

EcoTec, Inc.
ENVIRONMENTAL CONSULTING SERVICES
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Worcester, MA 01605-2629
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Electronic Submittal to City of Newton
Certified Mail to MassDEP-NERO

April 28, 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/Watershed Ordinance
-Demolition of the Existing Structures and Site Features and Construction of Residential Subdivision and Associated Site Features Partially in Buffer Zone to Bordering Vegetated Wetlands; 280 Nevada Street, Newton, Massachusetts
-Applicant: 280 Nevada LLC (Greg Keshishyan)

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/Watershed 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) BVW Delineation Field Data Forms for Wetland Flag A10;
 - 3) Flood Insurance Rate Map, Map No. 25017C0552E, dated June 4, 2010 with

- site indicated;
- 4) City of Newton GIS Browser with site and mapped resource identified;
- 5) USGS Map, Boston South, 1987 with site indicated;
- 6) Massachusetts NHESP Atlas (15th Edition), August 1, 2021 with site indicated;
and
- 7) Resume; and
- b. Project Description and Analysis;
- c. Compliance Evaluation under the Regulations and Ordinance;
- d. Conclusions;
- 2. City of Newton Cons.Com. Wetland Application Coversheet/Checklist and Copy of Ordinance Filing Fee Check (redacted);
- 3. The Notice of Intent Form, Fee Transmittal Form, and Copy of Act Filing Fee Checks (redacted);
- 4. Abutter Request, List, Map, Notification, and Affidavit of Service;
- 5. "Drainage Report, 280 Nevada Street, Newton, Massachusetts," including MassDEP Stormwater Checklist, prepared by VTP Associates, Inc., dated April 25, 2023, stamped and signed by Marc Besio, PE;
 - a. "Operations & Maintenance Plan, 280 Nevada Street, Newton, Massachusetts, prepared by VTP Associates, Inc., dated April 25, 2023, stamped and signed by Marc Besio, PE;
- 6. Landscape Plan:
 - a. "Buffer Zone Landscape Plan, 280 Nevada St., Newton, MA," prepared by Sangiolo Associates, Architects, dated April 24, 2023, signed and stamped by Susan Sangiolo, RLA;
- 7. Topographic Site Plan Set:
 - a. "Topographic Site Plan, Newton, Massachusetts Showing Existing Conditions at #280 Nevada Street," Sheet 1 of 1, Scale 1" = 20', prepared by VTP Associates, Inc., dated April 25, 2023, signed and stamped by Joseph T. Porter, PLS;
 - b. "Zoning Plan, Newton, Massachusetts Showing Proposed Conditions at #280 Nevada Street," Sheet 1 of 1, Scale 1" = 10', prepared by VTP Associates, Inc., dated April 25, 2023, signed and stamped by Joseph T. Porter, PLS;25
 - c. "Topographic Site Plan, Newton, Massachusetts Showing Proposed Conditions at #280 Nevada Street," Sheet 1 of 3, Scale 1" = 10', prepared by VTP Associates, Inc., dated April 25, 2023, signed and stamped by Joseph T. Porter, PLS and Marc Besio, PE;
 - d. "Details, Newton, Massachusetts Showing Proposed Conditions at #280 Nevada Street," Sheet 2 of 3, Scale As-Shown, prepared by VTP Associates, Inc., dated April 25, 2023, signed and stamped by Joseph T. Porter, PLS and Marc Besio, P.E.;
 - e. "Detail Sheet, Newton, Massachusetts Showing Proposed Conditions at #280 Nevada Street" Sheet 3 of 3, Scale As-Shown, prepared by VTP Associates, Inc., dated April 25, 2023, signed and stamped by Joseph T. Porter, PLS and Marc Besio, P.E.

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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 November 15, 2022, EcoTec, Inc. inspected the above-referenced property for the presence of wetland resources as defined by: (1) 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"); and (2) the U.S. Clean Water Act. The City of Newton does not have a Wetlands Protection Ordinance but does have a Floodplain/Watershed Ordinance (Section 22-22; the "Ordinance"). John P. Rockwood, Ph.D., SPWS conducted the inspection.

The subject site consists of 0.677± acres (29,550± square feet) of land located to the northeast of Nevada Street in Newton (Newtonville), Massachusetts (see Locus Map). The subject site is previously developed with a single-family house; significant paved driveway; in-ground pool and pool house with screened porch and garage beneath; various landings, patios, walkways, and steps; retaining walls; various fencing; and associated lawn and landscaping. Four eastern white pine (*Pinus strobus*) trees occur in the northeastern portion of the site. The extreme northeastern portion of the site was subject to encroachment by the abutting landscaper; the noted encroachment has been removed from the site and this area consists of pavement, exposed soils, and lawn. The wetland resources observed on and/or near the subject site are described below.

Wetland Resource Evaluation: Methodology

The subject site and adjacent area to the southeast were inspected, and areas suspected to qualify as wetland resources were identified. Bordering Vegetated Wetlands were not observed on the subject site but were observed to be associated with short segment of stream and culvert on the abutting property to the southeast. EcoTec had previously delineated this

EcoTec, Inc.

wetland in March 2006 and July 2012. The boundary of Bordering Vegetated Wetlands was delineated in the field in accordance with the definition set forth in the regulations at 310 CMR 10.55(2)(c). Section 10.55(2)(c) states that “The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.” The methodology used to delineate Bordering Vegetated Wetlands is further described in: (1) the BVW Policy “*BVW: Bordering Vegetated Wetlands Delineation Criteria and Methodology*,” issued March 1, 1995; and (2) “*Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act: A Handbook*,” produced by the Massachusetts Department of Environmental Protection, dated March 1995. 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 Bordering Vegetated Wetlands. One set of DEP Bordering Vegetated Wetland Delineation Field Data Forms completed for observation plots located in the wetlands and uplands near flag A10 is attached. 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 A1 to A11 Stop	Blue Flags	Boundary of Bordering Vegetated Wetlands located off-site to southeast that is associated with a short stream segment and grated culvert.

Wetland Resource Evaluation: Findings

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Wetland A (i.e., A-series flags), which is located just off-site to the southeast, consists of a marsh fringed by wooded/shrub swamp. Plant species observed include willow (*Salix sp.*) trees, saplings, and shrubs; red maple (*Acer rubrum*), silky dogwood (*Cornus amomum*), and glossy buckthorn (*Rhamnus frangula*) saplings and/or shrubs; and grasses (Gramineae sp.), sedges (Cyperaceae sp.), rushes (Juncaceae sp.), broad-leaf cattail (*Typha latifolia*), purple loosestrife (*Lythrum salicaria*), tussock sedge (*Carex stricta*), soft rush (*Juncus effusus*), sensitive fern (*Onoclea sensibilis*), and golden-rods (*Solidago sp.*) ground cover. Evidence of wetland hydrology, including hydric soils, high groundwater, saturated soils, and pore linings, was observed within the delineated wetland. The vegetated wetland borders a short stream segment and grated culvert; accordingly, the vegetated wetlands would be regulated as Bordering Vegetated Wetlands and the stream 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 Bordering Vegetated Wetlands under the Regulations.

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 25017C0552E, Effective Date June 4, 2010 (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 are no areas mapped as Zone A or AE on or near the subject site. As such, Bordering Land Subject to Flooding would not occur on the subject site. When present, Bordering Land Subject to Flooding would occur in areas where the 100-year flood elevation is located outside of or upgradient of the delineated Bordering Vegetated Wetlands boundary. Bordering Land Subject to Flooding does not have a 100’ Buffer Zone under the Regulations.

Under Section 22-22 of the Ordinance, which identifies the Floodplain/Watershed Protection District, based upon site-specific topography at the same datum there are two areas within the northeastern portion of the site are subject to Ordinance Section 22-22(g)5.(14) Silver Lake (see Existing Conditions Plan and Newton Browser GIS Map). Per the Ordinance, all lands in this area that are elevation 45.0 City of Newton Datum and below are considered Ordinance Watershed associated with Silver Lake under this section. The boundary of this area is based upon elevation, not mapping. Section 22-22 does not establish any form of buffer zone.

Riverfront Area: Based upon a review of the current USGS Map, Boston South Quadrangle, dated 1987 (attached), there are no mapped streams located on or within 200 feet of the site. Based upon observations made during the site inspection, no significant streams were observed on or within 200 feet of the site. Based upon the lack of mapped or observed streams on or within 200 feet of the site, Riverfront Area under the Act and Regulations would not occur on the site. Riverfront Area does not have a 100’ Buffer Zone under the Act and Regulations.

Estimated Habitat and Certified/Potential 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 (NHESP Interactive Viewer Screenshot 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. A brief description of my experience and qualifications is attached.

Project Description and Analysis:

The proposed project consists of the demolition of the single-family house, pool house and in-ground pool, and associated site features including pavement, patios, parts of the existing retaining walls, and fencing and the construction of three two-family houses with a front porch and stairs, a one car garage, a rear deck with steps, and an emergency escape well for each unit; a paved driveway with one exterior parking space for each unit; a paver walkway along the driveway; a new segment of retaining wall topped with a 4' baluster railing between the proposed development and the proposed landscaped park, retained segments of existing retaining wall topped with 4' stockade fence along parts of the property boundaries, 4' high stockade fencing elevated 6" above the ground surface between units, and 6' high stockade fencing elevated 6" above the ground surface along the property boundaries in areas lacking the retaining wall; utilities; associated grading, lawn, and landscape; and a significant landscaped park in the northeastern portion of the site that is accessed via gated stairs from the paver walkway which includes a retention pond that is part of the site's stormwater system, a 4'-wide mulch walking path with benches, maintained lawn areas along the path, and significant, robust native plantings including three pollinator gardens around the retention pond, within the 25' Buffer Zone and Ordinance Watershed areas, and along the perimeter of the site. The majority of one building, a portion of the paved driveway and paver walkway, segments of retaining wall and fencing, a retention pond, a mulch path with benches, and significant landscaping will occur within the 100' Buffer Zone. The proposed retaining wall located between the proposed development and the landscaped park will clearly demarcate the limit of development and will serve to prevent creep. Limited grading associated with an emergency overflow for the retention plan is proposed within the 25' Buffer Zone; after grading, this area will be renaturalized per the Landscape Plan. There is no proposed increase in grade in the two site areas subject to the Ordinance; a mulch path that will be constructed at existing grade, wildlife-friendly fencing will be replaced/installed, and native plantings and/or seeding are proposed in these areas as detailed on the Proposed Plan and Landscape Plan. Significant work on the site is proposed outside of the 100' Buffer Zone. Again, this work is not subject to geographic jurisdiction but is detailed in this filing for purposes of completeness. The measures taken to protect the adjacent resource areas for the work proposed within the 100' Buffer Zone and Ordinance Watershed will also protect the adjacent wetland resources from the work proposed outside of the 100' Buffer Zone.

The proposed project results in increased impervious surface on the site and in the 100-foot Buffer Zone compared to existing conditions. According to the Proposed Conditions Plan, the project will result in a 1,947.5± square foot reduction in total impervious surfaces on the site from 15,671.2± square feet under existing conditions to 13,723.7± under proposed conditions. The proposed project also will result in a 3,174± reduction in impervious surfaces in the 100' Buffer Zone from 7,160± square feet under existing conditions to 3,986± square feet under proposed conditions. Under existing conditions, runoff from impervious surfaces (e.g., roof,

driveway, and patios and walks) is not controlled or treated and is directed to the ground surface. Under proposed conditions, the project includes gutters, downspouts, and drain lines for roof runoff and catch basins with hooded outlets and stormceptors for driveway and walkway runoff. These systems drain to three infiltration systems; the northernmost infiltration system has an emergency overflow to a retention pond proposed in the landscaped park in the northern portion of the site. As required, the retention pond also has an emergency overflow to the southeast. The proposed stormwater system has been designed to comply with requirements under the Newton Stormwater Ordinance and the DEP Stormwater Handbook. Details are provided on the Site Plan and in the Drainage Report prepared by VTP Associates, Inc. A stand-alone Operations & Maintenance Plan prepared by VTP Associates, Inc. details proposed inspection and maintenance requirements for the drainage system. These documents are included as part of this Notice of Intent.

The proposed Landscape Plan includes significant sapling, shrub, and forb plantings and seeding in the 100-foot Buffer Zone in the northeastern portion of the site intended to renaturalize and stabilize the area and provide for enhance wildlife habitat value in this area compared to the existing condition. A listing of plant materials is provided on the Landscape Plan. Compliance with the Newton Tree Ordinance regarding the removal of a total of four eastern white pine trees with a total of 55 caliper inches will be addressed with the City of Newton Tree Warden. The Landscape Plan provides for 103 caliper inches of replacement. The plantings proposed in the Buffer Zone on the site are shown on the Landscape Plan. The listed plantings are not found on the Massachusetts Prohibited Plant List and are not listed on the Invasives Plant Atlas of New England. No formal mitigation or enhancement areas are proposed as part of this project; the work that is proposed is best described as landscaping intended to beautify and renaturalize significant portions of the 100' Buffer Zone on the subject site. Accordingly, a formal monitoring program has not been proposed under this filing. The existing street sapling, which is located outside of jurisdiction, will be protected, relocated, or replaced in coordination with the Tree Warden.

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. Any 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 and a concrete washout area. There are no existing catch basins within Nevada Street proximate to the subject site; as such, catch basin inlet protection has not been proposed.

No work is proposed within any wetland resource area under the Act and Regulations. Limited work consisting of a mulch path at or below existing grade, installation or replacement of fences, and the planting and/or seeding with native species is proposed within the two site areas subject to the Ordinance. Work within the 100' Buffer Zone includes the removal of existing site features including a significant area of pavement and the construction of the majority of one proposed building, a portion of the paved driveway and paver walkway, segments of retaining wall and fencing, a retention pond, a mulch path with benches and maintained lawn, three pollinator gardens, and significant landscaping with native saplings, shrubs, and ground cover. As detailed below, the proposed project has been designed to comply with the narrative performance standard for work within the 100-foot Buffer Zone set forth at 310 CMR 10.53(1), the Newton Conservation Commission 25-foot Naturally Vegetated Buffer (NVB) Policy, and the Ordinance at Section 22-22(b)(1) to (3).

Compliance Evaluation under the Regulations and Ordinance:

Narrative Standard for Work in the Buffer Zone:

Section 10.53(1) of the Regulations provides a narrative standard for work in the Buffer Zone and states:

...If the issuing authority determines that a resource area is significant to an interest identified in M.G.L. c. 131, § 40 for which no presumption is stated in the Preamble to the applicable section, the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests. For work in the buffer zone subject to review under 310 CMR 10.02(2)(b)3., the issuing authority shall impose conditions to protect the interests of the Act identified for the adjacent resource area. The potential for adverse impacts to resource areas from work in the buffer zone may increase with the extent of the work and the proximity to the resource area. The issuing authority may consider the characteristics of the buffer zone, such as the presence of steep slopes, that may increase the potential for adverse impacts on resource areas. Conditions may include limitations on the scope and location of work in the buffer zone as necessary to avoid alteration of resource areas. The issuing authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the resource area and/or other measures commensurate with the scope and location of the work within the buffer zone to protect the interests of the Act. Where a buffer zone has already been developed, the issuing authority may consider the extent of existing development in its review of subsequent proposed work and, where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a resource area to protect the interest of the Act. The purpose of preconstruction review of work in the buffer zone is to ensure that adjacent resource areas are not adversely affected during or after completion of the work.

As indicated in the Preface to the 2005 Revisions to the Regulations, “This standard is intended to provide better guidance to applicants, conservation commissions and DEP by identifying the measures that will ensure that adjacent wetland resource areas are not adversely affected during or after completion of the work.”

Prior to the start of earth moving activities, a perimeter erosion control barrier, which will also serve as the Limit of Work, will be located around the work areas as shown on the Proposed Conditions Plan. A secondary erosion control barrier will also be installed near the base of the proposed retaining wall outside of the 25’ Buffer Zone. These erosion control barriers will be maintained until the work areas are stabilized. Approval of the issuing authority will be received prior to the removal of the erosion control barriers. Under existing conditions, the site slopes gradually to the northeast and east. The proposed condition includes a retaining wall which will serve to isolate the proposed grade changes near the proposed houses from the landscaped park proximate to the wetland. Four trees will be removed from the Buffer Zone. Under proposed conditions, a significant portion of the Buffer Zone, most of the inner Buffer Zone and all of the 25’ Buffer Zone will be renaturalized as a landscaped park. This planting and seeding will serve to protect the adjacent wetland and enhance the wildlife habitat characteristics provided by this area. Upon completion of the project, the Buffer Zone will be stabilized by building, pavement, pavers, mulch, lawn, landscaping, and significant native planting and seeding. As such, the proposed project will serve to protect the applicable statutory interests of the off-site adjacent Bordering Vegetated Wetlands.

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. The project has been designed to improve the condition of the area on the site within 25 feet of the off-site Bordering Vegetated Wetland. This area also includes one of two areas on the site that comprise Ordinance Watershed. Under existing conditions, this area consists of lawn, one eastern white pine tree, and a degraded wooden stockade fence. A portion of this area was part of above-described encroachment by the abutter. Under the proposed plan, any pavement and unsuitable soil will be removed and the area returned to grade with suitable subsoil and high-quality loamy topsoil as detailed on the Landscape Plan. A small portion of this area will be graded to provide for the required emergency overflow from the retention pond. The area will then be planted with significant woody sapling and shrub species and will be overseeded with the native meadow seed mixture as specified on the Landscape Plan. The proposed activities will serve to renaturalize the area; promote shading; interception and infiltration of surface flows; flood water storage; uptake and/or infiltration of nutrients; light and sound buffering through plantings and the wildlife-friendly fencing; and improved habitat compared to the existing condition.

Ordinance:

Section 22-22 of the Ordinance provides standards to be met for projects proposed within its jurisdiction. These standards are as follows:

(b) The provisions of this section shall take precedence over any conflicting city ordinance. Any uses in the Floodplain/Watershed Protection District, whether permitted by right or by special permit or variance, shall be subject to the following:

(1) Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose; no dumping of trash, rubbish, garbage or junk or other waste materials shall be permitted; no filling, dumping, excavation, removal or transfer of gravel, sand, loam or other materials which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.

(2) Subsection (b)(1) notwithstanding, after a public hearing the conservation commission may issue an order of conditions for the following uses in the Floodplain/Watershed Protection District:

a) Any building or structure for which compensatory storage is provided and for which certification is submitted by a registered professional engineer demonstrating that such building or structure shall not result in any increase in flood levels during the 100-year flood.

Compensatory storage shall mean a volume not previous[ly] used for flood storage, and shall be incrementally equal to the theoretical volume of flood water at each elevation which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or wetland being affected by the proposed project. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the waterway.

b) Construction, operation, and maintenance of dams and other water-control devices including temporary alteration of the water level for emergency purposes.

c) Bridges and like structures permitting passage between lands of the same owner, except that such bridges and structures shall be constructed, maintained, and used at the expense and risk of such owner, and shall be designed and constructed so as to minimize the effect of such structures on water storage and water flow.

d) Parking lots, driveways, and walkways ancillary to permitted or existing uses within the district.

e) Recreation, including golf courses, municipal, county or state parks (but not an amusement park), boating, fishing, and any other noncommercial open-air recreation uses and structures ancillary to these uses.

f) Ancillary structures for farms, stock farms, truck gardens, nurseries, orchards, and tree farms.

(3) No order of conditions shall be issued under paragraphs (2)(b)-(2)(f) of this subsection unless it is demonstrated to the satisfaction of the conservation commission that the cumulative effect of the proposed project, when combined with all other existing and anticipated development, will not increase the water surface elevation of the 100-year flood at any point within the city.

As noted above, there are two small areas of the site which are subject to the Ordinance based upon topographic survey and an elevation below 45.0 City of Newton Datum. The southeastern area consists of lawn; the work proposed within this area is planting of native woody materials, seeding with a native seed mixture, and replacement of an existing stockade fence in a manner that allows for wildlife passage. The northern area was subject to encroachment by an abutter. The work proposed in this area consists of removal of pavement and unsuitable soil using suitable subsoil and high-quality loamy top soil to bring the area back to the existing grade, the installation and maintenance of a mulch path to be installed at or below the existing grade, the establishment of native woody materials, and the installation of stockade fence in a manner that allows for wildlife passage. No buildings or structures are proposed; no increase in grades is proposed; no activities that would restrict floodwater flow or reduce floodwater capacity are proposed; as no fill is proposed, no compensatory storage is proposed; no dams or bridges are proposed; no parking lots or driveways are proposed; and no ancillary structures for farms, nurseries, orchards, or tree farms are proposed. Again, the proposed work is minimal and will include a mulch walkway at or below the existing grade to be used for recreation and enjoyment of the residents of the development and renaturalization of the areas. Again, the proposed work within these areas is very limited, will not increase the elevations, will serve to improve wildlife habitat in these areas, and will not increase the water surface elevation of the 100-year flood at any point in the city.

Conclusions:

In conclusion, work associated with the proposed project will not occur in wetland resource areas subject to protection under the Act. Work is proposed within 100' Buffer Zone and

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outside of the 100' Buffer Zone. Limited work is proposed within the Ordinance Watershed and within the 25' Buffer Zone. As detailed above, the proposed work has been designed to comply with the standards for work in such areas and will represent an improvement in such areas compared to the existing conditions. As such, it is EcoTec's opinion that the proposed project complies with the applicable provisions of the Act and Regulations and the Ordinance will serve 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)
280 Nevada LLC (Greg Keshishyan) (Via Email)
Joseph Porter, PLS (Via Email)
Laurence Lee, Esq. (Via Email)

18/w/NEWTON 280 NEVADA CL WRE PD COMP CON

NEWTON LOCUS MAP

280 NEVADA STREET



DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Prepared by: EcoTec, Inc. Project location: 280 Nevada Street, Newton DEP File #:

- Check all that apply:
- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
 - Vegetation and other indications of hydrology used to delineate BVW boundary: fill out Sections I and II
 - Method other than dominance test used (attach additional information)

Section I. Vegetation		Observation Plot Number: A10	Transect Number: Up	Date of Delineation: 11/15/2022	
A. Sample Layer and Plant Species # (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category * #	
Tree	Willow	20	40	Yes	*
	Big-tooth Aspen	20	40	Yes	FACU-
	Tree-of-Heaven	10	20	Yes	NL
Climbing Woody Vine	Oriental Bitter-sweet	20	100	Yes	NL
Sapling	Common Buckthorn	10	50	Yes	NL
	Apple	10	50	Yes	NL
Shrub	Winged Euonymus	20	31	Yes	NL
	Multiflora Rosa	15	23	Yes	FACU
	Tartarian Honeysuckle	10	15	No	FACU
	Glossy Buckthorn	10	15	No	FAC*
	Common Buckthorn	10	15	No	NL
Ground Cover	Multiflora Rose	10	50	Yes	FACU
	Tartarian Honeysuckle	10	50	Yes	FACU

Plant Taxonomy and Wetland Indicator Category from "National List of Plant Species that Occur in Wetlands: Massachusetts" (Fish & Wildlife Service, U.S. Department of the Interior, 1988) as required by 310 CMR 10.55(2)(c).
 *Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c. 131, s. 40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusions:
 Number of dominant wetland indicator plants: 1 Number of dominant non-wetland indicator plants: 9
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? No

TRANSECT A10 UP (CONT.)

Section II. Indicators of Hydrology

1. Soil Survey

Is there a published soil survey for this site? -

title/date: -
 map number: -
 soil type mapped: -
 hydric soil inclusions: -

Are field observations consistent with soil survey? -

Remarks: -

2. Soil Description	Horizon	Depth (inches)	Matrix Color	Mottle Color
A	0-12	10 YR 3/2 Loam	-	-
B	12-18	10 YR 4/4 Loam	-	-

Remarks: Terminated at 18 inches; groundwater not encountered.

3. Other: -

Conclusion: Is soil Hydric? No

Other Indications of Hydrology: (check all that apply and describe)

- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: _____
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BWW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____
- Other: _____

Vegetation and Hydrology Conclusion	yes	no
Number of wetland indicator plants ≥ number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sample location is in a BWW	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Prepared by: EcoTec, Inc. Project location: 280 Nevada Street, Newton DEP File # :

- Check all that apply:
- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
 - Vegetation and other indications of hydrology used to delineate BVW boundary: fill out Sections I and II
 - Method other than dominance test used (attach additional information)

Section I. Vegetation		Observation Plot Number: A10	Transect Number: Wet		Date of Delineation: 11/15/2022	
A. Sample Layer and Plant Species # (by common/scientific name)	Tree	Willow	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category * #
		<i>Salix sp.</i>	40	100	Yes	*
	Climbing Woody Vine	Oriental Bitter-sweet	10	100	Yes	NL
	Shrub	Silky Dogwood	15	100	Yes	FACW*
	Ground Cover	Purple Loosestrife	60	100	Yes	FACW+*

Plant Taxonomy and Wetland Indicator Category from "National List of Plant Species that Occur in Wetlands: Massachusetts" (Fish & Wildlife Service, U.S. Department of the Interior, 1988) as required by 310 CMR 10.55(2)(c).
 *Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c. 131, s. 40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusions:
 Number of dominant wetland indicator plants: 3 Number of dominant non-wetland indicator plants: 1
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Yes

TRANSECT A10 WET (CONT.)

Section II. Indicators of Hydrology

1. Soil Survey

Is there a published soil survey for this site? -

title/date: -
 map number: -
 soil type mapped: -
 hydric soil inclusions: -

Are field observations consistent with soil survey? -

Remarks: -

2. Soil Description	Horizon	Depth (inches)	Matrix Color	Mottle Color
O	24-0	10 YR 2/1 Organic Muck	-	-
B	0-2	10 YR 6/1 Sand	-	-

Other Indications of Hydrology: (check all that apply and describe)

- Site inundated: _____
- Depth to free water in observation hole: 4 inches
- Depth to soil saturation in observation hole: Surface
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BWW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: Seasonally flooded marsh
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____
- Other: _____

Vegetation and Hydrology Conclusion	yes	no
Number of wetland indicator plants ≥ number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sample location is in a BWW	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

Remarks: Terminated at 26 inches.

3. Other: -

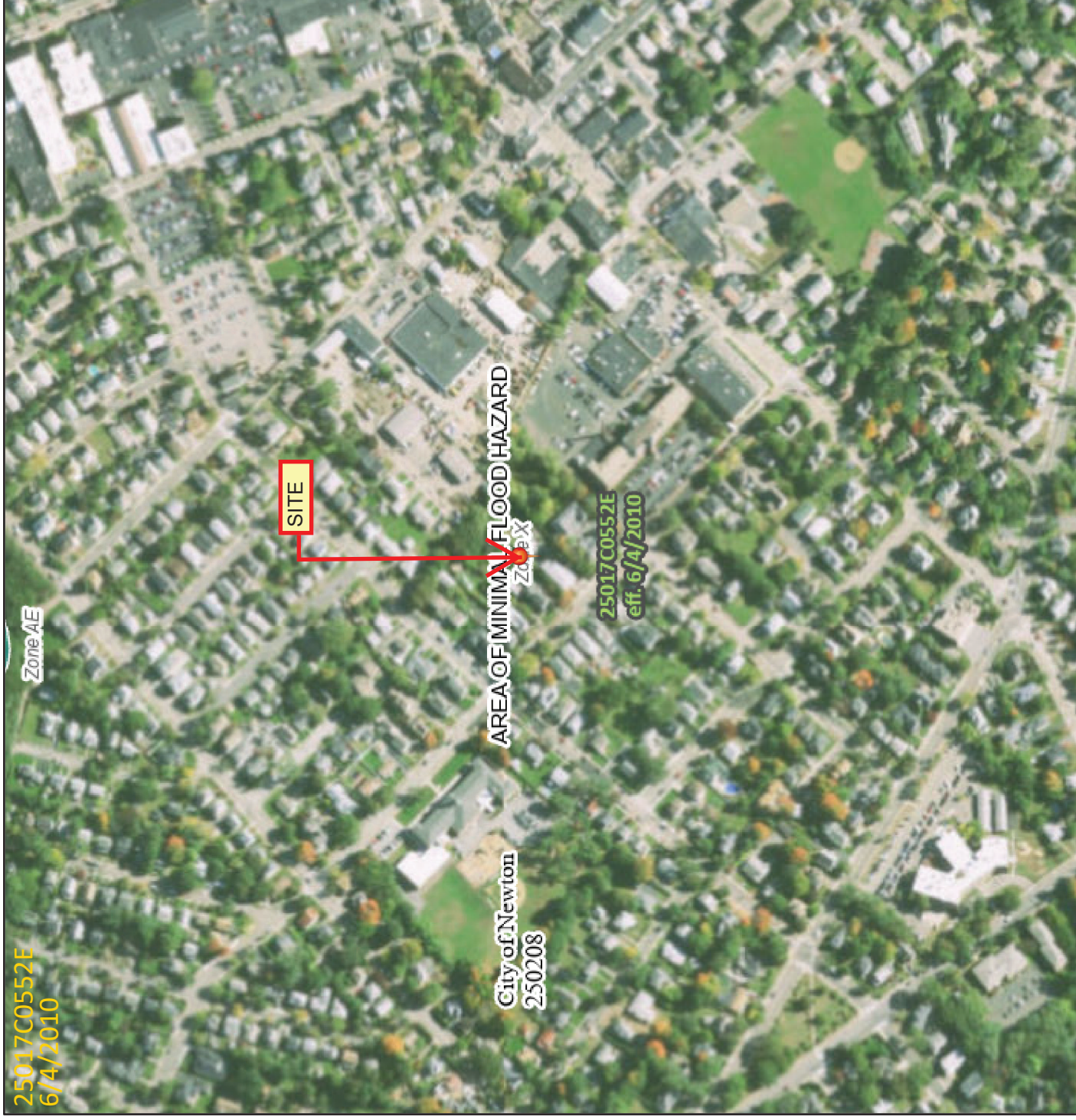
Conclusion: Is soil Hydric? **Yes**

National Flood Hazard Layer FIRMette



71°12'42"W 42°21'49"N

25017C0552E
6/4/2010



Basemap: USGS National Map; Orthoimagery: Data refreshed October, 2020

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

- 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

Cross Sections with 1% Annual Chance Water Surface Elevation

- 20.2
- 17.5
- 8
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study

OTHER FEATURES

- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- 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

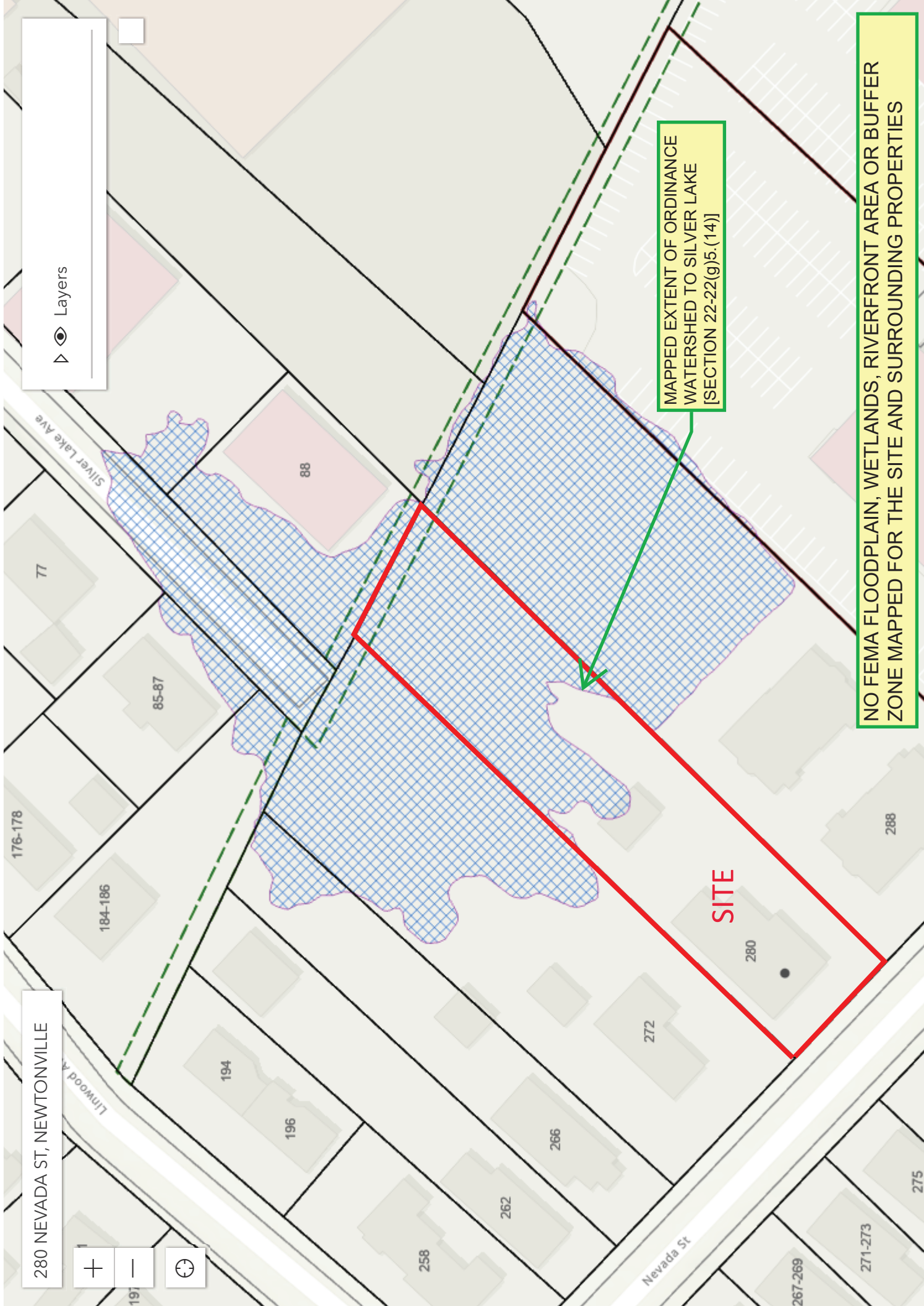
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/15/2022 at 4:15 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

280 NEVADA ST, NEWTONVILLE



Layers

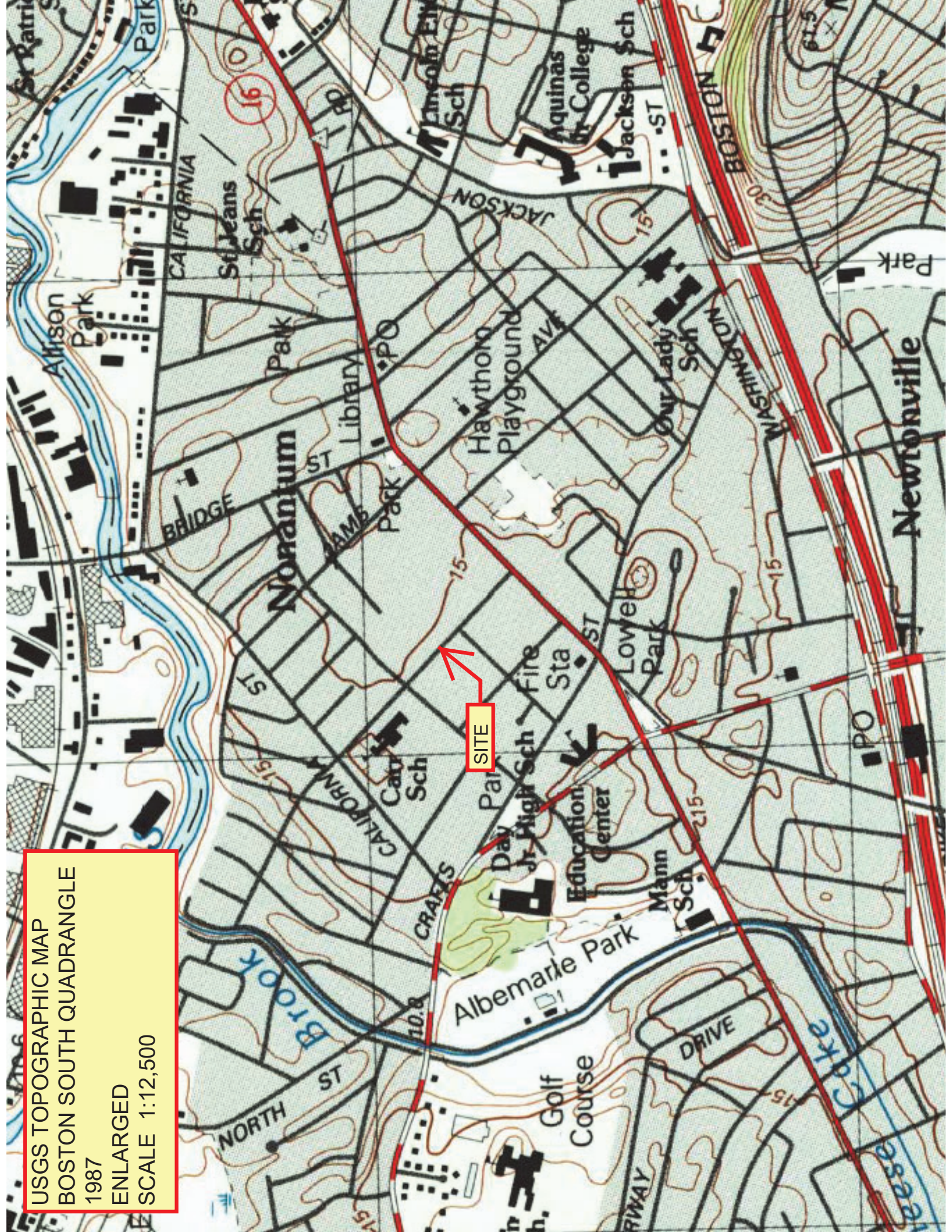


MAPPED EXTENT OF ORDINANCE WATERSHED TO SILVER LAKE [SECTION 22-22(g)5.(14)]

SITE

NO FEMA FLOODPLAIN, WETLANDS, RIVERFRONT AREA OR BUFFER ZONE MAPPED FOR THE SITE AND SURROUNDING PROPERTIES

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 1, 2023



1:18,056
300 m
1000 ft

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



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 5/9/2023 Deadline

Fill in all white cells completely

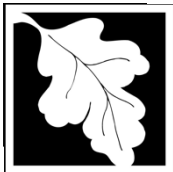
Parcel		Applicant name	280 Nevada LLC (Greg Keshishyan)		
Address	280 Nevada Street	Address	238 Hartman Road, Newton, MA 02459		
Sec/Block/Lot	14 / 008 / 0012	Email	edgebuilderscorp@gmail.com		
Book & Page	80967 & 330	Phone	617-799-9001		
Owner name	280 Nevada LLC	Representative	John P. Rockwood, Ph.D., SPWS		
Address	238 Hartman Road, Newton, MA 02459	Address	EcoTec, Inc. 102 Grove Street, Worcester, MA 01605		
Email	edgebuilderscorp@gmail.com	Email	jrockwood@ecotecinc.com		
Phone	617-799-9001	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	Buffer Zone	sf/cf affected	--	Relevant Perf. Standards	10.53(1)
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 <i>*if legible, plans should be 11"x17"</i>	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 Landscape Plan
Floodplain analysis	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Site Plan and Cover Letter
Stormwater analysis	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Drainage Report and Site Plan
Riverfront Area Alternatives Analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Restoration or mitigation summary	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Site Plan, Landscape Plan, and 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 AND Fee transmittal form 	
			<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>280 Nevada Street</u> a. Street Address	<u>Newton</u> b. City/Town	<u>02460</u> c. Zip Code
Latitude and Longitude:		
<u>14 008</u> f. Assessors Map/Plat Number	<u>42.36005</u> d. Latitude	<u>-71.20630</u> e. Longitude
	<u>0012</u> g. Parcel /Lot Number	

2. Applicant:

<u>Greg</u> a. First Name	<u>Keshishyan</u> b. Last Name	
<u>280 Nevada LLC</u> c. Organization		
<u>238 Hartman Road</u> d. Street Address		
<u>Newton</u> e. City/Town	<u>MA</u> f. State	<u>02459</u> g. Zip Code
<u>617-799-9001</u> h. Phone Number	<u>--</u> i. Fax Number	<u>edgebuilderscorp@gmail.com</u> j. Email Address

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

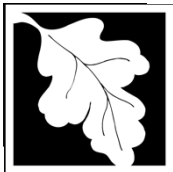
<u>--</u> a. First Name	<u>--</u> b. Last Name	
<u>280 Nevada LLC</u> c. Organization		
<u>238 Hartman Road</u> d. Street Address		
<u>Newton</u> e. City/Town	<u>MA</u> f. State	<u>02459</u> g. Zip Code
<u>617-799-9001</u> h. Phone Number	<u>--</u> i. Fax Number	<u>edgebuilderscorp@gmail.com</u> j. Email address

4. Representative (if any):

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

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

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



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

A. General Information (continued)

6. General Project Description:

The project consists of the demolition of the existing site buildings/site features and the construction of a residential subdivision consisting of three two-unit buildings and associated site features. One building is partially located in the 100' Buffer Zone. The project includes erosion controls, stormwater management facilities, and enhancement/landscaping plantings (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:

Middlesex South	--
a. County	b. Certificate # (if registered land)
80967	330
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.



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

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 type="checkbox"/> Riverfront Area	-- 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:
 square feet

4. Proposed alteration of the Riverfront Area:

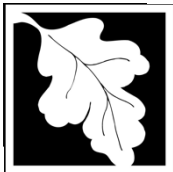
 a. total square feet b. square feet within 100 ft. c. square feet between 100 ft. and 200 ft.

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

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

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

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



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

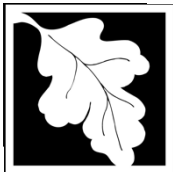
City/Town

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



Massachusetts Department of Environmental Protection
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NEWTON	
City/Town	

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	

- 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.



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

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

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

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.



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:
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Document Transaction Number
NEWTON
City/Town

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 list 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:

143	2/28/2023
2. Municipal Check Number	3. Check date
144	2/28/2023
4. State Check Number	5. Check date
280 Nevada LLC	---
6. Payor name on check: First Name	7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

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

April 28, 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.

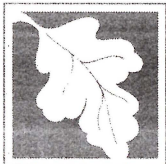
For MassDEP:

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
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

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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.

[Handwritten Signature]

1. Signature of Applicant

02/28/23

2. Date

[Handwritten Signature]

3. Signature of Property Owner (if different)

02/28/23

4. Date

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:

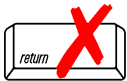
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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
 Bureau of Resource Protection - Wetlands
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>280 Nevada Street</u>	<u>Newton</u>
a. Street Address	b. City/Town
<u>144</u>	<u>\$ 512.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Greg</u>	<u>Keshishyan</u>	
a. First Name	b. Last Name	
<u>280 Nevada LLC</u>		
c. Organization		
<u>238 Hartman Road</u>		
d. Mailing Address		
<u>Newton</u>	<u>MA</u>	<u>02459</u>
e. City/Town	f. State	g. Zip Code
<u>617-799-9001</u>	<u>--</u>	<u>edgebuilderscorp@gmail.com</u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u>--</u>	<u>--</u>	
a. First Name	b. Last Name	
<u>280 Nevada LLC</u>		
c. Organization		
<u>238 Hartman Road</u>		
d. Mailing Address		
<u>Newton</u>	<u>MA</u>	<u>02459</u>
e. City/Town	f. State	g. Zip Code
<u>617-799-9001</u>	<u>--</u>	<u>edgebuilderscorp@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).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
3b. Townhouse Style Building and Associated Activities in BZ 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: 280 Nevada Street (SBL 14008 0012)

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:** 2/28/2023

Abutters List[print this list](#)

Date: March 01, 2023

Subject Property Address: 280 NEVADA ST Newton, MA
Subject Property ID: 14-008-0012

Search Distance: 100 Feet

Owner: CLARK LAUREN A
Co-Owner: DILLER MARC A
Prop ID: 14-008-0011
Prop Location: 288 NEVADA ST #288 Newton, MA
Mailing Address:

288 NEVADA ST #288
NEWTONVILLE, MA 02460

Owner: MICHOS JOHN
Co-Owner: SPARKS SUSAN E
Prop ID: 14-008-0011-A
Prop Location: 288 NEVADA ST #290 Newton, MA
Mailing Address:
288 NEVADA ST 290
NEWTON, MA 02460

Owner: HU JUEJUN
Co-Owner: CHEN DI
Prop ID: 14-008-0011-B
Prop Location: 288 NEVADA ST #292 Newton, MA
Mailing Address:
288 NEVADA ST 292
NEWTON, MA 02460

Owner: SHI SHIAOMING C
Co-Owner: SUN BAOYU
Prop ID: 14-008-0011-C
Prop Location: 288 NEVADA ST #294 Newton, MA
Mailing Address:
288 NEVADA ST 294
NEWTON, MA 02460

Owner: JAISWAL GURVINDER K
Prop ID: 14-008-0013
Prop Location: 272 NEVADA ST Newton, MA
Mailing Address:
272 NEVADA ST
NEWTON, MA 02460

Owner: DAGOSTINO ANTONIETTA TR
Co-Owner: DAGOSTINO REALTY TRUST
Prop ID: 14-008-0016-A
Prop Location: 184-186 LINWOOD AVE Newton, MA
Mailing Address:
191 LINWOOD AVE
NEWTON, MA 02460

Owner: DUFFY CATHERINE M BELLI TR
Co-Owner: BELLI 85-87 SILVER LAKE AVE TRUST
Prop ID: 14-008-0033
Prop Location: 85-87 SILVER LAKE AVE Newton, MA
Mailing Address:
176 LINWOOD AVE
NEWTON, MA 02458

Owner: A R BELLI INC
Prop ID: 14-008-0034
Prop Location: 88 SILVER LAKE AVE Newton, MA
Mailing Address:
271 NEVADA ST
NEWTON, MA 02460

Owner: PAOLINI ANGELO D & SUSAN SGARZI
Co-Owner: PENTA MICHAEL J TRS
Prop ID: 14-008-0038
Prop Location: 75 ADAMS ST Newton, MA
Mailing Address:
483 PLEASANT ST
WATERTOWN, MA 02472

Owner: PAOLINI ANGELO D & SUSAN SGARZI
Co-Owner: PENTA MICHAEL J TRS
Prop ID: 14-008-0039
Prop Location: 87-89 R ADAMS ST Newton, MA
Mailing Address:
483 PLEASANT ST
WATERTOWN, MA 02472

Owner: CLIFFORD GAIL & LAWRENCE TRS
Co-Owner: 267-269 NEVADA ST TRUST
Prop ID: 23-006-0006
Prop Location: 267-269 NEVADA ST Newton, MA
Mailing Address:
267-269 NEVADA ST
NEWTON, MA 02460

Owner: 271 NEVADA STREET LLC
Prop ID: 23-006-0007
Prop Location: 271-273 NEVADA ST Newton, MA
Mailing Address:
280 NEVADA ST
NEWTON, MA 02460

Owner: ELDREDGE WILLIAM A & REGINA
Prop ID: 23-006-0008
Prop Location: 275 NEVADA ST Newton, MA
Mailing Address:
275 NEVADA ST
NEWTONVILLE, MA 02460

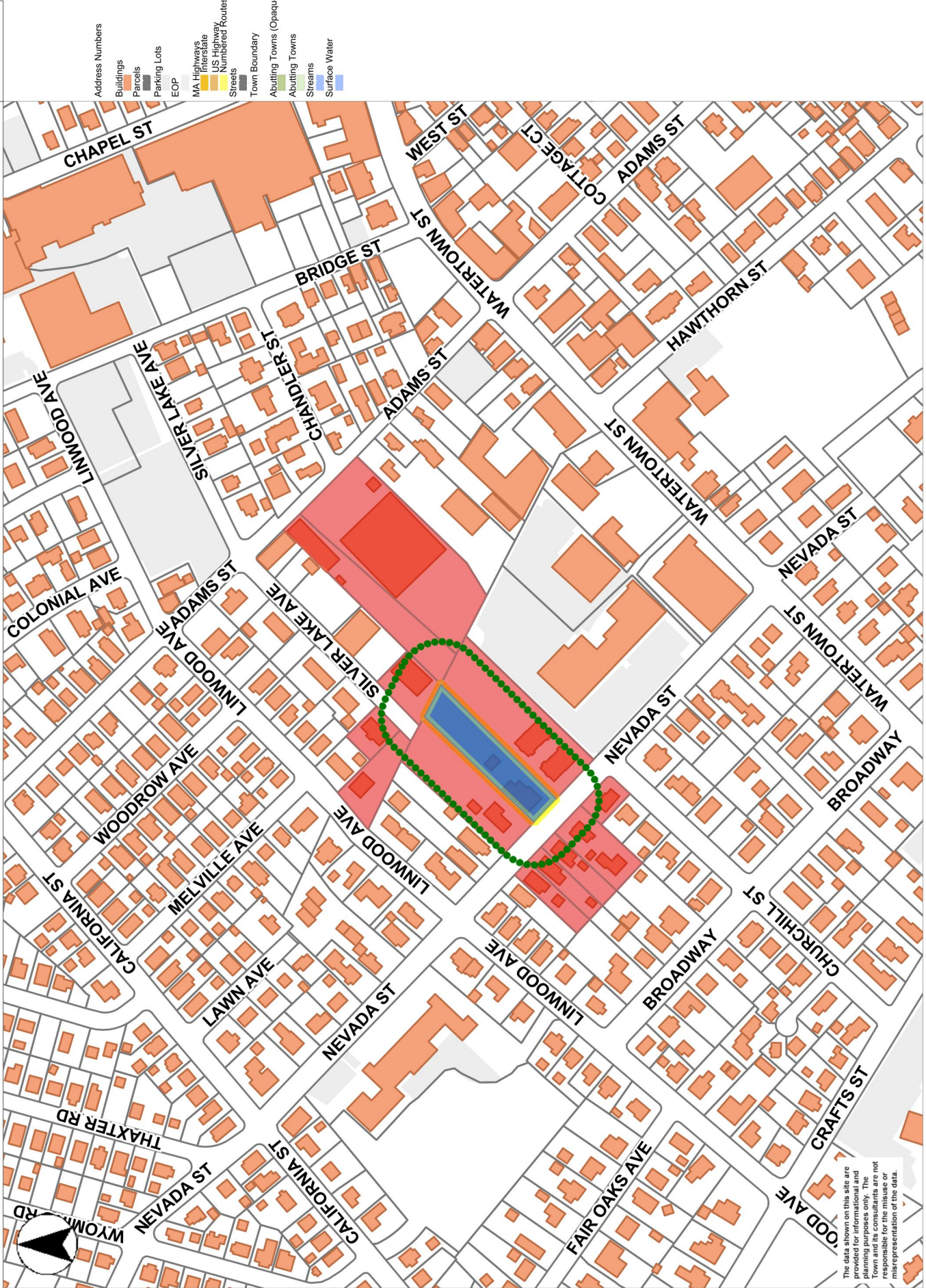
Owner: FRANCHI ROBERT W & RACHEL
Prop ID: 23-006-0009
Prop Location: 281 NEVADA ST #277 Newton, MA
Mailing Address:
281 NEVADA ST 277
NEWTON, MA 02460

Owner: FRANCHI ROBERT W & RACHEL

Prop ID: 23-006-0009-A
Prop Location: 281 NEVADA ST #279 Newton, MA
Mailing Address:
281 NEVADA ST 279
NEWTON, MA 02460

Owner: FRANCHI ROBERT A & JOANNE F
Prop ID: 23-006-0009-B
Prop Location: 281 NEVADA ST #281 Newton, MA
Mailing Address:
290 ADAMS ST
NEWTON, MA 02460

Owner: SCHIEFER TIMOTHY E
Co-Owner: SCHIEFER JESSICA A
Prop ID: 23-006-0010
Prop Location: 3-5 CHURCHILL ST Newton, MA
Mailing Address:
3-5 CHURCHILL ST
NEWTONVILLE, MA 02460



**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 **280 Nevada 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 house, in-ground pool and pool house, and associated site features and the construction of three two-family houses with associated site features.**
- C. The address of the lot where the activity is proposed is **280 Nevada Street, Newton, Massachusetts (Assessor's Reference: Section 14, Block 008, Lot 0012)**.
- 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 28, 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 280 Nevada LLC with the Newton Conservation Commission on April 28, 2023 for property located at 280 Nevada Street, 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 28, 2023_____

Date