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Electronic Submittal to City of Newton
Certified Mail to MassDEP-NERO

April 26, 2023

Newton Conservation Commission
City of Newton Planning and Development Department
Attn: Jennifer Steel
1000 Commonwealth Avenue
Newton, MA 02159-1499

RE: -Notice of Intent under the Massachusetts Wetlands Protection Act and Newton Floodplain Ordinance
 -Proposed Two-family House and Site Feature Demolition and Construction of New Two-family House with Site Features in Riverfront Area Only; 130 Nonantum Road, Newton, Massachusetts
 -Applicant: London on the Charles LLC

To the Commission:

This Notice of Intent (NOI) has been filed with the Newton Conservation Commission electronically under the Massachusetts Wetlands Protection Act and the Newton Floodplain Ordinance. Two checks made payable to the City of Newton: (1) \$537.50 for the City Share of the Act Fee and (2) \$50.00 for the filing fee under the Ordinance have been provided to Conservation Commission Staff by hand on April 12, 2023.

Please have the legal notice billed to EcoTec, Inc. (508-752-9666 ext. 3).

Submitted Materials:

This submittal consists of the following:

1. This Cover Letter, which includes the
 - a. Wetland Resource Evaluation with
 - 1) City of Newton Locus Map;
 - 2) Flood Insurance Rate Map, Map No. 25017C0556E, dated June 4, 2010, with site indicated;
 - 3) Newton GIS Browser with site and mapped resources indicated;
 - 4) USGS Map, Boston South Quadrangle, 1987 with site indicated;
 - 5) Massachusetts NHESP Atlas (15th Edition), August 1, 2021, with site indicated;

- 6) Resume;
- b. Project Description and Analysis;
 - 1) Planting Schematic, prepared by EcoTec, Inc., dated April 24, 2023;
- c. Compliance Evaluation under Regulations;
- d. Conclusions;
2. City of Newton Cons.Com. Wetland Application Coversheet/Checklist and Copy of Ordinance Filing Fee Check (redacted);
3. Notice of Intent Form, Fee Transmittal Form, and Copy of Act Filing Fee Checks (redacted);
4. Abutter Request, Abutters List, Abutters Map, Abutter Notification, and Affidavit of Service;
5. "Stormwater Report (Major Permit), 130 Nonantum Road, Newton, MA," prepared by Spruhan Engineering, P.C., dated April 20, 2023, stamped and signed by Edmond T. Spruhan, P.E.,
 - a. "Stormwater Drainage System, Operations & Maintenance Plan, 130 Nonantum Road, Newton, MA," prepared by Spruhan Engineering, P.C., dated April 20, 2023, stamped and signed by Edmond T. Spruhan, P.E.;
6. Plan Set:
 - a. "Existing Conditions, 130 Nonantum Rd., Newton, Massachusetts," Sheet 1 of 1, Scale 1" = 20', prepared by Spruhan Engineering, P.C., dated April 20, 2023, signed and stamped by Christopher C. Charlton, PLS and Edmond T. Spruhan, P.E.;
 - b. "Zoning & Materials Plan, 130 Nonantum Rd., Newton Massachusetts," Sheet 1 of 5, Scale 1" = 10', prepared by Spruhan Engineering, P.C., dated April 20, 2023, signed and stamped by Christopher C. Charlton, PLS and Edmond T. Spruhan, P.E.;
 - c. "Civil Plan, 130 Nonantum Rd., Newton Massachusetts," Sheet 2 of 5, Scale 1" = 10', prepared by Spruhan Engineering, P.C., dated April 20, 2023, signed and stamped by Christopher C. Charlton, PLS and Edmond T. Spruhan, P.E.;
 - d. "Detail Sheet, 130 Nonantum Rd., Newton Massachusetts," Sheet 3 of 5, Scale NTS, prepared by Spruhan Engineering, P.C., dated April 20, 2023, signed and stamped by Edmond T. Spruhan, P.E.;
 - e. "Details Sheet, 130 Nonantum Rd., Newton Massachusetts," Sheet 4 of 5, Scale NTS, prepared by Spruhan Engineering, P.C., dated April 20, 2023, signed and stamped by Edmond T. Spruhan, P.E.; and
 - f. "Details Sheet, 130 Nonantum Rd., Newton Massachusetts," Sheet 5 of 5, Scale NTS, prepared by Spruhan Engineering, P.C., dated April 20, 2023, signed and stamped by Edmond T. Spruhan, P.E.

One copy of this filing and payment of \$512.50 have been sent by Certified Mail, Return Receipt Requested and Regular Mail, respectively, to the Northeast Regional Office of the Department of Environmental Protection and to the DEP Lockbox, respectively. Documentation of all payments is included in the filing.

In compliance with the Act and Regulations, all abutters within one hundred feet of the subject site have been notified of this submittal via Certificate of Mailing. Proof of timely notice to abutters shall be provided to the Conservation Commission Staff via NewGov well in advance of the hearing on this matter.

We look forward to meeting remotely with the Conservation Commission on this matter on May 25, 2023. If you have any questions, please feel free to contact me at any time.

Wetland Resource Evaluation:

On October 19, 2022, EcoTec, Inc. inspected the above-referenced property and the land located along the Charles River across Maple Street and Nonantum Road to the north of the subject site for the presence of wetland resources as defined by the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40; the "Act") and its implementing regulations (310 CMR 10.00 *et seq.*; the "Regulations"). The City of Newton does not have a Wetlands Protection Ordinance but does have a Floodplain Ordinance (Section 22-22; the "Ordinance"). John P. Rockwood, Ph.D., SPWS conducted the inspection.

The subject site consists of 10,845± square feet (0.249± acres) of land located to the south of Maple Street and Nonantum Road and east of Jefferson Street in Newton, Massachusetts (see attached Locus Map). The subject site is irregular in shape and is previously developed and partially degraded with a two-family house with a front porch, chimney, rear steps and landing, and bulkhead; a detached garage lacking a formal driveway; concrete front walk and stairs; various chain-link and wooden fencing; and associated unkempt lawn and overgrown landscaping. Lawn and a gravel driveway to Jefferson Street occur in the southern portion of the site. The property has been abandoned for some time and has been subject to squatters. Nine trees occur along the western and southern site boundaries; only one of these trees, a 10" deciduous tree, is located within the Riverfront Area. An overgrown landscape thicket dominated by invasives occurs along the slope to Maple Street in the northern portion of the site; plant species observed within this thicket include oriental bitter-sweet (*Celastrus orbiculata*) and English ivy (*Hedera helix*) vines; tree-of-heaven (*Ailanthus altissima*), European privet (*Ligustrum vulgare*), and common lilac (*Syringa vulgaris*) saplings and/or shrubs; and Japanese knotweed (*Polygonum cuspidatum*) ground cover. Roof runoff from the house and detached garage is discharged to the ground surface; runoff from the area between the detached garage and Maple Street is not treated or controlled. Granite curbing without a sidewalk or street tree and a strip of overgrown lawn occur between Maple Street and the subject site. The wetland resources observed on or near the subject site are described below.

Wetland Resource Evaluation - Methodology

The subject site and the land located directly across Nonantum Road from the site were inspected, and areas suspected of qualifying as wetland resources were identified. Bordering Vegetated Wetlands were not observed on the subject site or along the subject reach of the Charles River. The upper boundary of Bank and the Mean Annual High-water Line of the Charles River were delineated in the field with Blue Flags labeled R1 to R14. The Regulations at 310 CMR 10.54(2)(c) state: "The upper boundary of Bank is the first observable break in the slope or the mean annual flood level, whichever is lower." The plant taxonomy used in this report is based on the *National List of Plant Species that Occur in Wetlands: Massachusetts* (Fish and Wildlife Service, U.S. Department of the Interior, 1988). Federal wetlands were presumed to have boundaries conterminous with the delineated Bank. As Bordering Vegetated Wetlands were not observed or delineated on or within 100

feet the subject site or along the subject stream reach, DEP Bordering Vegetated Wetland Delineation Field Data Forms were not completed and are not attached to this report. The table below provides the Flag Numbers, Flag Type, and Wetland Types and Locations for the delineated wetland resources.

Flag Numbers	Flag Type	Wetland Types and Locations
Start R1 to R14 Stop	Blue Flags	Upper boundary of Bank/Mean Annual High-water Line of the Charles River located across Maple Street and Nonantum Road to the north of the subject site.

Note: R12 and R13 are at the edge of an outfall to the Charles River.

Wetland Resource Evaluation - Findings

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands were not observed on the subject site. The Charles River, a perennially mapped stream, is located across Maple Street and Nonantum Road to the north of the subject site. Bordering Vegetated Wetlands were not observed or delineated on or within 100 feet of the site or along the subject reach of the Charles River. The Charles River would be regulated as Bank and Land Under Water Bodies and Waterways under the Regulations. A 100' Buffer Zone extends horizontally outward from the edge of Bank under the Regulations; the 100' Buffer Zone does not project onto the subject site.

Bordering Land Subject to Flooding and Section 22-22 Floodplain: Bordering Land Subject to Flooding is an area that floods due to a rise in floodwaters from a bordering waterway or water body. Where flood studies have been completed, the boundary of Bordering Land Subject to Flooding is based upon flood profile data prepared by the National Flood Insurance Program. Section 10.57(2)(a)3. states that "The boundary of Bordering Land Subject to Flooding is the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm." Based upon a review of the Flood Insurance Rate Map, Map Number 25017C0556E, Effective Date June 4, 2010 (Dynamic FIRMette, attached), the site is mapped as Other Areas: Zone X, which is defined as areas located outside of the 0.2% annual chance flood (i.e., outside of 500-year floodplain). There is a mapped Zone AE with a 100-year flood elevation of 4 feet NAVD 1988 associated with the Charles River near the site. This floodplain does not project onto the subject site. When present, Bordering Land Subject to Flooding would occur in areas where the 100-year floodplain is located outside of or upgradient of the delineated Bank boundary. Bordering Land Subject to Flooding does not have a 100' Buffer Zone under the Regulations.

Section 22-22 of the Ordinance identifies the Floodplain/Watershed Protection District. Under Section (g)1.(16). of the Ordinance, the Charles River from the Watertown Dam (foot) to Newton/Boston boundary has an Ordinance Floodplain at elevation 10.5 feet City of Newton Datum. Given the above, Ordinance Floodplain does not occur on the subject site (see attached Newton GIS Browser). Section 22-22 does not establish any form of buffer zone from the identified area.

Riverfront Area: The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map, Boston South Quadrangle, dated 1987 (attached), the Charles River is located across Maple Street and Nonantum

Road to the north of the site. The Charles River is always considered a perennial stream. The Mean Annual High-water Line of the Charles River was delineated with Blue Flags labeled R1 to R14. The 200' Riverfront Area associated with the Charles River would project from the Charles River across Nonantum Road and Maple Street onto the subject site. Riverfront Area does not have a Buffer Zone under the Act and Regulations but may overlap other wetland resources and their Buffer Zones.

Estimated Habitat and Certified Vernal Pools: The Regulations require that no project may be permitted that will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures set forth at 310 CMR 10.59. Based upon a review of the *Massachusetts Natural Heritage Atlas*, 15th edition, valid from August 1, 2021 and the Certified and Potential Vernal Pool layers from MassGIS (attached), there are no Estimated Habitats [for use with the Act and Regulations (310 CMR 10.00 *et seq.*)], Priority Habitats [for use with Massachusetts Endangered Species Act (M.G.L. Ch. 131A; "MESA") and MESA Regulations (321 CMR 10.00 *et seq.*)], or Certified or Potential Vernal Pools on or in the immediate vicinity of the subject site.

The reader should be aware that the regulatory authority for determining wetland jurisdiction rests with local, state, and federal authorities.

Project Description and Analysis:

The subject site is 10,845± square feet (0.249± acres) in size and the northern 5,736± square feet of the subject site occur within the outer 200' Riverfront Area to the Charles River. No other wetland resource areas occur on the subject site. The 100' Buffer Zone to the Bank of the Charles River does not project onto the subject site. Maple Street, Nonantum Road, and a wooded slope occur between the subject site and the Charles River.

The proposed project consists of the complete demolition of the existing two-family house; the detached garage; and associated site features and the construction of a new two-family house with one two-car garage and one one-car garage; front walk with landing and stairs; side walk with stairs and landing; side and rear landings with steps; sections of retaining wall; and associated grading, lawn, and landscaping. The proposed project will provide two residential units with suitable, safe access to Maple Street and required parking; the property has been long abandoned, the existing house is in poor condition and lacks a functional driveway to Maple Street, and has been subject to squatters. The proposed project includes the capping of existing utilities at the mains and the installation of new utilities to mains located within Maple Street. Other utility connections are located outside of jurisdiction. The proposed utility disconnections and connections and sidewalk, curbing, and pavement repairs within Maple Street are exempt activities under 310 CMR 10.02(2)(b)2.i., j., and p., respectively; the utility and sidewalk and road repair work proposed within Maple Street has been shown on the Site Plan for sake of completeness.

The degraded area in the Riverfront Area on the subject site is proposed to be increased by 961.7± square feet from 1,810.6± square feet under existing conditions to 2,772.3± square feet under proposed conditions. Existing degraded area includes the house, detached garage, and concrete front walk and stairs within the Riverfront Area; proposed degraded area includes the proposed house,

paved driveway, front stairs and walk, side steps and landing, side walk to west of house, and retaining walls within the Riverfront Area. The intent of the project design is to remove existing degraded areas (e.g., detached garage and walkway) closest to the Charles River and minimize proposed degraded area (e.g., driveway and retaining walls) to that necessary to access the proposed house, and to locate the proposed house as far from the Charles River as possible with as much of the proposed house as practical located outside of the Riverfront Area. The existing house and detached garage are 168 feet and 116 feet from the Charles River; the proposed house with attached garages is 150 feet from the Charles River. The closest existing degraded area is the detached garage 116 feet from the Charles River; the closest proposed degraded area is the driveway located 130 feet from the Charles River. Again, Maple Street and Nonantum Road occur between the subject site and the Charles River.

Nine deciduous trees totaling 148 inches occur on the subject site; only one of these trees (10" deciduous) occurs within the Riverfront Area. As a result of the project design, it was determined that the five deciduous trees totaling 70 inches located near the western site boundary, including the 10-inch tree within the Riverfront Area, would need to be removed as a result of the proposed project. As noted below, a total of fifteen native saplings totaling 42 caliper inches will be planted on the subject site in the Riverfront Area as part of the proposed restoration/enhancement planting area. The erosion control barrier/limit of work has been located away from the four trees proposed to be retained along the southern site boundary as tree protection.

Any disturbed lawn and landscaped areas will be graded and will be loamed and seeded with a grass seed mixture to provide permanent cover or will be landscaped. Alternatively, sod may be used to establish lawn areas. The existing landscaping located within the limit of work is proposed to be removed as part of this project. The proposed limit of work will be demarcated in the field by the erosion control barrier as shown on the Site Plan. Soil will be temporarily stored in covered stockpiles within the limit of work on the subject site as shown on the Site Plan with excess soil trucked from the subject site. The Site Plan also shows a proposed construction entrance, dewatering area, and a concrete washout area. There are no existing catch basins within Maple Street proximate to the subject site; as such, catch basin inlet protection has not been proposed.

The project also includes gutters, downspouts, and drain lines for roof runoff; a trench drain and a drainage manhole with hooded outlet; and two area drains that address potential off-site surface runoff that all drain to an infiltration system in the northwestern part of the site beneath the proposed driveway. This system has been designed to comply with requirements under the Newton Stormwater Ordinance. Details are provided on the Site Plan and in the Stormwater Report prepared by Spruhan Engineering, P.C., dated April 20, 2023. A stand-alone Operations & Maintenance Plan prepared by Spruhan Engineering, P.C., dated April 20, 2023 details proposed inspection and maintenance requirements for the drainage system. These documents are included as part of this Notice of Intent.

Lastly, a substantive 1,600± square foot enhancement planting area in the Riverfront Area in the northern part of the subject site is proposed to mitigate the increase in degraded surfaces within the Riverfront Area on the subject site. This restoration/enhancement planting area, which includes the

area of the detached garage and front walk to be removed and restored comprises almost 15% of the subject site and almost 28% of the Riverfront Area on the subject site. The calculations for the restoration/enhancement planting area are shown on the Proposed Plan.

Restoration/Enhancement Planting Area Plan:

A 1,600± square foot restoration/enhancement planting area is proposed in the northern portion of the site near Maple Street. This area includes 471.3± square feet of detached garage and concrete walk/stairs which are proposed to be removed and restored/renaturalized as part of this area. Under existing conditions, this area consists largely of an overgrown, invasive-dominated thicket, a detached garage, and concrete walk/stairs. The intent of the plan is to remove the detached garage, walk/stairs, and a minimum of one foot of the existing soil from the area, grade the area to a subgrade one foot below the proposed final grade, and apply a one-foot-thick layer of high-quality loamy topsoil to bring the area to proposed final grade. The proposed soil removal and grading is proposed to eliminate invasive propagules from the area. Due to site topography, retaining walls are located along the eastern and western edges of this area and along parts of the southern edge of this area. This planting area includes a shallow swale designed to intercept flows across this area toward Maple Street and direct such flows via the swale to an area drain which discharges to the driveway infiltration system. The intent of this plan is to establish a diverse, native wooded habitat with fifteen (15) native saplings of five species including evergreen and deciduous species; forty-four (44) 4 to 5' tall shrubs of five evergreen and deciduous species; and 64 (64) 2 to 3' tall shrubs of six evergreen and deciduous species to be established throughout the entire restoration/enhancement planting area. These plantings will serve to stabilize this area, in conjunction with the proposed cross swale minimize stormwater runoff toward Maple Street and Nonantum Road, and provide enhanced, native wildlife habitat, including cover, perching, and foraging habitat, compared to the existing invasive-dominated thicket.

Following removal of the garage and the walk/stairs, the construction of the proposed retaining walls, the proposed soil removal, and the proposed grading and application of loam within the area as shown on the Proposed Plan, the proposed saplings and shrubs will be spaced in general conformance with the planting specification under the supervision of a qualified wetland scientist and planted in accordance with current landscaping practices (i.e., hole twice as wide and as deep as the root ball with the area around the root ball backfilled with high quality loamy top soil). The proposed plant species listing is provided on the Planting Schematic included with this letter; the listed species are native and have been selected based upon the conditions of the proposed planting area. If a species is not available, a substitution will be recommended by the wetland scientist and approved by Conservation Commission Staff. Any excess soil will be removed from the subject site. Following installation, the plants will be watered in well and the area should then be covered with a 3-inch-thick layer of partially decomposed leaf litter with some natural bark mulch as specified in the planting specifications. This will aid in keeping the plantings moist and will provide temporary cover and habitat value until leaves begin to accumulate in this area. The woody materials will be watered regularly for a period of four weeks, and will be watered, as necessary, if evidence of stress is observed. As shown on the Site Plan, the area will be demarcated with retaining walls and stone bounds.

Restoration/Enhancement Planting Area Monitoring: The restoration/enhancement planting area will be monitored near the end of the growing season for two years after it is established. During each inspection, which will be conducted by a qualified wetland scientist, the condition of the area and the number of saplings and shrubs and their condition will be documented. Photographs of the area shall be taken, and representative photographs shall be included in the report. To be considered a success, the sapling and shrub plantings shall meet or exceed the survival rates specified in the Order at the end of the second growing season after establishment. The findings of each inspection will be documented in a report that will be submitted in a timely manner to the Commission. Each report will include any necessary recommendations to bring the area into compliance.

Compliance Evaluation under the Regulations

The proposed project is a mixture of new and redevelopment activities within the Riverfront Area to the Charles River. Maple Street, Nonantum Road, and a wooded slope occur between the subject site and the Charles River. Under the current regulatory interpretation by MassDEP, proposed projects located in the Riverfront Area are to be treated either as new development under 310 CMR 10.58(4) or as redevelopment under 310 CMR 10.58(5). As significant degraded area occurs on the subject site within the Riverfront Area, this project has been evaluated herein as a redevelopment project pursuant to 310 CMR 10.58(5). Redevelopment projects are required to meet two applicable standards at 310 CMR 10.58(4) [i.e., Section 10.58(4)(a) and (b)] and all the performance standards at 310 CMR 10.58(5). The proposed project has been designed as shown on the Site Plan and described within this letter to meet applicable general performance standards for Riverfront Area found at 310 CMR 10.58(4) and the performance standards for redevelopment of the Riverfront Area at 310 CMR 10.58(5). Again, the site is located outside of the 100' Buffer Zone to Bank. A discussion of compliance with the above-referenced Riverfront Area standards is as follows:

Riverfront Area: Section 10.58(4) of the Regulations provides the general performance standards for work within the Riverfront Area, which states:

(4) General Performance Standard. Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c.131 § 40 and that the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. In the event that the presumption is partially overcome, the issuing authority shall make a written determination setting forth its grounds in the Order of Conditions and the partial rebuttal shall be taken into account in the application of 310 CMR 10.58 (4)(d)1.a. and c.; the issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.

(a) Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (coastal bank), 10.32 (salt marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the

performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.

Work is proposed within the outer part of the Riverfront Area to the Charles River, which is located across Maple Street and Nonantum Road to the north of the subject site. No other wetland resource areas occur on the subject site; as such, no work is proposed within Land Under Water Bodies and Waterways, Bank, Bordering Vegetated Wetlands, or Bordering or Isolated Land Subject to Flooding (or Ordinance Floodplain). The 100' Buffer Zone associated with the Bank of the Charles River does not project onto the subject site; the 100' Buffer Zone is not a wetland resource area under the Regulations.

(b) Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.

Based upon the NHESP Atlas, 15th Edition, dated August 1, 2021, the subject site is not located within a mapped Estimated Habitat or Priority Habitat and no mapped Certified or Potential Vernal Pools occur on or near the subject site. As such, the proposed project will not have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, and will not have any adverse effect on vernal pool habitat.

(c) Practicable and Substantially Equivalent Economic Alternatives. There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40....”

As provided at 310 CMR 10.58(5), this standard is not applicable to a redevelopment project within the Riverfront Area. As such, a formal alternatives analysis has not been provided. A description of the project is provided in the Project Description and Analysis section of this letter above and compliance with the redevelopment standards is discussed below.

(d) No Significant Adverse Impact. The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40....”

As provided at 310 CMR 10.58(5), this standard is not applicable to a redevelopment project within the Riverfront Area. As such, a significant adverse impact analysis has not been provided. A description of the project is provided in the Project Description and Analysis section of this letter above and compliance with the redevelopment standards is discussed below.

Section 10.58(5) of the Regulations provides the performance standards for redevelopment within previously developed and degraded Riverfront Area, which states:

Redevelopment Within Previously Developed Riverfront Areas; Restoration and Mitigation. Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:

(a) At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.

The subject site is 10,845± square feet in size and the northern 5,736± square feet of the subject site occur within the outer 200' Riverfront Area to the Charles River. No other wetland resource areas occur on the subject site. The 100' Buffer Zone to the Bank of the Charles River does not project onto the subject site. The subject site is previously developed and significant degraded area consisting of the existing house, detached garage, and front walk and stairs occurs within the Riverfront Area on the subject site. Maple Street, Nonantum Road, and a wooded slope occur between the subject site and the Charles River.

The proposed project consists of the complete demolition of the existing house; the detached garage; and associated site features and the construction of a new two-family house with one two-car garage and one one-car garage; front walk with landing and stairs; side walk with stairs and landing; side and rear landings with steps; sections of retaining wall; and associated grading, lawn, and landscaping. The proposed project will provide two residential units with suitable, safe access to Maple Street and required parking; the property has been long abandoned, the existing house is in poor condition and lacks a functional driveway to Maple Street, and has been subject to squatters. Degraded areas associated with the proposed project are located further from the Charles River than degraded areas under the existing condition. The proposed house has been located such that the majority of the proposed expansion is located laterally and away from the Charles River. The existing house and detached garage are 168 feet and 116 feet, and the proposed two-family house with attached garages is 150 feet from the Charles River. The closest existing degraded area is the detached garage 116 feet from the Charles River; the closest proposed degraded area is the driveway located 130 feet from the Charles River. The proposed project results in an increase in degraded area in the Riverfront Area of 961.7± square feet; the required mitigation is provided in a 1,600± square foot restoration/enhancement planting area.

The proposed project includes stormwater components necessary to comply with the Newton Stormwater Ordinance and addresses roof runoff, driveway runoff, and surface runoff toward abutting properties. No such system is present under existing conditions; there is no paved driveway

and roof runoff is directed to the ground surface. An erosion control barrier, construction entrance, soil stockpile areas, concrete washout area, and dewatering area will be used to mitigate project impacts during construction.

A 1,600± square foot restoration/enhancement planting area in the Riverfront Area in the northern part of the subject site is proposed to mitigate the increase in degraded surfaces within the Riverfront Area on the subject site and for the removal of one 10" deciduous tree from the Riverfront Area. The intent of this plan is to eliminate the invasive thicket and establish a diverse, native habitat with fifteen (15) native saplings of five species including evergreen and deciduous species; forty-four (44) 4 to 5' tall shrubs of five evergreen and deciduous species; and 64 (64) 2 to 3' tall shrubs of six evergreen and deciduous species to be established throughout the entire restoration/enhancement planting area. Accordingly, the proposed project will serve to improve the capacity of the Riverfront Area on the subject site to protect the statutory interests presumed to be significant within the Riverfront Area.

(b) Stormwater management is provided according to standards established by the Department.

The proposed project is exempt from stormwater management standards under the Regulations. The project also includes gutters, downspouts and drain lines for roof runoff; a trench drain and a drainage manhole with hooded outlet; and two area drains that address potential off-site surface runoff that all drain to an infiltration system in the northwestern part of the site beneath the proposed driveway. This system has been designed to comply with requirements under the Newton Stormwater Ordinance. Details are provided on the Site Plan and in the Stormwater Report prepared by Spruhan Engineering, P.C., dated April 20, 2023. A stand-alone Operations & Maintenance Plan prepared by Spruhan Engineering, P.C., dated April 20, 2023 has also been provided.

(c) Within 200-foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25-foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).

The subject site is located 115 feet from the Charles River; as such, all degraded areas associated with the proposed project on the site are located greater than 100 feet from the Charles River. The closest existing degraded surface, the existing detached garage, is located 116 feet from the Charles River. The closest proposed degraded surface, the proposed paved driveway, is located 130 feet from the Charles River. Degraded areas associated with the proposed project are no closer to the Charles River than the closest degraded area under the existing condition. It should be noted that Maple Street and Nonantum Road are located between the subject site and the Charles River.

(d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).

Degraded areas associated with the proposed project are located further from the Charles River than degraded areas under the existing condition. The proposed house is located such that the majority of the proposed expansion is located laterally and away from the Charles River. The existing house and detached garage are 168 feet and 116 feet and the proposed two-family house with attached garages is 150 feet from the Charles River. The closest existing degraded area is the detached garage 116 feet from the Charles River; the closest proposed degraded area is the driveway located 130 feet from the Charles River.

(e) The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).

The degraded area in the Riverfront Area on the subject site is proposed to be increased by 961.7± square feet from 1,810.6± square feet under existing conditions to 2,772.3± square feet under proposed conditions. The calculations for the restoration/enhancement planting area are shown on the Proposed Plan; proposed plantings are provided in the Planting Schematic. A 1,600± square foot restoration/enhancement planting area is proposed under Sections 10.58(5)(f) and (g) to address this increase in degraded area within the Riverfront Area.

(f) When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:

- 1. removal of all debris, but retaining any trees or other mature vegetation;*
- 2. grading to a topography which reduces runoff and increases infiltration;*
- 3. coverage by topsoil at a depth consistent with natural conditions at the site; and*
- 4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site.*

Restoration of 471.3± square feet of degraded area consisting of the detached garage and concrete front walk/stairs is proposed as part of this project. The calculations for the restoration/enhancement planting area are shown on the Proposed Plan; proposed plantings are provided in the Planting Schematic.

(g) When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 to 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland,

projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Environmental Affairs.

A restoration/enhancement planting area totaling 1,600± square feet in size will be established within the Riverfront Area along Maple Street. The calculations for the restoration/enhancement planting area are shown on the Site Plan; proposed plantings are provided in the Planting Schematic. The intent of this plan is to eliminate the invasive thicket and establish a diverse, native habitat with fifteen (15) native saplings of five species including evergreen and deciduous species; forty-four (44) 4 to 5' tall shrubs of five evergreen and deciduous species; and 64 (64) 2 to 3' tall shrubs of six evergreen and deciduous species to be established throughout the entire restoration/enhancement planting area. These plantings will serve to stabilize this area, in conjunction with the proposed cross swale minimize stormwater runoff toward Maple Street and Nonantum Road, and provide enhanced, native wildlife habitat, including cover, perching, and foraging habitat, compared to the existing invasive-dominated thicket. The restoration/enhancement planting area will be monitored near the end of the growing season for two years after it is established. To be considered a success, the sapling and shrub plantings shall meet or exceed the survival rates specified in the Order at the end of the second growing season after establishment.

(h) The issuing authority shall include a continuing condition in the Certificate of Compliance for projects under 310 CMR 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition. Prior to requesting the issuance of the Certificate of Compliance, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.

Restoration/enhancement of Riverfront Area is proposed as part of this project in the form of a bounded 1,600± square foot restoration/enhancement planting area as shown on the Site Plan. As such, the applicant is not averse to the above-referenced continuing condition on this bounded area.

City of Newton 25-foot Naturally Vegetated Buffer (NVB) Policy:

This Policy was implemented in June 2019 and is intended to protect the functions of Newton's wetland resource areas by protecting and or re-establishing a naturally vegetated buffer proximate to protected wetland resource areas. There is no 25-foot Buffer Zone on the subject site and Maple Street and Nonantum Road occur between the site and the Charles River.

Conclusion:

In conclusion, it is EcoTec's opinion, based upon the information provided on the Site Plan and in this letter, that the proposed project meets the applicable general performance standards and redevelopment standards for work within the Riverfront Area. No work is proposed within any other wetland resource area or associated Buffer Zone under the Regulations or Ordinance. The proposed

Newton Conservation Commission
April 26, 2023
Page 14.

project results in an increase in impervious/ degraded area on the subject site and in the Riverfront Area; mitigation in the form of stormwater improvements and a 1,600± square foot restoration/enhancement planting area have been provided as part of the project. This plan, as proposed, meets the applicable general performance standards and by regulation serves to protect the applicable statutory interests.

Cordially,
ECOTEC, INC.



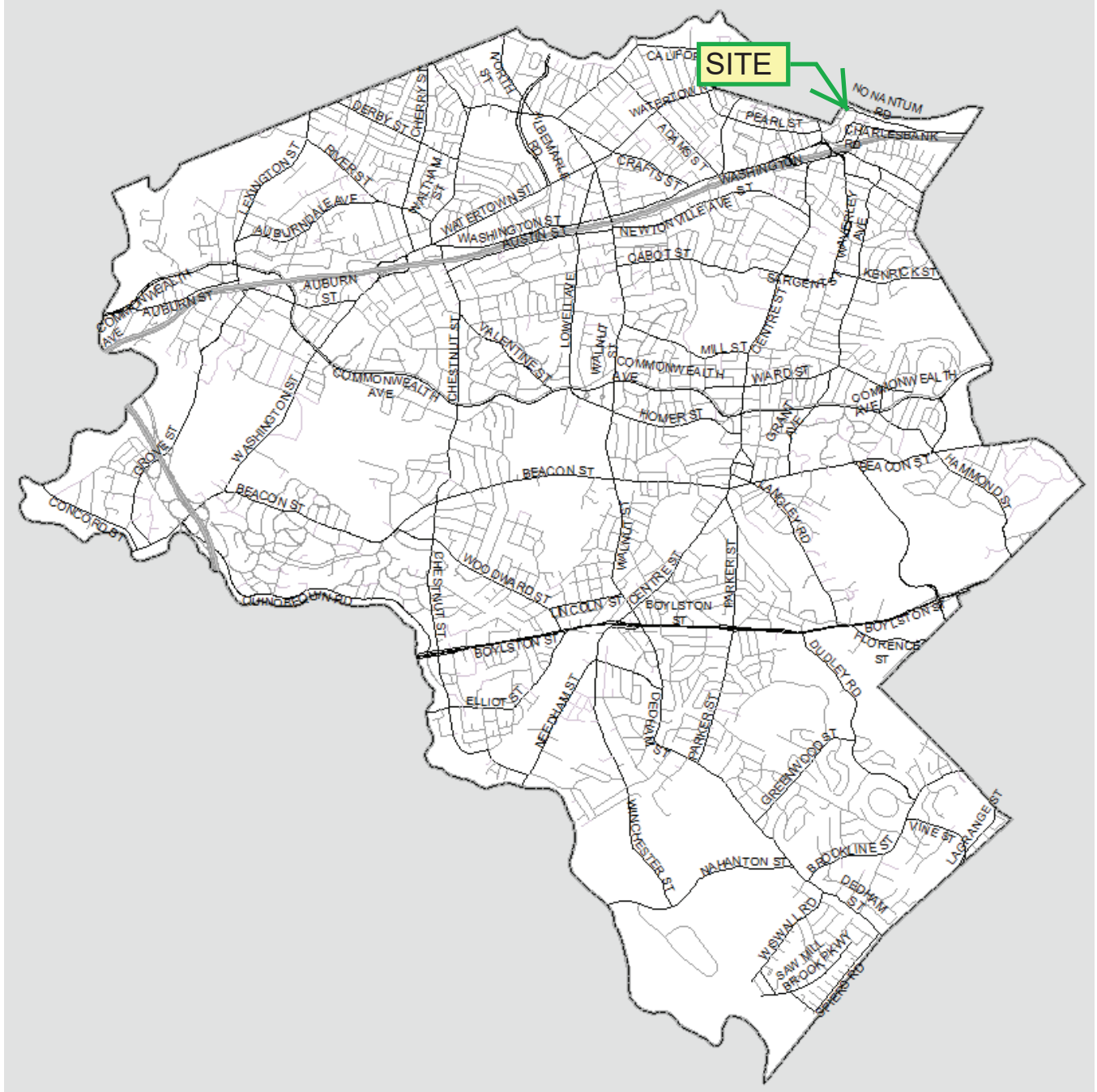
John P. Rockwood, Ph.D., SPWS
Principal Environmental Scientist

Cc: Department of Environmental Protection, Northeast Regional Office (by Certified
Mail/Return Receipt Requested)
Melanie K. Fleet (Via Email)
Edmond Spruhan, P.E./Sean Spruhan (Via Email)

18/w/NEWTON130NONANTUM NOI CL WRE PD COMP

NEWTON LOCUS MAP

130 NONANTUM ROAD



National Flood Hazard Layer FIRMette

71°11'13"W 42°21'48"N



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

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*

OTHER AREAS OF FLOOD HAZARD

- 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 LOMR
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

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

- 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
- 17.5 Coastal Transect
- 8 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

OTHER FEATURES

- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

- Digital Data Available
- No Digital Data Available
- Unmapped

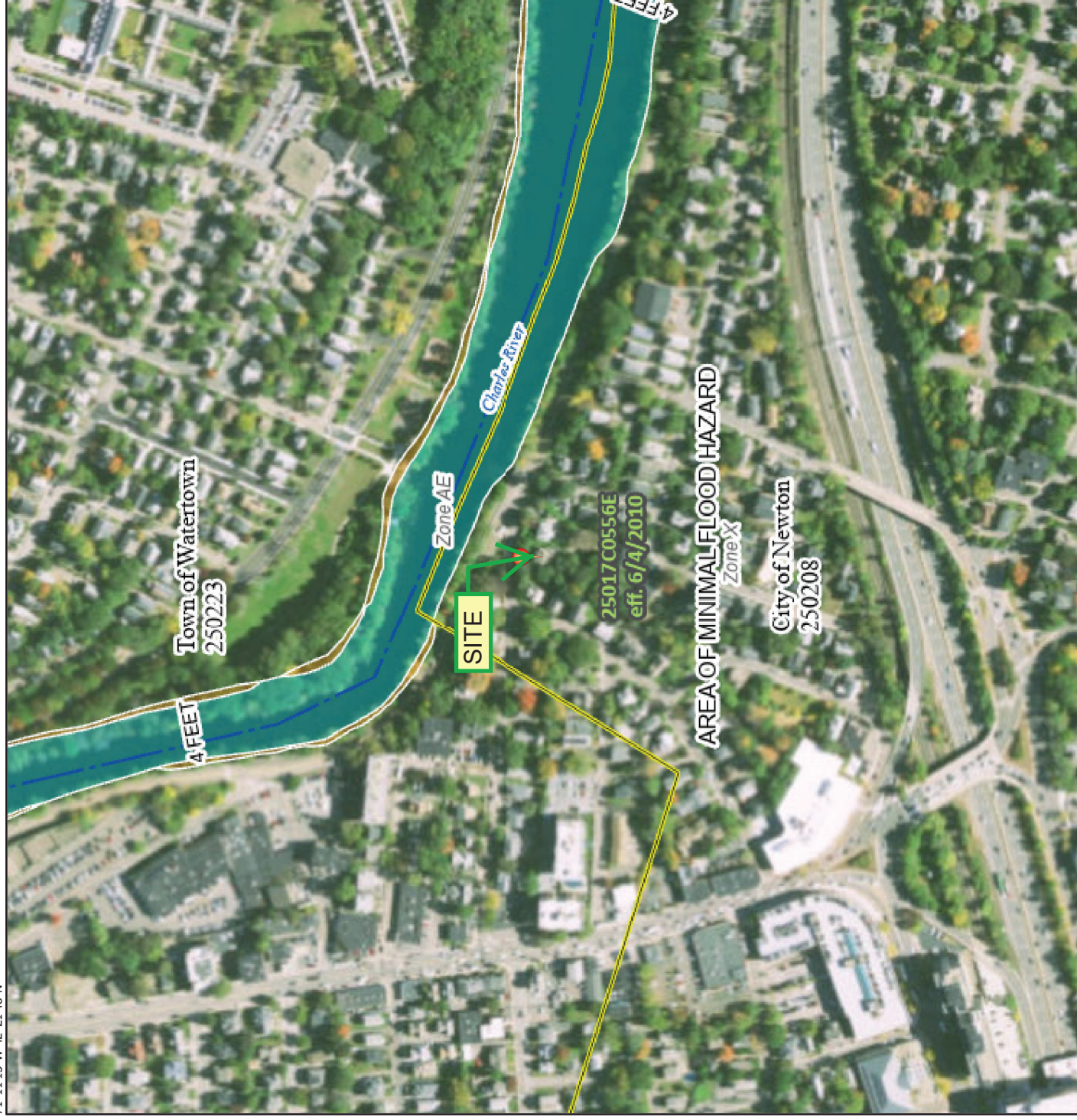


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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 **3/28/2023 at 11:02 AM** 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.



71°10'35"W 42°21'22"N

Feet 0 250 500 1,000 1,500 2,000 1:6,000
Basemap: USGS National Map; Data refreshed October, 2020

Newton GIS Browser

130 NONANTUM RD, NEWTON



Layers

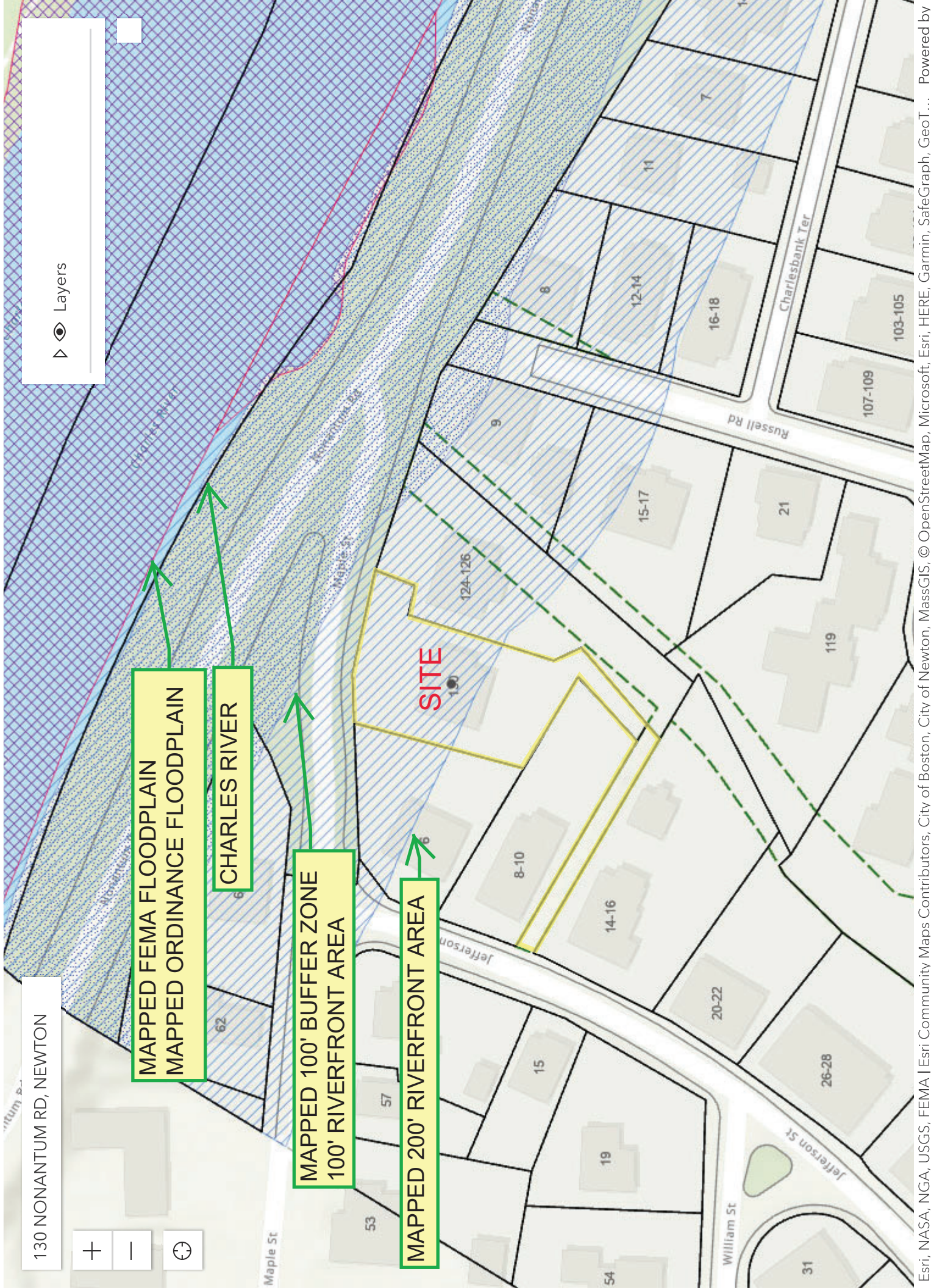
MAPPED FEMA FLOODPLAIN
MAPPED ORDINANCE FLOODPLAIN

CHARLES RIVER

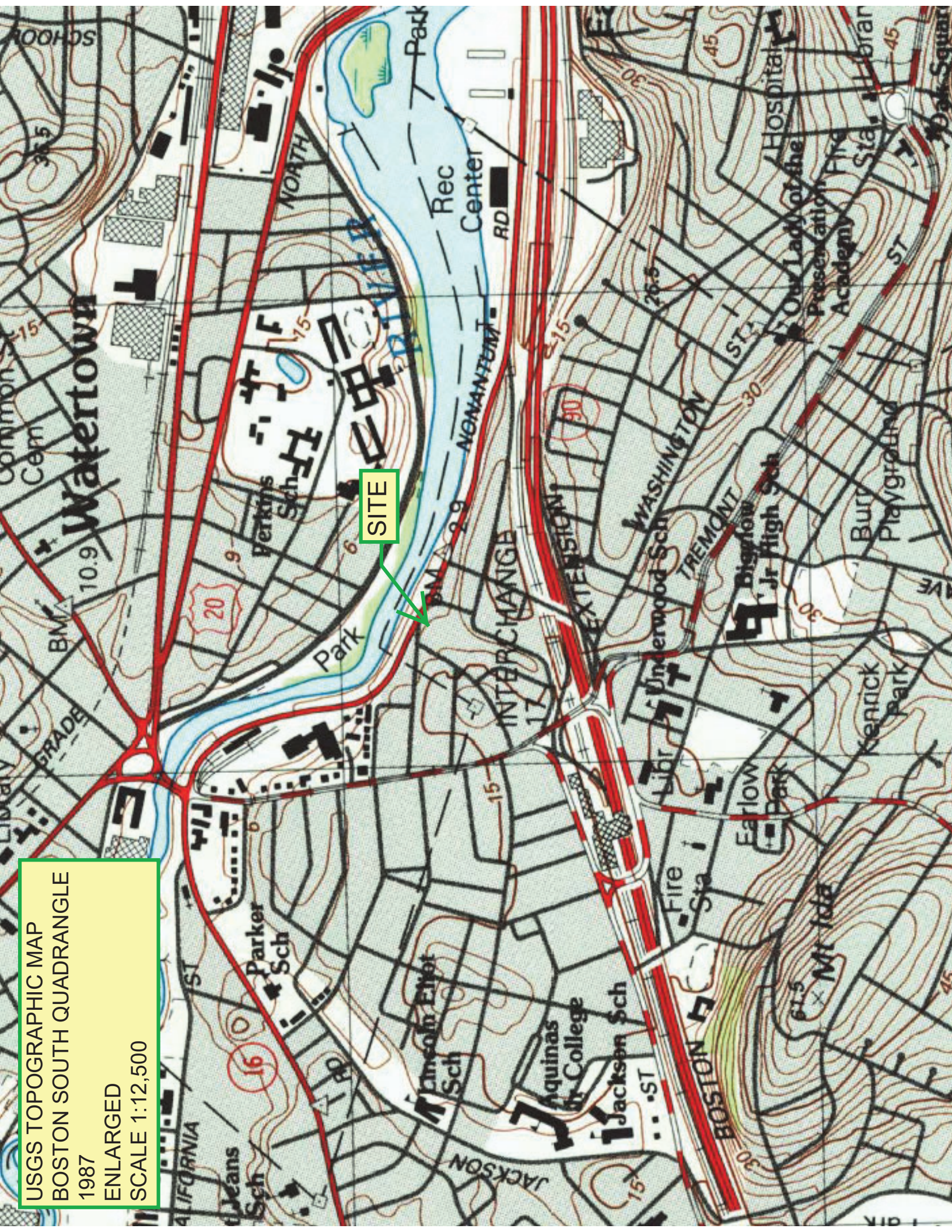
MAPPED 100' BUFFER ZONE
100' RIVERFRONT AREA

MAPPED 200' RIVERFRONT AREA

SITE



USGS TOPOGRAPHIC MAP
BOSTON SOUTH QUADRANGLE
1987
ENLARGED
SCALE 1:12,500



NHESP ATLAS, 15TH EDITION, AUGUST 1, 2021
PRIORITY HABITAT, ESTIMATED HABITAT AND
CERTIFIED AND POTENTIAL VERNAL POOLS
SCALE: AS BELOW
CREATED MARCH 28, 2023

SITE



EcoTec, Inc.
ENVIRONMENTAL CONSULTING SERVICES
102 Grove Street
Worcester, MA 01605-2629
508-752-9666 – Fax: 508-752-9494

John P. Rockwood, Ph.D., SPWS
Principal Environmental Scientist

Dr. John P. Rockwood has been a Staff Scientist with EcoTec, Inc. since October 1999. He was previously a Chief Environmental Scientist at Sanford Ecological Services, Inc. of Southborough, Massachusetts from September 1990 to October 1999. Dr. Rockwood was certified in August 2002 and recertified in March 2008, January 2013, and June 2018 as a Professional Wetland Scientist (PWS) by the Society of Wetland Scientists Professional Certification Program (SWSPCP), and in April 2020, he was made a Senior Professional Wetland Scientist (SPWS) and recertified as such on February 23, 2023 by the SWSPCP. His project experience includes wetland resource evaluation, delineation, and permitting at the local, state, and federal levels; wildlife habitat evaluation; pond and stream evaluation; vernal pool evaluation, certification, construction/replication, and monitoring; rare species habitat and impact assessment; wetland replacement, replication, and restoration area design, construction, and monitoring; invasive species removal and treatment protocols and monitoring; and expert testimony preparation. He has served as a consultant to municipalities, conservation commissions, the development community, engineering and survey firms, industry, and citizen's groups. He has managed and participated in a wide variety of wetlands-related projects ranging in scope from single-family house lots to subdivisions, commercial developments, mixed use developments, golf courses, a water park, MBTA commuter train station, and a regional mall. He has assessed the potential impacts of stormwater runoff, landfill leachate, and/or hazardous waste disposal sites on rare vertebrate and/or invertebrate species, and has conducted and/or directed surveys, delineated actual habitat, conducted habitat evaluations, and/or developed mitigation strategies necessary to protect rare vertebrate, invertebrate, and plant species and their habitats from proposed development-related impacts. He has designed and conducted drift fence studies for rare vertebrates. He has conducted and led preconstruction sweeps for the spotted turtle, wood turtle, and eastern box turtle. He has filed MESA Project Review Checklists for numerous species and has prepared applications for Conservation and Management Permits and Amendments for the eastern box turtle and marbled salamander under MESA. He has submitted rare animal and plant observation forms to NHESP for several vertebrate, invertebrate, and plant species. He has conducted environmental impact assessments and has prepared MEPA documentation related to an office park, an MBTA commuter train station, water park, residential subdivisions, skating rink facility, landfill, and regional mall. Dr. Rockwood also has extensive experience in environmental site assessment related to possible oil and/or hazardous material contamination. He has conducted numerous environmental assessments, several including subsurface investigations, for sites located in Massachusetts, and has conducted preliminary environmental assessments for properties located in New York, New Hampshire, and Rhode Island. He has conducted ecological risk assessments (i.e., Stage I Environmental Screenings and Stage II Environmental Risk Characterizations) for a number of disposal sites in Massachusetts, including several disposal sites that had the potential to affect state-listed vertebrate and invertebrate species, and has utilized the EPA Rapid Bioassessment Protocol for macroinvertebrates to assess potential impacts of disposal sites and hazardous material releases on streams and rivers in Massachusetts and New York. He has served as the environmental contractor to the Franklin Consolidated Office of the Federal Deposit Insurance Corporation (FDIC-FCO) for 16 months, where he reviewed environmental reports, prepared scopes-of-work for site assessments, and provided technical advice to FDIC employees related to environmentally compromised assets. Dr. Rockwood has designed, conducted, and evaluated numerous surface water and groundwater monitoring programs. His prior research includes laboratory studies of the effects of low pH and aluminum on dragonfly nymphs and a field survey of the impact of chlorinated sewerage effluent on algal periphyton community dynamics. Dr. Rockwood is the co-author of a textbook on aquatic biology and is the principal author of three peer-reviewed research publications in the field of aquatic toxicology that address the effect of low pH and aluminum on nymphs of the dragonfly *Libellula julia*. Dr. Rockwood served as the as the Editor of the AMWS Newsletter from November 2004 to October 2010 and as Assistant Editor from May 2003 to November 2004 and October 2010 to January 2012. He served as President of the Association of Massachusetts Wetland Scientists from November 2013 to December 2015 and as Immediate Past President from December 2015 to December 2017. He was twice awarded by AMWS with their President's Award.

Education: Doctor of Philosophy (Ph.D.): Aquatic Pollution Biology – Plant and Soil Sciences
University of Massachusetts at Amherst, 1989
Bachelor of Science (B.S.): Environmental Sciences, *Summa Cum Laude*
University of Massachusetts at Amherst, 1984

Professional Affiliations: Society for Freshwater Science (formerly North American Benthological Society)
Sigma Xi, Full Member
Association of Massachusetts Wetland Scientists, Voting Member
Society of Wetland Scientists
Massachusetts Association of Conservation Commissions

Certifications: Society of Wetland Scientists Senior Professional Wetland Scientist, Certification Number 1349
OSHA Health and Safety Training, 40-Hour Training, 29 CFR 1910.120
OSHA Health and Safety Training, 8-Hour Supervisor Training
OSHA Health and Safety Training, 8-Hour Refresher Training
State Ethics Commission Conflict of Interest Law Training
NPDES Construction Inspector Training under Part 6.3.b. of CGP

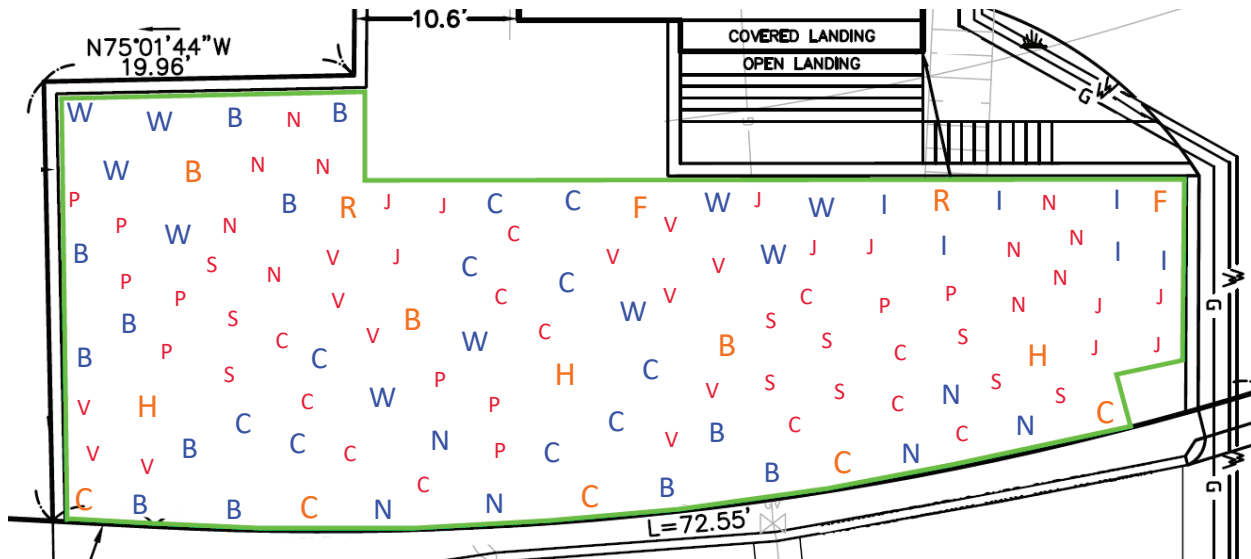
**PLANTING SCHEMATIC FOR ENHANCEMENT PLANTING AREA
130 NONANTUM ROAD, NEWTON**

PREPARED BY ECOTEC, INC.
APRIL 24, 2023

Restoration/Enhancement Planting Area (1,600± S.F.)

Stratum; Species; Size; Spacing	
Saplings ; Various; 10' on-center	15/42"
B River Birch (<i>Betula nigra</i> ; multi-stem; 6" total Caliper)	3
H Common Hackberry (<i>Celtis occidentalis</i> ; 2" Caliper)	3
R Eastern Redbud (<i>Cercis canadensis</i> ; 2" Caliper)	2
F Flowering Dogwood (<i>Cornus florida</i> ; 2" Caliper)	2
C Eastern Red Cedar (<i>Juniperus virginiana</i> ; 5-6' Height/2" Caliper)	5
Shrubs (Evergreen and Deciduous); 4-5' height; 6' on-center	44
C Gray Dogwood (<i>Cornus racemosa</i>)	10
W Winged Sumac (<i>Rhus coppalinum</i>)	10
B Bayberry (<i>Morella pensylvanica</i>)	12
I Inkberry (<i>Ilex glabra</i>)	6
N Nannyberry (<i>Viburnum lentago</i>)	6
Small Shrubs; (Evergreen and Deciduous) 2-3' Height; 5' on-center	64
N New Jersey Tea (<i>Ceanothus americanus</i>)	10
J Common Juniper (<i>Juniperus communis</i>)	10
V Virginia Rose (<i>Rosa virginiana</i>)	12
C Carolina Rose (<i>Rosa carolina</i>)	12
P Beach Plum (<i>Prunus maritima</i>)	10
S Sand Cherry (<i>Prunus depressa</i>)	10

- Substitutions are subject to approval by Conservation Staff.
- Plants must be natives; cultivars and varieties will not be accepted.
- All excess soil must be removed and disposed of off-site.
- After planting, the area will be mulched with a 3" thick layer of a 4:1 mixture of decomposed leaf compost and natural colored bark mulch.
- Surface of the mulch at toe of slope must be graded such that it is below the top of the proposed sidewalk.
- After planting the plants must be watered in well and watered periodically until they are established.



Note: The locations of the individual saplings and shrubs are shown for permitting and review purposes; the locations of the plantings in the field will be based on this plan subject to the discretion of the qualified wetland scientist. The planting area will be monitored annually for two years after it is established. A brief report will be provided to the Commission in a timely manner after each annual inspection. A Request for a Certificate of Compliance will be made following the second annual inspection.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
 Department of Planning and Development
 1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
 Telefax
(617) 796-1086
 www.newtonma.gov

Barney S. Heath
Director

Conservation Commission Wetland Application Coversheet/Checklist

Date For 05/09/23 Deadline

Fill in all white cells completely

Parcel		Applicant name	London on the Charles LLC (Melanie Fleet)		
Address	130 Nonantum Road	Address	80 Clinton Place, Newton, MA 02459		
Sec/Block/Lot	71 / 007 / 0019	Email	melaniefleet.realtor@gmail.com		
Book & Page	80338 & 408	Phone	508-439-3009		
Owner name	London on the Charles LLC	Representative	John P. Rockwood, Ph.D., SPWS		
Address	80 Clinton Place, Newton, MA 02459	Address	EcoTec, Inc. 102 Grove Street, Worcester, MA 01605		
Email	melaniefleet.realtor@gmail.com	Email	jrockwood@ecotecinc.com		
Phone	508-439-3009	Phone	508-752-9666		
Legal Ad Payor	Please identify which party will pay for the Legal Ad.		John Rockwood, EcoTec, Inc. 508-752-9666 jrockwood@ecotecinc.com		
Wetland type	Riverfront Area	sf/cf affected	3,780	Relevant Perf. Standards	10.58(4)(a&b) & (5)
Wetland type		sf/cf affected		Relevant Perf. Standards	10. _____
Wetland type		sf/cf affected		Relevant Perf. Standards	10. _____

Components of a Complete NOI Application

State Form: NOI Form 3	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Engineered Plan* title(s) Plan date Plan stamped by <small>*if legible, plans should be 11"x17"</small>	See NOI Cover Letter for a complete listing of materials included as part of this filing.
Narrative	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Proof that all relevant perf. standards are met	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Locus map	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Delineation lines (backup material)	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Fees	
● Fee Transmittal form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
● City portion of state filing fee <u>\$537.50</u>	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Checks hand-delivered to Conservation Staff on April 12, 2023
● City's separate filing fee <u>\$50</u>	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Copies of Redacted Checks attached to Forms
Abutter Information	
● Certified abutters list (within 100')	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
● Newton's Abutter notification form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
● Affidavit & proof -- bring to hearing	<i>Present them at the hearing</i> To be submitted via NewGov
Other Attachments, e.g.	
Planting Plan	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Site Plan, Planting Schematic
Floodplain analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable See Cover Letter
Stormwater analysis	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Stormwater Report and Site Plan
Riverfront Area Alternatives Analysis	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Cover Letter
Restoration or mitigation summary	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Site Plan, Planting Schematic, Cover Letter
Phasing/Sequencing plan, O&M plan, etc.	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See O & M Plan

Conservation Commission Wetland Permit Process

RDA	NOI	Steps in Permitting Process	
1.	1.	Get a certified list of all abutters within 100' of property lines from the Newton Assessor's Office.	
	2.	Submit applications by noon of the Tuesday deadline (16 days before the desired hearing) to: <ol style="list-style-type: none"> a. <u>Newton Conservation Commission</u>: <ul style="list-style-type: none"> • Complete NOI or RDA application packet via electronic submission through NewGov. For NOIs use the application checklist to ensure completeness. <ul style="list-style-type: none"> • Application coversheet, state forms, narrative, photocopies of checks, ALL attachments • Plans (11"x17" format, if legible) stamped by engineer if any aspect of the project requires engineering. • Application fees via mail to Newton Conservation Office, 1000 Commonwealth Ave., Newton, MA 02459. For NOIs use the application checklist to ensure completeness. <ul style="list-style-type: none"> • Check to City of Newton for city portion of the state filing fee • \$50 check to City of Newton for city filing fee b. <u>Mass DEP Northeast Regional Office</u>: Wetlands Division, 150 Presidential Way, Woburn, MA 01801 (1 paper copy) <ul style="list-style-type: none"> • Complete NOI or RDA application packet (hard copy) AND Photocopy of the two state filing fee checks c. <u>DEP Lock Box</u>: Box 4062, Boston MA 02211 <ul style="list-style-type: none"> • Check to Commonwealth of Mass. for state portion of the state fee <u>AND Fee transmittal form</u> 	
			<i>The Conservation Agent will determine application completeness and assign a public hearing/meeting date and time.</i>
	3.		Once you have the date and time of the hearing, using the City's " Notification to Abutters Form ", notify all abutters within 100' of the property line via certified mail, certificate of mailing, or hand delivery with signatures.
			<i>The Conservation Agent will place a legal ad in the Boston Herald and the Applicant will receive an email with instructions to pay.</i>
	4.		Stake the project. 2 weeks in advance of the public hearing, stake all proposed structures, erosion control barriers, stormwater systems, etc. within Con Com jurisdiction.
			<i>The Conservation Agent will perform a site visit before the public hearing to confirm existing conditions and proposed work. If you wish to be informed of the time of the visit, please contact the Con Com office.</i>
			<i>One week prior to the meeting, when the agenda is posted, the Conservation Agent will send all Applicants detailed Conservation staff notes and recommendations (from the Conservation Commission's detailed agenda).</i>
	5.		Applicants may submit revised materials (via NewGov) by the Tuesday prior to the meeting (to be reviewed and discussed at the meeting) or may request a continuation to a future Conservation Commission meeting.
	2.	6.	Attend the public hearing/meeting. The applicant or representative is expected to provide proof of abutter notification , briefly present the project , and answer any questions about possible impacts on wetlands . At the end of the hearing, the Con Com will either: <ul style="list-style-type: none"> • Issue a Determination of Applicability ("negative" determination means no further permitting is needed), • Issue an Order of Conditions (OOC) approving or denying the project, or • Approve a continuation of the public hearing, to allow time for additional information to be provided.
	3.	7.	Receive and read the decision and understand the conditions. Contact the Con Com if you have any questions. Some conditions are temporary (such as maintaining erosion controls), and some are perpetual (such maintaining restoration planting areas or limiting the use of fertilizers and outdoor lighting).
		8.	Wait-out the 10-Day appeal period. A decision of the Con Com can be appealed to MassDEP by any abutter, applicant, or 10-citizen group within 10 business days of the decision.
		9.	Record the Order at the Registry of Deeds. Provide proof of recording to the Conservation office.
	10.	Install MassDEP file number sign and erosion controls.	
	11.	Schedule and attend a pre-construction site visit. Contact the Conservation office to schedule the site visit.	
4.	12.	Execute the project. The project must be completed within 3 years, unless an extension of the permit is issued.	
	13.	Request a Certificate of Compliance (COC) via NewGov. Once the project is complete and all conditions have been satisfied, request a COC from the Conservation office by submitting: (1) DEP Form 8a , (2) a stamped as-built plan , and (3) a letter from the engineer stating that everything is in substantial compliance with the approved plans and OOC.	
		<i>The Con Com will perform a site visit to ensure compliance, and will issue a COC if appropriate.</i>	
	14.	Record the Certificate of Compliance (COC) at the Registry of Deeds to remove the cloud from the title. Provide proof of recording to the Conservation office.	



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 Number

Document Transaction Number

NEWTON

City/Town

Important:

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



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>130 Nonantum Road</u>	<u>Newton</u>	<u>02458</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.35976</u>	<u>-71.18168</u>	
d. Latitude	e. Longitude	
<u>71 007</u>	<u>0019</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Melanie</u>	<u>Fleet</u>	
a. First Name	b. Last Name	
<u>London on the Charles LLC</u>		
c. Organization		
<u>80 Clinton Place</u>		
d. Street Address		
<u>Newton</u>	<u>MA</u>	<u>02459</u>
e. City/Town	f. State	g. Zip Code
<u>508-439-3009</u>	<u>--</u>	<u>melaniefleet.realtor@gmail.com</u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u>Melanie</u>	<u>Fleet</u>	
a. First Name	b. Last Name	
<u>London on the Charles LLC</u>		
c. Organization		
<u>80 Clinton Place</u>		
d. Street Address		
<u>Newton</u>	<u>MA</u>	<u>02459</u>
e. City/Town	f. State	g. Zip Code
<u>508-439-3009</u>	<u>--</u>	<u>melaniefleet.realtor@gmail.com</u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>John P.</u>	<u>Rockwood, Ph.D, SPWS</u>	
a. First Name	b. Last Name	
<u>EcoTec, Inc.</u>		
c. Company		
<u>102 Grove Street</u>		
d. Street Address		
<u>Worcester</u>	<u>MA</u>	<u>01605</u>
e. City/Town	f. State	g. Zip Code
<u>508-752-9666x3</u>	<u>--</u>	<u>jrockwood@ecotecinc.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$ 1,050.00</u>	<u>\$ 512.50</u>	<u>\$ 537.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:
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NEWTON
City/Town

A. General Information (continued)

6. General Project Description:

The project consists of the demolition of the existing residential structure, detached garage, and site features and the construction of a new two-family house, paved driveway, and site features partially within the Riverfront Area of the Charles River. Erosion controls, stormwater management, and renaturalization of invasive thicket are proposed (see Site Plan and Cover Letter).

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration 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. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

--

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

South Middlesex	--
a. County	b. Certificate # (if registered land)
80338	408
c. Book	d. Page Number

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

- 1. Buffer Zone Only – 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).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	-- 1. linear feet	-- 2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	-- 1. square feet	-- 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	-- 1. square feet -- 3. cubic yards dredged	-- 2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	-- 1. square feet -- 3. cubic feet of flood storage lost	-- 2. square feet -- 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	-- 1. square feet -- 2. cubic feet of flood storage lost	-- 3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	Charles River - Inland 1. Name of Waterway (if available) - specify coastal or inland	

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: 5,736
square feet

4. Proposed alteration of the Riverfront Area:

3,780 (See Cover Letter) 0 3,780 (see Cover Letter)
 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)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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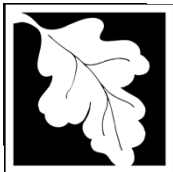
City/Town

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

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	-- 1. square feet	
	-- 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	-- 1. square feet	-- 2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	-- 1. square feet	-- 2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	-- 1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	-- 1. square feet	
h. <input type="checkbox"/> Salt Marshes	-- 1. square feet	-- 2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	-- 1. square feet	
	-- 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	-- 1. square feet	
k. <input type="checkbox"/> 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. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	-- 1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	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 enter the additional amount here.	
	-- a. square feet of BVW	-- b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings	-- a. number of new stream crossings	-- b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- 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 and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

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**

August 1, 2021
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:

(a) within wetland Resource Area	--	_____
	percentage/acreage	
(b) outside Resource Area	--	_____
	percentage/acreage	

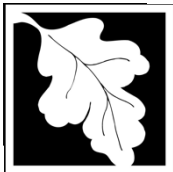
2. Assessor's Map or right-of-way plan of site

- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - Project description (including description of impacts outside of wetland resource area & buffer zone)
 - Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

C. Other Applicable Standards and Requirements (cont'd)

- 4. 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 MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 --
 b. ACEC

- 5. 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
- 6. 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
- 7. 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. Check why the project is exempt:
 - 1. Single-family house
 - 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

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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.

- 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.



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D. Additional Information (cont'd)

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 complete listing of materials included in this filing is provided in the Cover Letter.

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:

1146	3/27/2023
2. Municipal Check Number	3. Check date
1147	3/27/2023
4. State Check Number	5. Check date
London on the Charles LLC	--
6. Payor name on check: First Name	7. Payor name on check: Last Name



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MassDEP File Number

Document Transaction Number

NEWTON

City/Town

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.

See Next Page

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

John Rockwood

4/24/2023

5. Signature of Representative (if any)

6. Date

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 any part of Section C, Item 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
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File Number
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NEWTON
City/Town

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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.

1. Signature of Applicant [Signature]

3. Signature of Property Owner (if different) [Signature]

5. Signature of Representative (if any) _____

2. Date 3/27/23

4. Date 3/27/23

6. Date _____

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.

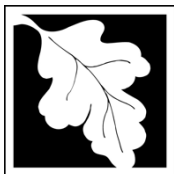
For MassDEP:

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 any part of Section C, Item 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.



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NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

<u>130 Nonantum Road</u>	<u>Newton</u>
a. Street Address	b. City/Town
<u>1147</u>	<u>\$ 512.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Melanie</u>	<u>Fleet</u>	
a. First Name	b. Last Name	
<u>London on the Charles LLC</u>		
c. Organization		
<u>80 Clinton Place</u>		
d. Mailing Address		
<u>Newton</u>	<u>MA</u>	<u>02459</u>
e. City/Town	f. State	g. Zip Code
<u>508-439-3009</u>	<u>--</u>	<u>melaniekfleet.realtor@gmail.com</u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u>Melanie</u>	<u>Fleet</u>	
a. First Name	b. Last Name	
<u>London on the Charles LLC</u>		
c. Organization		
<u>80 Clinton Place</u>		
d. Mailing Address		
<u>Newton</u>	<u>MA</u>	<u>02459</u>
e. City/Town	f. State	g. Zip Code
<u>508-439-3009</u>	<u>--</u>	<u>melaniekfleet.realtor@gmail.com</u>
h. Phone Number	i. Fax Number	j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
3b. Construction of Townhouse Style Building and Associated Activities in RFA only	1	\$ 1,050.00	\$ 1,050.00

Step 5/Total Project Fee: \$ 1,050.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$ 1,050.00</u>
State share of filing Fee:	a. Total Fee from Step 5 <u>\$ 512.50</u>
City/Town share of filing Fee:	b. 1/2 Total Fee less \$12.50 <u>\$ 537.50</u>
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

**Assessment Administration
City of Newton, MA**

**REQUEST FOR ABUTTERS LIST
AND MAILING LABELS**

Mailing Address
Assessing Department
1000 Commonwealth Ave.
Newton, MA 02459
Email: Assessing@newtonma.gov

Phone Numbers
Main Office: 617-796-1160
Facsimile: 617-796-1179

Purpose: (check one)

- Conservation Commission Filing
- Filing for Victualler's/Restaurant or Liquor License
- Other: _____
(Ordinances, laws, or regulations that require a citizen/organization to send a notice by mail to "parties of interest.")

Name of organization: EcoTec, Inc.

Person filing request: John Rockwood **Title:** Principal Scientist

Address: 102 Grove Street, Worcester, MA 01605

Telephone no. during day: 508-294-2548 (to notify for pick-up)

Subject property: 130 Nonantum Road (SBL 71 007 0019)

Abutters list requires owner names and addresses of: (check all that apply)

- Abutters to subject property and abutters to abutters
- Abutters within user-specified distance from property line: within 100 feet
- Restaurant/Liquor License: (1) all abutters; (2) all public or private elementary, middle, or secondary schools, churches, synagogues, religious institutions of worship, or hospitals within 500 feet from the proposed licensed premises.
- Abutters along one or more streets (list below):

Mailing labels for abutters (as above): (Charge: \$.50 per label sheet)

- 1 set
 - 2 sets
- I do not need labels. I need the list and the map only.
Please email to me when completed. Thank you

Fees: Staff preparation time if request takes 2 hours or more to complete.

Staff Fee: \$ 23.75 /hour (or portion thereof)

Mailing labels: \$.50 per label sheet
Total: *Calculated upon completion*

Please allow ten (10) business days for completion of this request.

Signature: John P. Rockwood **Date:** 3/17/2023

Abutters List[print this list](#)

Date: March 17, 2023

Subject Property Address: 130 NONANTUM RD Newton, MA
Subject Property ID: 71-007-0019

Search Distance: 100 Feet

Owner: SMITH CAREN E
Co-Owner: ROSS ELIZABETH
Prop ID: 71-007-0015
Prop Location: 20 JEFFERSON ST 20 Newton, MA
Mailing Address:

20 JEFFERSON ST UN 20
NEWTON, MA 02458

Owner: BRABANDER DANIEL & JENNIFER
Prop ID: 71-007-0015-A
Prop Location: 22 JEFFERSON ST 22 Newton, MA
Mailing Address:

22 JEFFERSON ST UN 22
NEWTON, MA 02458

Owner: PICARIELLO ANN M
Prop ID: 71-007-0016
Prop Location: 14-16 JEFFERSON ST Newton, MA
Mailing Address:

14 JEFFERSON ST
NEWTON, MA 02458

Owner: MUNAFO EDWARD J
Co-Owner: SNOXELL CAROL ANN T/C
Prop ID: 71-007-0017
Prop Location: 8-10 JEFFERSON ST Newton, MA
Mailing Address:

8 JEFFERSON ST
NEWTON, MA 02458

Owner: LIM LEX
Co-Owner: WONG YVONNE
Prop ID: 71-007-0018
Prop Location: 6 JEFFERSON ST Newton, MA
Mailing Address:
6 JEFFERSON ST
NEWTON, MA 02458

Owner: YAKHKIND LEONID
Co-Owner: CHERNIKOV VITALI P TRS
Prop ID: 71-007-0020
Prop Location: 124-126 NONANTUM RD Newton, MA
Mailing Address:
19 BEECHER TER
NEWTON, MA 02459

Owner: STEINSIECK GREGORY C
Co-Owner: KABBASH APRIL
Prop ID: 71-007-0021
Prop Location: 9 RUSSELL RD NNC Newton, MA
Mailing Address:
9 RUSSELL RD
NEWTON, MA 02458

Owner: YOSHPE MICHAEL & MARGARITA
Prop ID: 71-007-0022
Prop Location: 15 RUSSELL RD NNC 15 Newton, MA
Mailing Address:
15 RUSSELL RD NNC 15
NEWTON, MA 02458

Owner: NEWMAN KEVIN & ANDREA
Prop ID: 71-007-0022-A
Prop Location: 21 RUSSELL RD NNC Newton, MA
Mailing Address:
21 RUSSELL RD
NEWTON, MA 02458

Owner: SETH PANKAJ K & NILUFER P

Prop ID: 71-007-0022-A1
Prop Location: 17 RUSSELL RD NNC 17 Newton, MA
Mailing Address:
17 RUSSELL RD NNC 17
NEWTON, MA 02458

Owner: MEHTA RASHMI JAY ADEVAN
Co-Owner: MEHTA SAHIL VIPLOV
Prop ID: 71-007-0023
Prop Location: 119 CHARLESBANK RD #1 Newton, MA
Mailing Address:
119 CHARLESBANK RD 1
NEWTON, MA 02458

Owner: KAZIMI ABBAS
Co-Owner: RAZA ALINA
Prop ID: 71-007-0023-A
Prop Location: 119 CHARLESBANK RD #2 Newton, MA
Mailing Address:
119 CHARLESBANK RD 2
NEWTON, MA 02458

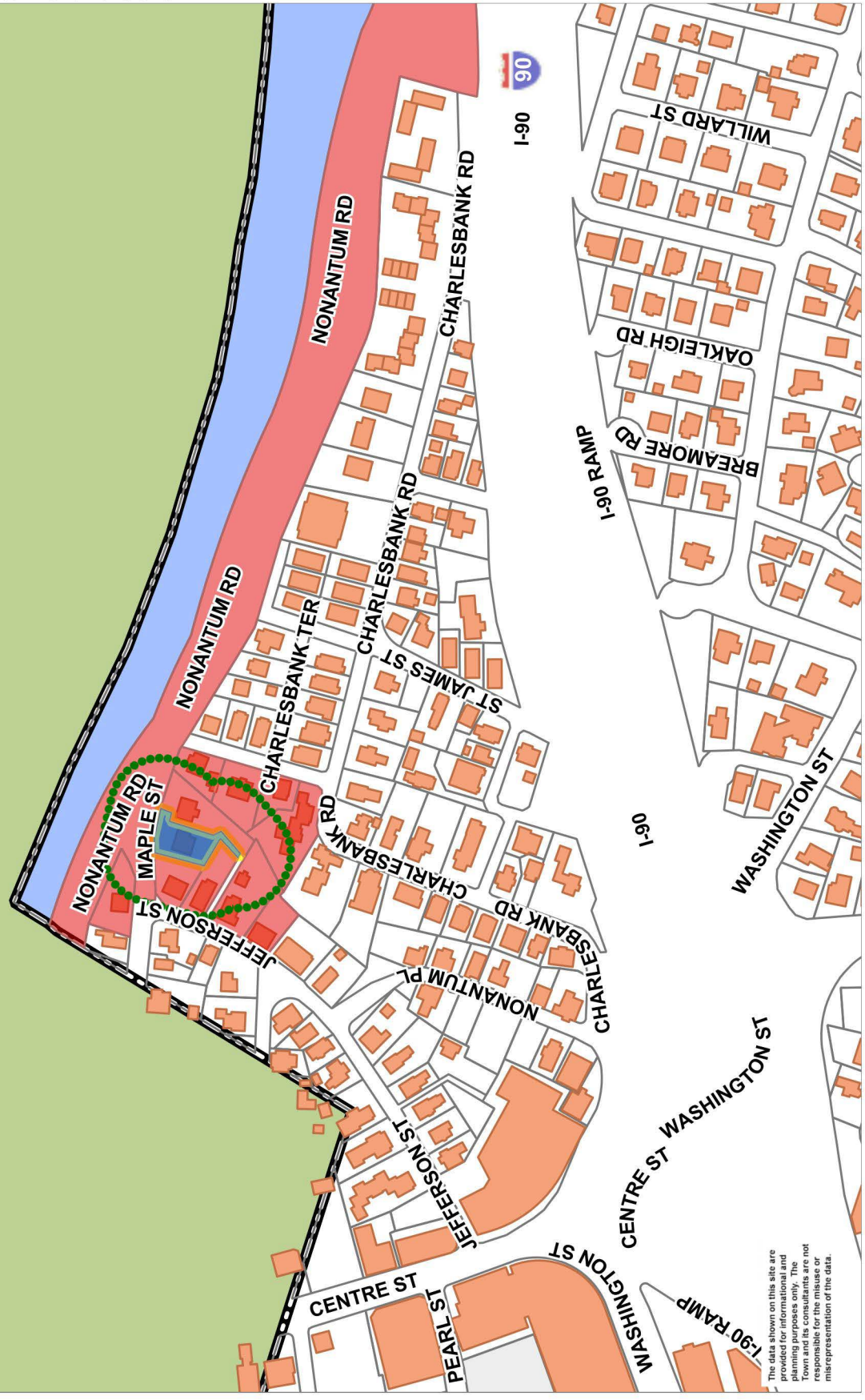
Owner: LIU DAVID S C
Co-Owner: LIU PI-YAO AILEEN
Prop ID: 71-010-0003
Prop Location: 68 MAPLE ST NNC Newton, MA
Mailing Address:
68 MAPLE ST NNC
NEWTON, MA 02458

Owner: COMMONWEALTH OF MASSACHUSETTS
Co-Owner: NEWTON YACHT CLUB LESSEE
Prop ID: 71-013-0001
Prop Location: 1 NONANTUM RD Newton, MA
Mailing Address:
P O BOX 71
NONANTUM, MA 02495



- Address Numbers
- Buildings
- Parcels
- Parking Lots
- EOP
- MA Highways
- Interstate
- US Highway
- Numbered Routes
- Streets
- Town Boundary
- Abutting Towns (Opaque)
- Abutting Towns
- Streams
- Surface Water

WATERTOWN



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



Printed on 03/17/2023 at 08:42 AM

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act
and the City of Newton Floodplain Protection Ordinance**

In accordance with the second paragraph of Massachusetts Wetlands Protection Act (MGL Ch. 131, §40) and the City of Newton Floodplain Protection Ordinance (Section 22-22), you are hereby notified of the following:

- A. The name of the applicant is **London on the Charles LLC**.
- B. The applicant has filed a Notice of Intent with the **Newton Conservation Commission** seeking permission to remove, fill, dredge, or alter an Area Subject to Protection Under the Wetlands Protection Act. **The project consists of the demolition of the existing two-family house, detached garage, and associated site features and the construction of a new two-family house and associated site features.**
- C. The address of the lot where the activity is proposed is **130 Nonantum Road, Newton, Massachusetts (Assessor's Reference: Section 71, Block 007, Lot 0019)**.
- D. **The Public Hearing on this matter will be held remotely via Zoom on Thursday, May 25, 2023 at 7:00 pm.**

During the COVID-19 outbreak, Gov. Baker issued an Emergency Order on March 12, 2020, allowing public bodies greater flexibility utilizing technology in the conduct of public meetings under the Open Meeting Law. The City of Newton implemented remote participation procedures allowed under Gov. Baker's Emergency Order for all boards, committees, and commissions.

The Zoom link for the public hearing will be posted on the Conservation Commission website "Meeting Documents" tab 48 hours in advance of the hearing:
<https://www.newtonma.gov/government/planning/boards-commissions/conservation-commission/meeting-documents>.

- E. An electronic copy of the submittal may be requested from the applicant's representative at jrockwood@ecotecinc.com. Alternatively, a copy of the Notice on Intent can be found on the Newton Conservation Commission's website "Meeting Documents" tab:
<https://www.newtonma.gov/government/planning/boards-commissions/conservation-commission/meeting-documents>.
- F. Questions can be directed to: the Newton Conservation Commission by calling 617-796-1134 or emailing jsteel@newtonma.gov or emenounos@newtonma.gov.
- G. Printed notice will be published at least five (5) days in advance in **The Boston Herald** or another paper with local distribution.

NOTE: Notice of the public hearing, including its date, time, and place, will be posted on the City Hall bulletin board or equivalent not less than forty-eight (48) hours in advance of the hearing.

NOTE: You also may contact the nearest Department of Environmental Protection Regional Office for more information about this application or the Massachusetts Wetlands Protection Act. To contact the DEP, call the Northeast Region at 978-694-3200.

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act
and City of Newton Floodplain Ordinance

I, John P. Rockwood, Ph.D., SPWS, hereby certify under the pains and penalties of perjury that on April 26, 2023, I gave notification to abutters in compliance with the Massachusetts Wetlands Protection Act and City of Newton Floodplain Ordinance in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act and Newton Floodplain Ordinance by London on the Charles LLC with the Newton Conservation Commission on April 26, 2023 for property located at 130 Nonantum Road, Newton, Massachusetts.

The form of the notification and a list of the abutters to whom it was given and their addresses, are provided with this Affidavit of Service.



John P. Rockwood, Ph.D., SPWS

April 26, 2023_____

Date