTION

View looking north at the southern end of the existing revetment.

NO. 4 / 9.8.2023

DESCRIPTION

Looking northeast at Kings Cove and the associated Coastal Beach area.

NO. 5 / 9.8.2023

DESCRIPTION

View looking southeast at the shoreline of Kings Cove from the southern edge of the Project Site. Construction access for the Project will be from property owned by the applicant.

NO. 6 / 9.8.2023

DESCRIPTION

View of the gravel sediment, coal slag, and bricks which comprise the Coastal Bank and Coastal Beach area.

NO. 7 / 9.8.2023

DESCRIPTION

View of the gravel sediment, coal slag, and bricks which comprise the Coastal Bank and Coastal Beach area.

NO. 8 / 9.8.2023

DESCRIPTION

View of exposed root systems from a mature tree within the eroding Coastal Bank, present along the unarmored portion of the site.

NO. 9 / 9.8.2023

DESCRIPTION

Looking north along the Project Site at the top of Coastal Bank. Above the Bank, the site transitions to the Kings Cove Park.

NO. 10 / 9.8.2023

DESCRIPTION

View looking east at the designated footpath used to access Kings Cove from Kings Cove Park.

Attachment C
Abutter Information

- Affidavit of Service
- Notice to Abutters
- List of Abutters

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act and
Code of Ordinances, Town of Weymouth, Chapter 7, Section 301

(To be submitted to the Massachusetts Department of Environmental Protection and the **Weymouth Conservation Commission** when filing a Notice of Intent or Request for Determination)

I Taylor Donovan hereby certify under the pains and penalties of perjury that ~~on~~ by 7/18/2024 (date)
I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, and **Town of Weymouth**, in connection with the following matter:

Implementation of the preferred MCP Remedial Action Alternative for the Kings Cove Conservation Restriction Area.

A Notice of Intent or Request for Determination filed under the Massachusetts Wetlands Protection Act by

Algonquin Gas Transmission, LLC

With the **Town of Weymouth Conservation Commission** on _____ (Date)

For property located at 0/82-90 Bridge Street, Weymouth, MA 02189

Shown on Assessors Map# 6 Block # 63 Lot# 3

The forms of the notification, and a list of the abutters and town departments to whom it was given and their addresses, are attached to this Affidavit of Service.

Taylor Donovan
Name

7/11/2024
Date

TOWN OF WEYMOUTH

NOTIFICATION TO ABUTTERS UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT AND LOCAL WETLANDS PROTECTION ORDINANCE, CHAPTER 7, SECTION 301

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

A. The name of the applicant is Algonquin Gas Transmission, LLC

B. The applicant has filed: ☒ Notice of Intent, *or* ☐ OOC Amendment Request, *or* ☐ Request for Determination with the Conservation Commission for the municipality of Weymouth seeking permission to remove, fill, dredge or alter an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40).

C. The address of the lot where the activity is proposed and a brief description including square footage and/or dimensions of proposed project:

82-90 Bridge Street

Implementation of the preferred MCP Remedial Action Alternative for Kings Cove Conservation Restriction Area specified in the Phase III Remedial Action Plan.

D. Copies of the Notice of Intent or OOC Amendment Request or Request for Determination may be examined at The Weymouth Conservation Commission Office, Weymouth Town Hall, between the hours of 8:30 and 4:30, Monday through Friday (it is recommended to call for an appointment first at 781 340 5007). Copies may also be viewed on the Town of Weymouth Website, on the conservation page under the current and past cases tab at: https://www.weymouth.ma.us/conservation-commission/pages/current-and-past-cases-partial-list

E. Copies of the Notice of Intent or OOC Amendment Request or Request for Determination may be obtained from (check one):

☐ the Applicant **or** ☒ the Applicant's Representative

by calling this telephone number 617-607-6310 contact person Taylor Donovan, VHB

between the hours of: 9-5 on the following days of the week: M-F

F. Information regarding the date, time, and place of the public hearing may be obtained from:

Weymouth Conservation Commission

By calling this telephone number: **781-340-5007**
Between the hours of: **8:30 – 4:30 Mon. though Friday**

G. Check One:
- This is the Applicant
- X This is the Applicant's Representative
- Other (specify) Town of Weymouth Conservation Commission

NOTE: Notice of the public hearing/meeting, including its date, time and place will be published at least five days in advance in the Patriot Ledger, and will also be posted on the Town website at www.weymouth.ma.us not less than forty-eight hours in advance. You may also contact the Weymouth Conservation Commission or the Department of Environment Protection Regional office for more information about this application or the Wetland Protection Act. To contact DEP, call 508-946-2700.

Town of Weymouth

ABUTTERS LIST ORDER FORM
for CONSERVATION COMMISSION

Date: 5/30/2024

1) Subject Identification (Address and Parcel #) 82-90 Bridge St; 63-3

2) Type of filing (check one)

- ☒ **Conservation Commission (all filings)**
- ☐ **Planning Board - Subdivision (Definitive or Preliminary)**
- ☐ **Board of Appeals (all applications)**
- ☐ **Licensing** ☐ **Will establishment sell or serve alcohol?**
- ☐ **Town Council**

3) Contact Person Taylor Donovan

4) Telephone Number 617-607-6310

NOTE:

- **Abutters List fee is $15.00; checks are payable to *Town of Weymouth*. Lists are requested in the Collector's Office , 1st Floor***
- **You will be notified when list is ready (usually within a week)**
- **Completed requests must be picked up in the Conservation Office, 3rd Floor***

***75 Middle Street (Mon-Fri 8:30-4:30)**

PAID
JUN 04 2024
By 383831

REV. 01/2018

6/5/2024

PARCEL #	LOCATION	OWNER NAME/ADDRESS	CERTIFIED YES	CERTIFIED NO
MAP: 6 BLOCK: 62 LOT: 1 EXT: 0	94 BRIDGE ST	INFINITE ASSOCIATES LLC 8 HARWIN WAY ROSLINDALE, MA 02131	X	
MAP: 6 BLOCK: 62 LOT: 2 EXT: 0	96 BRIDGE ST	AGUILAR JOEL ARMANDO LEMUS 96 BRIDGE ST WEYMOUTH, MA 02191	X	
MAP: 6 BLOCK: 63 LOT: 1 EXT: 0	6 BRIDGE ST	ALGONQUIN GAS TRANSMISSION LLC PO BOX 2629 ADDISON, TX 75001	X	
MAP: 6 BLOCK: 63 LOT: 2 EXT: 0	50 BRIDGE ST	MASSACHUSETTS WATER RESOURCES 100 FIRST AVE BOSTON, MA 02129	X	
MAP: 6 BLOCK: 63 LOT: 4 EXT: 0	0 BRIDGE ST	ALGONQUIN GAS TRANSMISSION LLC PO BOX 2629 ADDISON, TX 75001	X	
MAP: 6 BLOCK: 64 LOT: 1 EXT: 0	9 BRIDGE ST	CALPINE FORE RIVER ENERGY C/O CALPINE CORPORATION HOUSTON, TX 77253-3288	X	
MAP: 6 BLOCK: 65 LOT: 1 EXT: 0	95 -99 BRIDGE ST	95-99 BRIDGE ST LLC 1736 LIBERTY ST BRAINTREE, MA 02184	X	
MAP: 6 BLOCK: 63 LOT: 3 EXT: 0	0 BRIDGE ST	CALPINE FORE RIVER ENERGY P.O. BOX 3288 HOUSTON, TX 77253-3288	X	

This list of abutters is a certified copy of the Town of Weymouth's tax records.

Prepared by: 6/5/24

Reviewed by:

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Weymouth, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

INFINITE ASSOCIATES LLC
8 HARWIN WAY
ROSLINDALE, MA, 02131

AGUILAR JOEL ARMANDO LEMUS
96 BRIDGE ST
WEYMOUTH, MA, 02191

ALGONQUIN GAS TRANSMISSION LLC
C/O DUFF & PHELPS, LLC
PO BOX 2629
ADDISON, TX, 75001

MASSACHUSETTS WATER RESOURCES
AUTHORITY
100 FIRST AVE
BOSTON, MA, 02129

ALGONQUIN GAS TRANSMISSION LLC
C/O DUFF & PHELPS, LLC
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ADDISON, TX, 75001

CALPINE FORE RIVER ENERGY
CENTER, LLC
C/O CALPINE CORPORATION
HOUSTON, TX, 77253-3288

95-99 BRIDGE ST LLC
1736 LIBERTY ST
BRAINTREE, MA, 02184

Attachment D
Project Plans (Bound Separately)