

From: Steven Perdios, (citizen's group representative)  
86 Ruggles Street,  
Quincy, Massachusetts 02169  
(617) 877-5975  
SPinQuinzy@aol.com

To: Massachusetts Department of Environmental Protection  
Northeast Regional Office, Wilmington  
205B Lowell Street  
Wilmington, Massachusetts 01887

Date: August 23, 2011

Re: **REQUEST FOR SUPERCEDING ORDER OF CONDITIONS OR DENIAL  
DEP file No. 059-1261**  
Orders of Conditions issued August 9, 2011 by the Quincy Conservation  
Commission to City of Quincy

Dear Sirs:

We, the following eleven citizens of Quincy, hereby appeal the Order of Conditions issued August 9, 2011 by the Quincy Conservation Commission to the City of Quincy (DEP file No. 059-1261 ).

The work of the Proposal involves the relocation and reduction in length of the Town Brook in Quincy Center from 1700 linear feet to 1280 linear feet.

The eleven Citizens are:

1. Steven Perdios, 86 Ruggles Street, Quincy, Massachusetts, 02169;
2. Courtney Perdios, 86 Ruggles Street, Quincy, Massachusetts, 02169;
3. Arline Goodman, 31A Revere Road, Quincy, Massachusetts, 02169;
4. Ross Edwards, 65 Narragansett Road, Quincy, Massachusetts, 02169;
5. Valerie Stromberg, 9 Rockview Road, Quincy, Massachusetts, 02169;
6. Richard Joyce, 104 Haviland Street, Quincy, Massachusetts, 02169;
7. Linda Browne, 23 Ardell Street, Quincy, Massachusetts, 02171;
8. Pat Artis, 357 Billings Street, Quincy, Massachusetts, 02170;
9. Josephine Costello, 50 Lincoln Ave, Quincy, Massachusetts, 02170;
10. Anneli Johnson, 36 Garfield Street, Quincy, Massachusetts, 02169;
11. Ruth Griffin, 66 Hillsboro Street, Quincy, Massachusetts, 02169;

## RESOURCE AREAS

Areas subject to the jurisdiction of the Act that will be affected by the proposed work are: Bank, Land Under Waterbodies and Waterways, Bordering Land Subject to Flooding, Riverfront Area, and Fish Runs.

## STATUTORY INTERESTS

The Statutory Interests at risk due to this project are Fisheries, Prevention of Pollution, Storm Damage Prevention, Protection of Habitat, and Flood Control.

## PROPOSED WORK

The work involves the relocation and reduction in length of the Town Brook in Quincy Center from 1700 linear feet to 1280 linear feet.

## ISSUES

1. The proponent to this project is the City of Quincy of which the Conservation Commission members are appointed by. It is appropriate that an outside agency, in this case DEP, perform an impartial review of the project to ensure that the interest of the citizens of Quincy are upheld as they relate to the Wetlands Protection Act.
2. A Request for Determination of Applicability has been filed with the DEP Waterways (Chapter 91) Office. A decision is likely that will require a Chapter 91 license prior to authorization to construct. Any Order of Conditions should be consistent with that license.
3. Smelt spawning area is insufficient. Current smelt spawning area to be destroyed under this proposal is 930 square feet (93 feet x 10 feet = 930 square feet) while proposed spawning area is only at best 920 (230 feet x 4 feet = 920 square feet). The Division of Marine Fisheries comment letter to MEPA stated on page two, item number 2, second to last sentence, that "brook alteration as proposed be mitigated with an improvement in smelt spawning habitat length, width and quality and in an increase in the area of daylighted brook." They suggest that a two to one ratio (2:1) be used as a scale to measure that mitigation. The area of daylight smelt spawning habitat is actually reduced under the current proposal.
4. The issue stated in item 3 of the Special Conditions in Appendix B of the Order of Conditions, final approval in writing from the Division of Marine Fisheries, should be done prior to an Order of Conditions being issued. The public should have time to review the requirements of DMF and comment.
5. The issue stated in item 4 of the Special Conditions in Appendix B of the Order of Conditions relating to storm water was not detailed nor vetted by the public.
6. Mitigation for moving the Town Brook is insufficient and therefore does not protect the interest of the Act.
7. Analysis of alternative G is incorrect. Size and layout of the alternative could be altered slightly to create a far greater amount of daylight brook area and smelt spawning habitat than the proposed routing with minimal impact to surrounding existing or proposed structures.
8. The existing Town Brook culvert in the project area predates the creation of the Wetlands Protection Act. Approving the new alignment and culverting of the Town Brook, however, creates a permanent, permitted degradation of the Town Brook which does not protect the interest of fisheries and wildlife habitat. There is also a loss of public amenity in the form of access to the Town Brook.
9. The "park spaces" created around the daylight sections of the proposed Town Brook route are particularly poor. The northern space seems to have three separate channels, a small area less than 1000 square feet for the public to be in, in which a future rain garden is proposed further reducing the size of the public space. We know of no other new amenity area created that might have such an unusual and odd arrangement. It seems so obvious that this area will never be utilized by the public that the Proponent didn't even

bother to call for a park bench on the site. The southerly public space is slightly larger but the bank of the Town Brook here would be less than 25 feet from the actual travel lane of a four lane roadway. This space at least has approximately 5,000 square feet of public area but again is also to house a rain garden, not designed yet, and again, not even a bench for the public. The depth from the grade to the water surface of the Town Brook will range from 13 to 20 feet deep. These were the same depths that the proponent stated were what made other alternative routing of the Brook untenable. Finally, the additional 41 feet of Brook will be more than 30 feet deep to the water surface. There is no public benefit to this design feature.

10. The existing flood storage capacity of the Town Brook in the Project area is 91,800 cubic feet while the Proposed flood storage capacity of the re-routed Town Brook is only 84,480 cubic feet. This will exacerbate local flooding.

## REMEDY

Per Issues raised above:

1. The Proposal should be reviewed by DEP
2. No decision should be submitted until after the Chapter 91 office had determined if it has jurisdiction, and, if so, not until after a Chapter 91 permit has been issued.
3. The project should be denied because no variation of the current Town Brook proposed layout can accommodate the required smelt spawning habitat area in both length and width, as suggested in the DMF letter to MEPA.
4. No Superseding Order of Conditions (SOC) should be submitted until the DMF has approved the project and a period of public comment and review can take place.
5. No SOC should be issued until a detailed storm water plan for all flows entering the existing and proposed Town Brook in the project area is complete and reviewed by the public.
6. The Proposal should be denied because no variation of the current Town Brook route can provide enough valuable mitigation to make the project feasible.
7. The Proponent states that the low flow and the high flows can be separated into different channels. The Proponent further states that route 'G' is not feasible because the culvert would be too big to route through the development. The Proponent should be required to re-examine routing only the low flow through the Project. This would require a drastically smaller channel and allow for over 800 feet of daylight sections of the Town Brook. This would improve the smelt habitat area, the public amenity, and the quality of the proposed development.
8. Placing the Town Brook into a permanently permitted culvert should not be allowed by DEP.
9. Any relocation of the Town Brook should have ample public benefit to it with extensive park space surrounding it. The project should be denied until a redesign can accommodate.
10. Additional flood storage capacity should be required.

We thank you for your time reviewing this appeal. Please do not hesitate to call with questions.

Very truly yours,

  
Steven Perdios

  
Richard Joyce

  
Patricia Artis

  
Arline Goodman


  
Anneli Johnson

  
Valerie Stromberg

  
Josephine Costello

  
Ross Edwards

  
Ruth Griffin

  
Courtney Perdios

  
Linda Browne

cc. City of Quincy  
Quincy Conservation Commission – certified mail  
DEP Lockbox (surface mail)



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**Request for Departmental Action Fee**  
**Transmittal Form**

DEP File Number:

059-1261

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request Information**

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Person or party making request (if appropriate, name the citizen group's representative):

Steven Perdios for eleven citizens

Name

86 Ruggles Street

Mailing Address

Quincy

City/Town

(617) 877-5975

Phone Number

MA

State

02169

Zip Code

Fax Number (if applicable)

Project Location

Quincy

Mailing Address

City/Town

State

Zip Code

2. Applicant (as shown on Notice of Intent (Form 3), Abbreviated Notice of Resource Area Delineation (Form 4A); or Request for Determination of Applicability (Form 1)):

Dennis Harrington for City of Quincy

Name

1305 Hancock Street

Mailing Address

Quincy

City/Town

MA

State

02169

Zip Code

Phone Number

Fax Number (if applicable)

3. DEP File Number:

059-1261

**B. Instructions**

1. When the Departmental action request is for (check one):

☒ Superseding Order of Conditions

☐ Superseding Determination of Applicability

☐ Superseding Order of Resource Area Delineation

Send this form and check or money order for \$100.00 (single family house projects) or \$200 (all other projects), payable to the *Commonwealth of Massachusetts* to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**Request for Departmental Action Fee**  
**Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**B. Instructions (cont.)**

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office.
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

QUINCY ENVIRONMENTAL NETWORK  
P O BOX 690184  
QUINCY, MA 02269

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53-8529/2113

DATE Aug 23, 2011

PAY TO THE ORDER OF Commonwealth of Massachusetts \$ 300.00  
Three hundred 00 100 DOLLARS ☐

Security Features  
Check on Back

  
Quincy Credit Union  
QUINCY, MA 02169

MEMO 059-1261 APPEAL

Storber

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GRAYSTONE