

## **NOTICE OF INTENT**

pursuant to

The Massachusetts Wetlands Protection Act  
and the City of Newton's Floodplain Ordinance

### **Gath Memorial Pool Improvements**

**Newton, Massachusetts**

**Applicant:**

Nicole Banks  
City of Newton Parks, Recreation, and Culture Department  
246 Dudley Road  
Newton, MA 02459

**May 2023**

May 9, 2023

Mr. Daniel Green, Chair  
Conservation Commission  
Planning and Development Department  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: **Notice of Intent**  
**Gath Memorial Pool Improvements**  
**250 Albemarle road**  
**Newton, MA**  
(Pare Project No. 23048.00)

Dear Mr. Green and Members of the Newton Conservation Commission:

On behalf of City of Newton Parks, Recreation, and Culture Department c/o Nicole Banks (the Applicant), Pare Corporation (Pare) has prepared this Notice of Intent pursuant to the Regulations of the Massachusetts Wetlands Protection Act 310 CMR 10.00 (the Regulations) and the City of Newton Floodplain Ordinance (the Floodplain Ordinance), for the proposed improvements of the Gath Memorial Pools. Enclosed for your review are the following materials:

- An original copy of a Notice of Intent for the above-referenced project, including WPA Form 3, Local Wetlands Application Coversheet/Checklist, Abutter Notification Documentation including Certified Abutter List, Figures, Project Narrative, and Wetland Delineation Report;
- Stormwater Management Report, prepared by Pare Corporation, dated May, 2023;
- A full-size sets of Project Plans, entitled “Gath Memorial Pool Improvements,” prepared by Pare Corporation, dated May 2023.

A copy of this NOI is being sent concurrently to the Massachusetts Department of Environmental Protection, Northeast Regional Office. All abutters within 100 feet of the project properties are being notified via certified mail, receipts of which will be provided at the Public Hearing. The legal advertisement fee for The Boston Herald will be paid directly by the Applicant upon receipt by the agent. As a municipality, the Applicant is exempt from state and local filing fees.

The Applicant is proposing improvements to the Gath Memorial Pool located at 250 Albemarle Road in the western portion of Sec/Block/Lot 21022 0001. This Property exists to the east of Albemarle Road and Cheese Cake Brook, a perennial stream that flows within the Albemarle Road right-of-way. Currently there are two (2) buildings, two (2) pools, two (2) tennis courts, a basketball court, impervious surfaces such as pool decks and walkways, and multi-use fields surrounding the developed areas. The area of work will be ±1.51 acres and is limited to the existing pools, one building, the tennis courts, and the associated walkways, pool decks, and infrastructure (the Site).

The applicant is proposing the removal and disposal of the pools, all of the pool decking, areas of asphalt, all of the walkways, the steps in the front of the on-Site building, portions of fencing, and stormwater

Newton Conservation Commission

(2)

May 9, 2023

drainage features including manholes and drains. In the process of construction twelve (12) trees will be removed, three (3) of which exist in the Riverfront Area of Cheese Cake Brook.

After removal and disposal of the above features, the Applicant is proposing to construct two (2) new pools, a new splash pool, new pools decks, new roofed shade and storage areas, new ADA accessible walkways, and other associated Site improvements. The building within the Site will remain as it currently exists. A new stormwater treatment system will infiltrate stormwater from the Site and grading throughout the Site. There will be a net decrease in impervious (degraded) areas and all previously impervious areas that are to be made pervious will be loamed and seeded, except for small areas of pervious pavement.

Wetland resource areas on the project site include Riverfront Area and Bordering Land Subject to Flooding (BLSF) associated with Cheese Cake Brook. The Bank and Land Under Waterbodies and Waterways associated with Cheese Cake Brook are located off-Site to the west, in the Albemarle Road right-of-way. Work in the western portion of the Site will occur in the Riverfront Area. The BLSF includes all areas of the site except for the existing pools and their pool decking, approximately, as the FEMA Flood Zone A tightly encircles these features. The site is partially located within the City of Newton Floodplain/Watershed Protection District established under the Floodplain Ordinance

Thank you for your consideration of this application. If you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory LaCroix', written in a cursive style.

Gregory LaCroix  
Environmental Scientist

GL/LG

cc: DEP Northeast Regional Office  
City of Newton Parks, Recreation, and Culture Department c/o Nicole Banks

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# TABLE OF CONTENTS

<b>Section 1</b>	<b>Administrative Documentation</b> WPA Form 3 - Notice of Intent Local Wetlands Application Cover Filing Fee Transmittal Form Affidavit of Service
<b>Section 2</b>	<b>Abutter Notification Information</b> Notification to Abutters Certified Lists of Abutters
<b>Section 3</b>	<b>Figures</b> Figure 1 - Site Location Map Figure 2 - Annotated MassGIS Aerial Photograph Figure 3 - FEMA Flood Insurance Rate Map
<b>Section 4</b>	<b>Project Narrative</b>
<b>Section 5</b>	<b>Wetland Delineation Report</b> Wetland Delineation Report Photography Documentation
<b>Section 5</b>	<b>Stormwater Management Report (Bound Separately)</b>
<b>Section 6</b>	<b>Project Plans entitled “Gath Memorial Pool Improvements”, Prepared by Pare Corporation (Bound Separately)</b>





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**SECTION 1**

Administrative Documentation





**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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MassDEP File Number

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Document Transaction Number

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Newton

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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>250 Albemarle Road</u>	<u>Newton</u>	<u>02460</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42° 21' 28.50"N</u>	<u>71° 12' 58.02"W</u>	
d. Latitude	e. Longitude	
<u>21022</u>	<u>0001</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Nicole</u>	<u>Banks</u>	
a. First Name	b. Last Name	
<u>City of Newton Parks, Recreation, and Culture Department</u>		
c. Organization		
<u>246 Dudley Road</u>		
d. Street Address		
<u>Newton</u>	<u>MA</u>	<u>02459</u>
e. City/Town	f. State	g. Zip Code
<u>617-746-1500</u>	<u>parks@newtonma.gov</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Gregory</u>	<u>LaCroix</u>	
a. First Name	b. Last Name	
<u>Pare Corporation</u>		
c. Company		
<u>10 Lincoln Road, Suite #210</u>		
d. Street Address		
<u>Foxborough</u>	<u>MA</u>	<u>02035</u>
e. City/Town	f. State	g. Zip Code
<u>401-692-1363</u>	<u>glacroix@parecorp.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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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 proposed project involves the removal of the existing main pool and wading pool, the pool deck and its features, and the existing sloped service drive and non-ADA accessible ramp. Two (2) new swimming pools, a new splash pool, a new pool deck, new ADA accessible ramps, and other new site improvements are proposed in their place.

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

6267

c. Book

b. Certificate # (if registered land)

468

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 checked="" type="checkbox"/> Bordering Land Subject to Flooding	38,652 1. square feet 178.87 3. cubic feet of flood storage lost	- 2. square feet 179.34 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
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f. <input checked="" type="checkbox"/> Riverfront Area	Cheese Cake Brook 1. Name of Waterway (if available) - <b>specify coastal or inland</b>	
--	--	--

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: 41,526 square feet

4. Proposed alteration of the Riverfront Area:

<u>41,526</u>	<u>8,460</u>	<u>33,066</u>
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.  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.  Project Involves Stream Crossings

_____	_____
a. number of new stream crossings	b. number of replacement stream crossings



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

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

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage 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](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\*

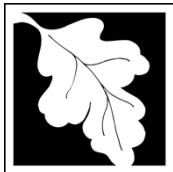
1.  Percentage/acreage of property to be altered:
  - (a) within wetland Resource Area \_\_\_\_\_ percentage/acreage
  - (b) outside Resource Area \_\_\_\_\_ percentage/acreage
2.  Assessor's Map or right-of-way plan of site

2.  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 \*\*
  - (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
  - (b)  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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Newton

City/Town

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

- (c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

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

- (d)  Vegetation cover type map of site

- (e)  Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

1.  Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2.  Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_

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

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a.  Not applicable – project is in inland resource area only      b.  Yes     No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

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

North Shore - Hull to New Hampshire border:

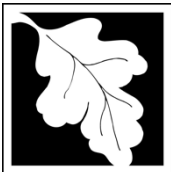
Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

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

- c.  Is this an aquaculture project?      d.  Yes     No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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

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

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

- 4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?  
 a.  Yes  No      If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.  
 b. ACEC

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- 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:

MassDEP File Number

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.

Gath Memorial Pool Improvements

a. Plan Title

Pare Corporation

Jim Jackson, P.E.

b. Prepared By

c. Signed and Stamped by

May 9, 2023

1"=20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

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:

N/A

2. Municipal Check Number

N/A

3. Check date

N/A

4. State Check Number

N/A

5. Check date

N/A

6. Payor name on check: First Name

N/A

7. Payor name on check: Last Name



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

## 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.

### Property owner and Applicant are the same

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

*[Handwritten Signature]*

5/9/2023

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  
**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>250 Albemarle Road</u>	<u>Newton</u>
a. Street Address	b. City/Town
<u>N/A</u>	<u>N/A</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Nicole</u>	<u>Banks</u>	
a. First Name	b. Last Name	
<u>City of Newton Parks, Recreation, and Culture Department</u>		
c. Organization		
<u>246 Dudley Road</u>		
d. Mailing Address		
<u>Newton</u>	<u>MA</u>	<u>02459</u>
e. City/Town	f. State	g. Zip Code
<u>617-746-1500</u>	<u>parks@newtonma.gov</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></u>		
c. Organization		
<u></u>		
d. Mailing Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></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

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee: \_\_\_\_\_ **Fee Exempt - Municipal Project**  
 a. Total Fee from Step 5

State share of filing Fee: \_\_\_\_\_  
 b. 1/2 Total Fee **less** \$12.50

City/Town share of filing Fee: \_\_\_\_\_  
 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.)



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 **May 9, 2023**

Fill in all white cells completely

<b>Parcel</b>		<b>Applicant name</b>	City of Newton Parks Recreation and Culture Department c/o Nicole Banks		
Address	250 Albemarle Road	Address	246 Dudley Road Newton, MA		
Sec/Block/Lot	21022 0001	Email	parks@newtonma.gov		
Book & Page	6267/468	Phone	617-746-1500		
<b>Owner name</b>	Same as Applicant	<b>Representative</b>	Gregory LaCroix		
Address		Address	10 Lincoln Road Foxborough, MA		
Email		Email	glacroix@parecorp.com		
Phone		Phone	401-334-4100		
<b>Legal Ad Payor</b>	Please identify which party will pay for the Legal Ad.		Applicant/Owner		
<b>Wetland type</b>	Riverfront Area	<b>sf/cf affected</b>	41,526 sf	<b>Relevant Perf. Standards</b>	10.58(5)
<b>Wetland type</b>	BLSF	<b>sf/cf affected</b>	178.87 cf	<b>Relevant Perf. Standards</b>	10.57(4)
<b>Wetland type</b>		<b>sf/cf affected</b>		<b>Relevant Perf. Standards</b>	10. _____

Components of a Complete NOI Application

<b>State Form: NOI Form 3</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Engineered Plan* title(s)</b>	
Plan date	
Plan stamped by	
*if legible, plans should be 11"x17"	
<b>Narrative</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Proof that all relevant perf. standards are met</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Locus map</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Delineation lines (backup material)</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Fees</b>	
● Fee Transmittal form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● City portion of state filing fee \$ _____	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
● City's separate filing fee \$50	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Fees Exempt for Municipal Project
<b>Abutter Information</b>	
● Certified abutters list (within 100')	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● Newton's Abutter notification form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● Affidavit & proof -- bring to hearing	<i>Present them at the hearing</i>
<b>Other Attachments, e.g.</b>	
<b>Planting Plan</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Floodplain analysis</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Stormwater analysis</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Riverfront Area Alternatives Analysis</b>	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
<b>Restoration or mitigation summary</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Phasing/Sequencing plan, O&amp;M plan, etc.</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable

## Conservation Commission Wetland Permit Process

RDA	NOI	Steps in Permitting Process	
1.	1.	<b>Get a certified list of all abutters within 100' of property lines from the Newton Assessor's Office.</b>	
	2.	<b>Submit applications by noon of the Tuesday deadline</b> (16 days before the desired hearing) to: <ol style="list-style-type: none"> <li>a. <u>Newton Conservation Commission</u>:               <ul style="list-style-type: none"> <li>• <b>Complete NOI or RDA application packet via electronic submission through NewGov.</b> For NOIs use the application checklist to ensure completeness.                   <ul style="list-style-type: none"> <li>• <b>Application coversheet, state forms, narrative, photocopies of checks, ALL attachments</b></li> <li>• <b>Plans</b> (11"x17" format, if legible) stamped by engineer if any aspect of the project requires engineering.</li> </ul> </li> <li>• <b>Application fees via mail to Newton Conservation Office, 1000 Commonwealth Ave., Newton, MA 02459.</b> For NOIs use the application checklist to ensure completeness.                   <ul style="list-style-type: none"> <li>• <b>Check to City of Newton</b> for city portion of the state filing fee</li> <li>• <b>\$50 check to City of Newton</b> for city filing fee</li> </ul> </li> </ul> </li> <li>b. <u>Mass DEP Northeast Regional Office</u>: Wetlands Division, 150 Presidential Way, Woburn, MA 01801 (1 <b>paper</b> copy)               <ul style="list-style-type: none"> <li>• <b>Complete NOI or RDA application packet (hard copy) AND Photocopy of the two state filing fee checks</b></li> </ul> </li> <li>c. <u>DEP Lock Box</u>: Box 4062, Boston MA 02211               <ul style="list-style-type: none"> <li>• <b>Check to Commonwealth of Mass.</b> for state portion of the state fee <u>AND Fee transmittal form</u></li> </ul> </li> </ol>	
			<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 " <b>Notification to Abutters Form</b> ", <b>notify all abutters within 100' of the property line via certified mail, certificate of mailing, or hand delivery with signatures.</b>
			<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.		<b>Stake the project.</b> 2 weeks in advance of the public hearing, stake all proposed structures, erosion control barriers, stormwater systems, etc. within Con Com jurisdiction. <span style="color: red; font-size: small;">We are requesting relief from this step as the site is in continuous use. Additionally, the site is highly developed and limits of work can be identified when compared to existing structures.</span>
			<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.		<b>Applicants may submit revised materials (via NewGov) by the Tuesday prior to the meeting</b> (to be reviewed and discussed at the meeting) or <b>may request a continuation</b> to a future Conservation Commission meeting.
	2.	6.	<b>Attend the public hearing/meeting.</b> The applicant or representative is expected to <b>provide proof of abutter notification</b> , briefly <b>present the project</b> , and <b>answer any questions about possible impacts on wetlands.</b> At the end of the hearing, the Con Com will either: <ul style="list-style-type: none"> <li>• <b>Issue a Determination of Applicability</b> ("negative" determination means no further permitting is needed),</li> <li>• <b>Issue an Order of Conditions</b> (OOC) approving or denying the project, or</li> <li>• <b>Approve a continuation</b> of the public hearing, to allow time for additional information to be provided.</li> </ul>
	3.	7.	<b>Receive and read the decision and understand the conditions.</b> 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.	<b>Wait-out the 10-Day appeal period.</b> 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.	<b>Record the Order</b> at the Registry of Deeds. <b>Provide proof of recording</b> to the Conservation office.
	10.	<b>Install MassDEP file number sign and erosion controls.</b>	
	11.	<b>Schedule and attend a pre-construction site visit.</b> Contact the Conservation office to schedule the site visit.	
4.	12.	<b>Execute the project.</b> The project must be completed within 3 years, unless an extension of the permit is issued.	
	13.	<b>Request a Certificate of Compliance (COC) via NewGov.</b> Once the project is complete and all conditions have been satisfied, request a COC from the Conservation office by submitting: (1) DEP <b>Form 8a</b> , (2) a stamped <b>as-built plan</b> , and (3) a <b>letter from the engineer</b> 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.	<b>Record the Certificate of Compliance (COC)</b> at the Registry of Deeds to remove the cloud from the title. <b>Provide proof of recording to the Conservation office.</b>	

**AFFIDAVIT OF SERVICE**

**Under the Massachusetts Wetlands Protection Act**

I, Gregory LaCroix hereby certify under the pains and penalties of perjury that on XX/XX/XXXX I gave notification to abutters in compliance with the second paragraph of the Massachusetts General Laws, Chapter 131, Section 40 and the DEP Guide to Abutter Notification in connection with the following matter:

A(n) Notice of Intent application was filed under the Massachusetts Wetlands Protection Act by the City of Newton with the Newton Conservation Commission on 05/09/2023 for a property located at 250 Albemarle Road, Newton, MA.

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

\_\_\_\_\_  
*signature*

\_\_\_\_\_  
*date*

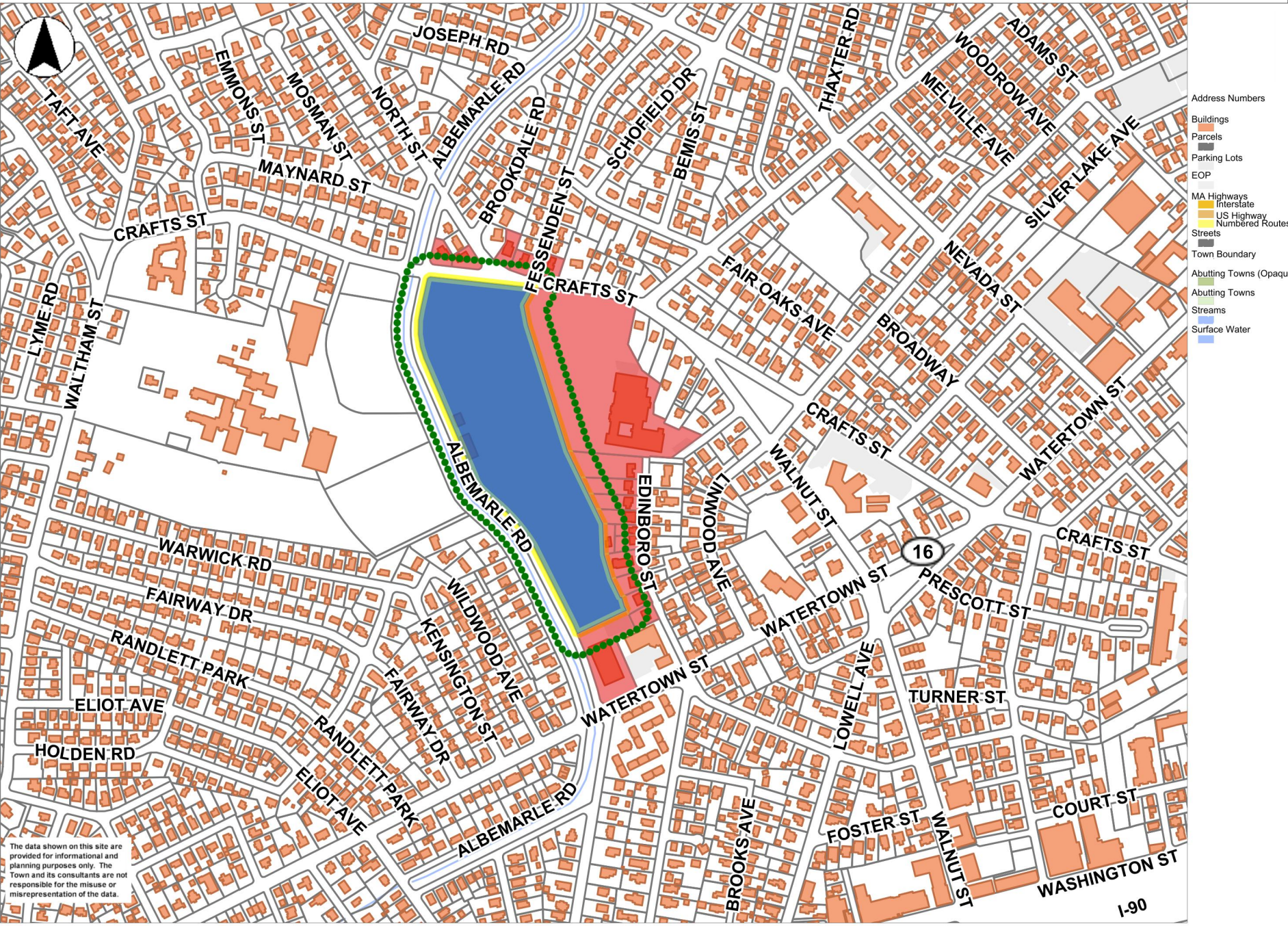
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**SECTION 2**

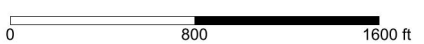
Abutter Notification Information







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



Printed on 04/25/2023 at 04:29 PM



**Abutters List**[print this list](#)

Date: April 25, 2023

Subject Property Address: 250 ALBEMARLE RD Newton, MA

Subject Property ID: 21-022-0001

Search Distance: 100 Feet

---

Owner: TRAN SUONG MY SANDRA  
Prop ID: 21-015-0003  
Prop Location: 405 CRAFTS ST Newton, MA  
Mailing Address:

405 CRAFTS ST  
NEWTON, MA 02460

---

---

Owner: WOLIN LEONARD B & LISA M  
Prop ID: 21-015-0004  
Prop Location: 409 CRAFTS ST Newton, MA  
Mailing Address:  
409 CRAFTS ST  
NEWTONVILLE, MA 02460

---

---

Owner: MITAL NEERAJ & PRERENA  
Prop ID: 21-016-0014-A  
Prop Location: 5 NORTH ST NVL Newton, MA  
Mailing Address:  
5 NORTH STREET  
NEWTON, MA 02460

---

---

Owner: KARAS G M & MCNAIR G D  
Co-Owner: LEVINE JEFFREY S TRS  
Prop ID: 21-016-0015  
Prop Location: 6 FESSENDEN ST Newton, MA  
Mailing Address:  
15 COLONIAL DR  
FRAMINGHAM, MA 01701

---

---

Owner: OREILLY BERNARD M

Prop ID: 21-021-0009  
Prop Location: 5 FESSENDEN ST Newton, MA  
Mailing Address:  
5 FESSENDEN ST  
NEWTON, MA 02460

---

Owner: CITY OF NEWTON  
Co-Owner: SCHOOL DEPT-HORACE MANN  
Prop ID: 21-022-0001-A  
Prop Location: 687 WATERTOWN ST Newton, MA  
Mailing Address:  
100 WALNUT ST  
NEWTON, MA 02460

---

Owner: CITY OF NEWTON  
Co-Owner: SCHOOL DEPT-F A DAY MIDDLE SCHOOL  
Prop ID: 21-022-0002  
Prop Location: 21 MINOT PL Newton, MA  
Mailing Address:  
1000 COMM AVE  
NEWTON, MA 02459

---

Owner: MARIANO OTTAVIO & ROSEMARY E  
Prop ID: 21-022-0018  
Prop Location: 172 EDINBORO ST Newton, MA  
Mailing Address:  
172 EDINBORO ST  
NEWTON, MA 02460

---

Owner: KRAUSS ROBERT E  
Co-Owner: ALBRIGHT MARGARET L  
Prop ID: 21-022-0019  
Prop Location: 166 EDINBORO ST Newton, MA  
Mailing Address:  
166 EDINBORO ST  
NEWTONVILLE, MA 02460

---

Owner: VECCHIONE KEVIN  
Co-Owner: VECCHIONE FRANCES

Prop ID: 21-022-0020  
Prop Location: 160 EDINBORO ST Newton, MA  
Mailing Address:  
160 EDINBORO ST  
NEWTON, MA 02460

---

Owner: LEGELIS KIM & JOHN  
Prop ID: 21-022-0021  
Prop Location: 154-156 EDINBORO ST #154 Newton, MA  
Mailing Address:  
154-156 EDINBORO ST UN 154  
NEWTON, MA 02460

---

Owner: CHAWLA BHUWAN K & INDU B  
Prop ID: 21-022-0021-A  
Prop Location: 154-156 EDINBORO ST #156 Newton, MA  
Mailing Address:  
156 EDINBORO ST 156  
NEWTON, MA 02460

---

Owner: MULVANEY GINA R  
Co-Owner: MULVANEY PAUL  
Prop ID: 21-022-0022  
Prop Location: 150 EDINBORO ST Newton, MA  
Mailing Address:  
150 EDINBORO ST  
NEWTON, MA 02460

---

Owner: SAURO ELIZABETH M & MICHAEL P  
Prop ID: 21-022-0023  
Prop Location: 146-148 EDINBORO ST Newton, MA  
Mailing Address:  
146 EDINBORO ST  
NEWTON, MA 02460

---

Owner: TU JING  
Co-Owner: SHEN TING  
Prop ID: 21-022-0024



Prop Location: 142 EDINBORO ST Newton, MA

Mailing Address:

142 EDINBORO ST  
NEWTON, MA 02460

---

Owner: BOODOO JESSE M

Co-Owner: ZERILLO JESSICA A

Prop ID: 21-022-0025

Prop Location: 136-138 EDINBORO ST #136 Newton, MA

Mailing Address:

136-138 EDINBORO ST 136  
NEWTON, MA 02460

---

Owner: XIA YAN

Co-Owner: WU ZHILI

Prop ID: 21-022-0025-A

Prop Location: 136-138 EDINBORO ST #138 Newton, MA

Mailing Address:

136-138 EDINBORO ST 138  
NEWTON, MA 02460

---

Owner: ZHAO KEHAO

Co-Owner: CHAI XIAOMEI

Prop ID: 21-022-0026

Prop Location: 130 EDINBORO ST 130 Newton, MA

Mailing Address:

130 EDINBORO ST  
NEWTON, MA 02460

---

Owner: KUANG YINA

Co-Owner: MENG HE

Prop ID: 21-022-0026-A

Prop Location: 126-128 EDINBORO ST #126 Newton, MA

Mailing Address:

126 EDINBORO ST 126  
NEWTON, MA 02460

---

Owner: RUKHELMAN DAVID L & TAMARA N

Prop ID: 21-022-0026-A1

Prop Location: 132 EDINBORO ST 132 Newton, MA

Mailing Address:

132 EDINBORO ST  
NEWTON, MA 02460

---

Owner: LI LING YUN

Co-Owner: TANG LING

Prop ID: 21-022-0026-AB

Prop Location: 126-128 EDINBORO ST #128 Newton, MA

Mailing Address:

128 EDINBORO ST  
NEWTON, MA 02460

---

Owner: ZHOU GUANGYU

Co-Owner: TAN LI

Prop ID: 21-022-0026-B

Prop Location: 118-120 EDINBORO ST #118 Newton, MA

Mailing Address:

118-120 EDINBORO ST 118  
NEWTON, MA 02460

---

Owner: JIA JUN

Prop ID: 21-022-0026-B1

Prop Location: 118-120 EDINBORO ST #120 Newton, MA

Mailing Address:

118-120 EDINBORO ST 120  
NEWTON, MA 02460

---

**Notification to Abutters under the  
Massachusetts Wetlands Protection Act and  
Newton Wetlands Protection Ordinance  
(to be provided 7 days prior to the public hearing)**

In accordance with the Massachusetts Wetlands Protection Act (MGL Ch. 131, Sec. 40) and the Newton Floodplain Protection Ordinance (Sec. 22-22. Floodplain/Watershed Protection Provisions), you are hereby notified of the following.

**The applicant** has filed a **Wetlands Protection Act Notice of Intent** with the Newton Conservation Commission.

**Applicant:** City of Newton Parks, Recreation, and Culture Department, c/o Nicole Banks

**Project Location:** 250 Albemarle Road

**Project Site Section-Block-Lot:** 21022 0001

**Project Description:** Removal of existing pools and pool decks and construction of new pools, pool decks, and associated site improvements (fencing, stormwater management, etc.).

**A Public Hearing will be held remotely via Zoom.**

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 Public Hearing will be held remotely on (date and time):** XX/XX/XXXX

**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>).

**Printed notice** will be published in the Boston Herald at least five (5) days in advance of the hearing.

**Copies of the Notice of 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>)

Can be requested from the Northeast Regional Office of the Department of Environmental Protection by calling 978-694-3200.

**Questions can be directed to:**

The Newton Conservation Commission by calling 617-796-1134 or emailing [jsteel@newtonma.gov](mailto:jsteel@newtonma.gov) or [emenounos@newtonma.gov](mailto:emenounos@newtonma.gov).

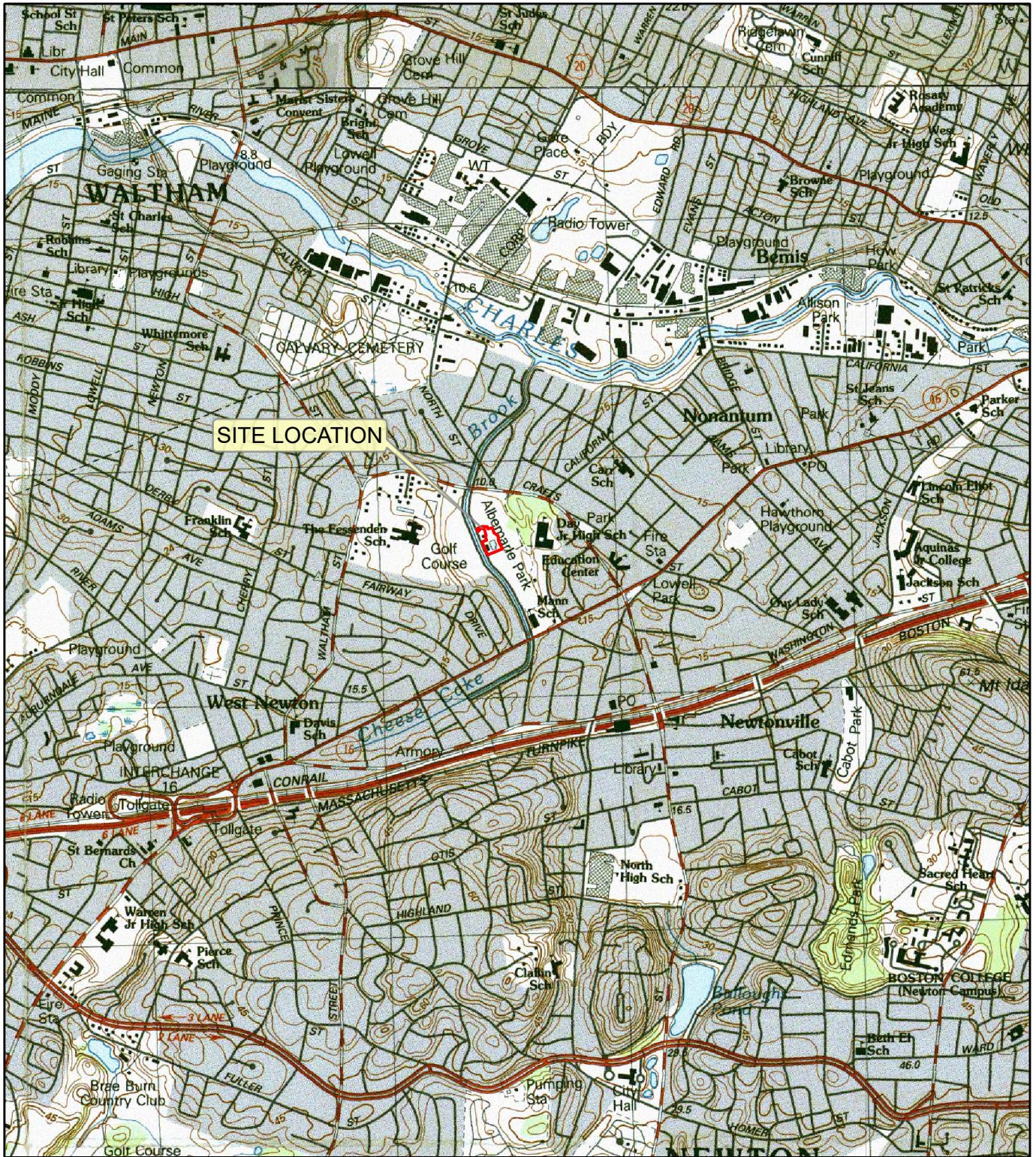
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## SECTION 3

Figures







### SITE LOCATION MAP

SCALE: 1"=2,000'



8 BLACKSTONE VALLEY PLACE  
LINCOLN, RI 02865  
(401) 334-4100



10 LINCOLN ROAD, SUITE 210  
FOXBORO, MA 02035  
(508) 543-1755

PARE PROJECT No. 23048.00

MAY 2023

### FIGURE 1

### GATH MEMORIAL POOL IMPROVEMENTS

250 ALBEMARLE ROAD  
NEWTON, MA





**Legend**

- LOD
- - - Riverfront Area
- Bank of Cheese Cake Brook
- Parcels
- Contours 1'



## ANNOTATED AERIAL PHOTOGRAPH

SCALE: 1"=75'



8 BLACKSTONE VALLEY PLACE  
 LINCOLN, RI 02865  
 (401) 334-4100

10 LINCOLN ROAD, SUITE 210  
 FOXBORO, MA 02035  
 (508) 543-1755

PARE PROJECT No. 23048.00

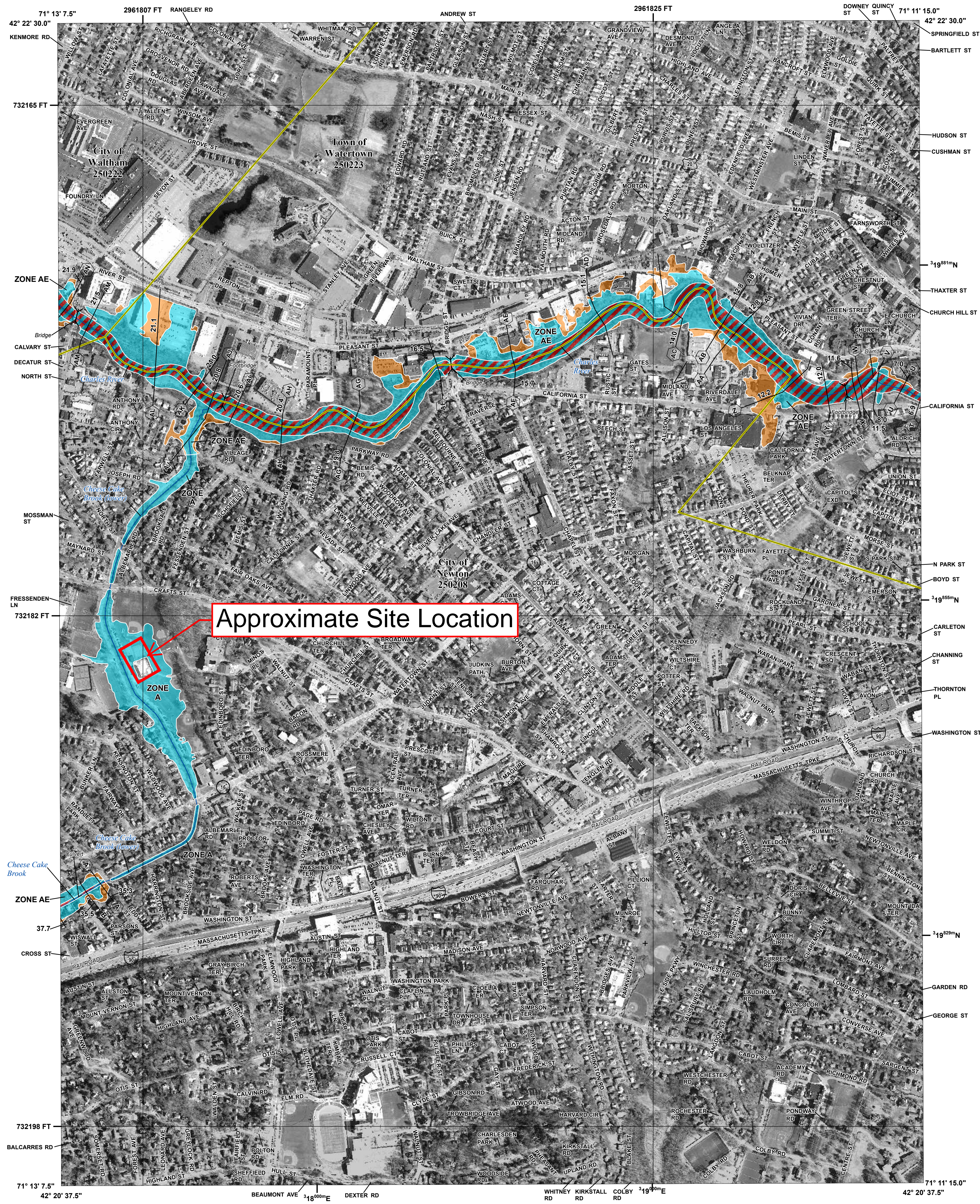
MAY 2023

## FIGURE 2

### GATH MEMORIAL POOL IMPROVEMENTS

250 ALBEMARLE ROAD  
 NEWTON, MA





**FLOOD HAZARD INFORMATION**

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT  
**THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)**

	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
	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
	NO SCREEN Area of Minimal Flood Hazard Zone X
	Area of Undetermined Flood Hazard Zone D
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary

**NOTES TO USERS**

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Mapping and Insurance eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

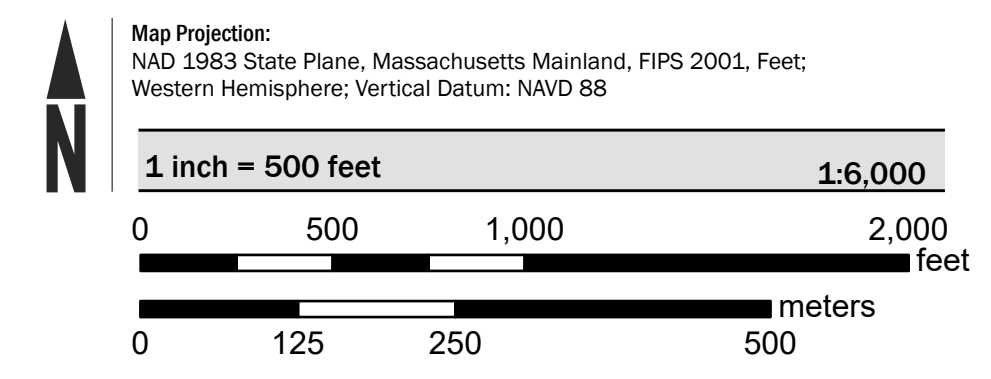
Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction.

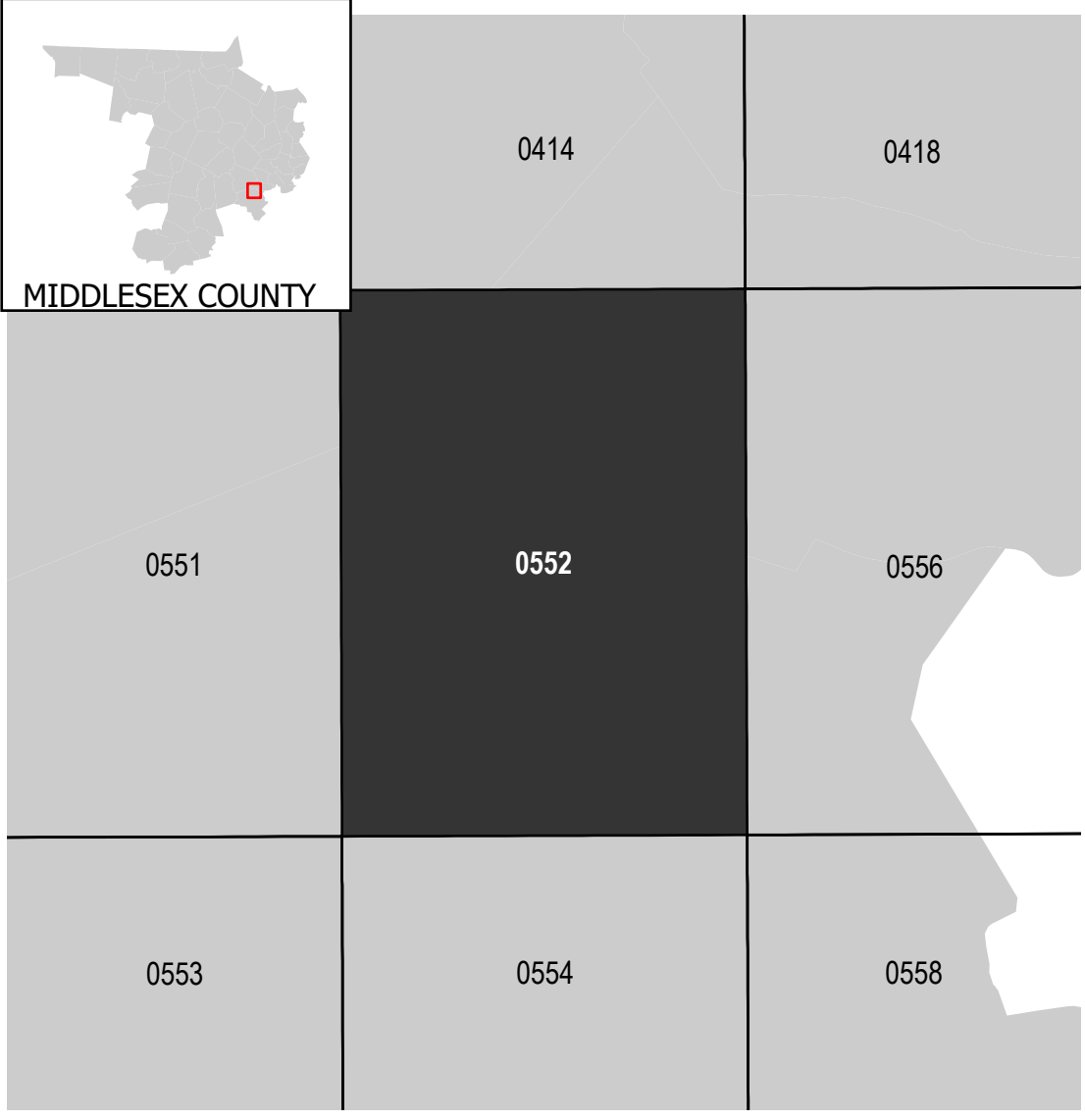
To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on the FIRM uses imagery from 2019 provided by the U.S. Geological Survey at a resolution of 0.15 meter and 2016 transportation data provided by the U.S. Census Bureau with an undefined scale, and political boundaries from 2017 provided by MassGIS at a scale of 1:5,000.

**SCALE**



**PANEL LOCATOR**



**FIGURE 3**

**NATIONAL FLOOD INSURANCE PROGRAM**  
**FLOOD INSURANCE RATE MAP**  
 MIDDLESEX COUNTY, MASSACHUSETTS  
 (All Jurisdictions)  
 PANEL 0552 OF 0656

COMMUNITY	NUMBER	PANEL	SUFFIX
NEWTON, CITY OF	250208	0552	F
WALTHAM, CITY OF	250222	0552	F
WATERTOWN, TOWN OF	250223	0552	F

**PRELIMINARY**  
**08/13/2021**

VERSION NUMBER  
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**SECTION 4**

Project Narrative



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## I. Introduction

On behalf of the City of Newton Parks, Recreation, and Culture Department c/o Nicole Banks (the Applicant), Pare Corporation (Pare) is pleased to submit this Notice of Intent (NOI) to the Newton Conservation Commission and Department of Environmental Protection pursuant to the Massachusetts Wetlands Protection Act (MGL c. 131, s. 40) and Regulations (310 CMR 10.00, referred to herein as the WPA Regulations) and the City of Newton’s Floodplain Ordinance (referred to herein as the Floodplain Ordinance).

The Applicant is proposing to improve and partially redevelop the existing Gath Memorial Pool facility along with associated site improvements. The subject property is located at 250 Albemarle Road, entirely within Section 21, Block 22 and Lot 0001, in Newton. The project will include the removal and disposal of the existing pools, pool decks, tennis courts, and other associated site features. The existing pools and buildings were originally constructed between 1960 and 1965 and the tennis courts were added sometime between 1971 and 1978. In their place, the Applicant is proposing the construction of two (2) new pools, a new splash pool, a new pool deck, new ADA accessible walkways, and other associated site improvements.

This proposed project maximizes the use of existing developed and landscaped areas and entirely avoids direct alterations to biological wetlands and naturally vegetated areas. However, construction activities encroach into the 200-foot Riverfront Area and Bordering Land Subject to Flooding associated with Cheese Cake Brook. As demonstrated herein, the proposed development will not exceed the amount of existing degraded area, will result in a net decrease in impervious surfaces, and is in compliance with the redevelopment within previously developed Riverfront area regulations (310 CMR 10.58(5)(a) through (h)).

The following narrative will discuss the project background and existing site conditions, describe the proposed project, and demonstrate project compliance with the applicable regulatory provisions of the WPA Regulations and the Floodplain Ordinance. The existing site conditions and the proposed project are shown on plans entitled, “*Gath Memorial Pool Improvements*,” prepared by Pare, dated May, 2023 (the “Project Plans”).



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## II. Existing Site Conditions

### *a. General*

The project site consists of ±1.51 acres on Albemarle Road in Newton, MA on Section 21, Block 22, Lot 0001 (Site). The subject parcel is ±16.4 acres in size and consists of previously developed land, including two (2) buildings, two (2) pools, two (2) tennis courts, a basketball court, impervious surfaces such as pool decks and walkways, and multi-use fields surrounding all of the previously mentioned developments. The Site is confined to the pools, the larger of the two (2) buildings (the building), the tennis courts, and the associated walkways, pool decks, and associated infrastructure. Topography of the site is generally flat with a small gradient that reduces in elevation from east to west towards the Brook. Access to the Site is provided via parking areas along the eastern side of Albemarle Road. The site is bounded by an athletic complex, Albemarle Road, and Cheese Cake Brook to the west, F. A. Day Middle School to the east, Old Horace Mann Elementary School to the south, and residential lots to the north. The site is within the “Public Use” zoning district.

### *b. Wetlands and Floodplain*

Pare completed delineations of the site’s wetlands on April 14, 2023. Wetland resource areas on the subject property include 200-foot Riverfront Area and Bordering Land Subject to Flooding (BLSF) associated with Cheese Cake Brook. The wetlands onsite are described briefly below and described in greater detail in the Wetland Delineation Report, included as Section 5 of this NOI.

Cheese Cake Brook is a perennial stream tributary to the Charles River, which flows in a south to north direction to the west of the Site. The Banks of the brook consist of masonry retaining walls with earthen material and grass overlying the walls. The face of the retaining walls were located as Bank to establish the limits the 200-foot Riverfront Area on Site.

According to the FEMA Flood Insurance Rate Map (FIRM) for the Town of Newton, Massachusetts (Preliminary community-panel no. 25017C0552F, revised August 18, 2021), BLSF (defined under section 10.57 (2)(a) of the Regulations) encompasses a band of land bordering Cheese Cake Brook. The site is also partially located within the City of Newton Floodplain/Watershed Protection District. Cheese Cake Brook is not designated as a regulatory floodway, instead just a hydrographic feature, in this portion of the Brook.



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Floodplain on the site is located within Zone A, areas with 1% annual chance of flooding without a designated flood elevation. However, based on Newton GIS data and available preliminary FEMA Flood Zone Maps, the agent of the Newton Conservation Commission, Jennifer Steele, and a representative of Pare established 27.7 to be the base flood elevation of the 100-year storm. The remaining portions of the Site (outside of the FEMA Flood Zone A) are completely outside of flood zones and/or BLSF.

*c. Drainage*

Existing site drainage is divided into two (2) subwatersheds of Cheese Cake Brook which have been delineated by Pare and are shown on the Existing Hydrology Plan, included in Appendix D of the Stormwater Management Report, depicting the limits of the existing drainage areas. The first subwatershed (EDA-1A) is comprised of the existing pool, tennis, and bath house areas. Also in these areas are miscellaneous landscaped areas and impervious walks and pads. The second (EDA-1B) is comparable in composition to EDA-1A, comprising of the impervious pool area and walks, along with landscaped features. The existing topography of the Site is generally flat with an elevated center portion that contains the existing pool area. The entire site drains westward to Cheesecake Brook either via overland flow or conveyance structures running underneath the athletic fields. More detailed information on existing site drainage is provided in the Stormwater Management Report, included as Section 6 of this NOI.

*d. Soils*

According to the USDA Natural Resources Conservation Service (NRCS), site soils consist of 654-Udorthents, loamy. Minor components of this soil unit include Udorthents (10%), Urban Land (5%), and Udorthents (5%). A copy of the NRCS Soil Map is included in the Stormwater Management Report, included as a separate volume as Section 6 of this NOI.

*d. Other Environmental Considerations*

Information obtained from the most recent available MassGIS data indicates that the site does not contain any Areas of Critical Environmental Concern, Outstanding Resource Waters, mapped Rare Species Habitat, mapped Certified Vernal Pools, or mapped Potential Vernal Pools (MassGIS data layers ACECS\_POLY, 2009; ORW\_POLY, 2010; PRIHAB\_POLY, 2021; ESTHAB\_POLY, 2021; CVP\_PT, updated continually; and PVP\_PT, 2013, respectively).



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### III. Proposed Work

The proposed project includes the removal and disposal of the pools, all of the pool decking, areas of asphalt, all of the walkways, the steps in the front of the on-Site building, portions of fencing, and stormwater drainage features including manholes and drains. In the process of construction twelve (12) trees will be removed, three (3) of which exist in the Riverfront Area of Cheese Cake Brook.

After removal and disposal of the above features, the Applicant is proposing to construct two (2) new pools, a new splash pool, new pools decks, new roofed shade and storage areas, new ADA accessible walkways, and other associated Site improvements. Grading throughout the Site is required for the project however, the building within the Site will remain as currently exists. There will be a net decrease in impervious (degraded) areas on the Site and a stormwater treatment system will infiltrate stormwater generated from the newly constructed impervious surfaces on the Site. Portions of the Riverfront Area will be restored and planted with native vegetation.

#### *a. Proposed Demolition and Erosion and Sediment Control*

Prior to construction, various site features must be removed and disposed (R&D). The two (2) pools and all of their deck surface will be R&D entirely. Additionally, the tennis courts, walkways, areas of asphalt, and steps to the west of the building within the site will all be R&D. This represents all of the existing impervious surfaces on the Site except for the building, which will be protected during construction and will not be removed. Other site features such as fencing, and twelve (12) trees will be R&D as well.

Temporary erosion and sedimentation control measures will be installed prior to and for the duration of construction along the perimeter of work areas, otherwise referred to as the Limit of Disturbance (LOD), and as required throughout the site to minimize impacts to resource areas associated with earth disturbing activities. Greater than one acre of land will be disturbed; therefore, the project is subject to obtain a National Pollutant Discharge Elimination System (NPDES) Construction General Permit and a Stormwater Pollution Prevention Plan (SWPPP) will be prepared and submitted prior to the commencement of any land disturbing activities. Erosion and Sedimentation Control measures will be specified in the SWPPP and include, but may not be limited to, the following: a construction entrance proposed in the northwest corner of the Site (north of the basketball and tennis courts), connecting the Site to a parking area off of Albemarle





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Road; a concrete washout area and a soil stockpile area proposed where the tennis courts currently exist; and a single line of compost filter sock, staked on 10-foot lineal spacing, along the LOD.

Please the following sheets of the Project Plans for additional information on proposed demolition and erosion and sediment control:

- C2.1 Demolition Erosion and Sediment Control Plan
- C4.1 Details 1
- C4.2 Details 2

*b. Proposed Development*

The proposed development includes the construction of two (2) full-size pools and a smaller “splash pool.” The full-size pools are proposed in the same general location as the existing full-size pool east of the building. The southern pool is proposed as being ±5,146 square feet (sf) in size and the northern pool is proposed as being ±5,798 sf in size, while the splash pool is proposed as being ±3,056 sf in size. Surrounding the pools there is a concrete pool deck proposed with eleven (11) roofed shade and storage areas of various shapes and sizes throughout the pool deck. Other structures including ADA accessible walkways, a box culvert, and retaining walls will be installed in association with the new pools. The box culvert is proposed solely to increase compensatory flood storage amounts on the Site and to allow a more unrestricted hydrologic flow between upgradient and downgradient areas of BLSF. To reduce impacts, monumental block retaining walls are proposed along various edges of the pool deck including the southern perimeter and areas off of the northern perimeter. Retaining walls are proposed to reduce grading to the extent possible which reduces fill amounts and sf of impacts within Riverfront Area and BLSF.

To accomplish the work, grading is required throughout the Site for the purposes of design as well as stormwater management. The grading scheme is designed to shed water to match the existing conditions to the maximum extent practicable. Proposed grades generally slope away from the building to protect the structure from stormwater runoff. Stormwater is conveyed to best management practices via overland flow.



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*d. Utilities*

Existing utilities including sewer, water, and electric will be maintained as existing.

*e. Stormwater Management*

The proposed project will add an underground infiltration system (Cultec R-360HD) to achieve groundwater recharge, treatment requirements, and peak flow attenuation for the site improvements. All new stormwater collection, storage, and treatment systems have been designed in accordance with the guidelines of the Massachusetts Stormwater Handbook prepared by the Massachusetts Department of Environmental Protection (MADEP). Post-development runoff rates will be maintained or reduced from the pre-development condition and released into existing drainage paths downstream of proposed improvements. Proposed impervious areas will be treated prior to leaving the Site in accordance with the handbook. A portion of the existing infrastructure conveying stormwater through the athletic fields to Cheesecake Brook is also being rerouted around the pool area to make way for those developments.

*f. Landscaping*

The project includes landscape plantings surrounding the proposed developments, which are shown on Sheets L100 and L200 of the Project Plans. Plantings include native deciduous shrubs and trees surrounding the pool deck, the building, and the walkways.

#### **IV. Wetland Impacts and Regulatory Compliance**

The project entirely avoids direct impacts to the Brook and its associated Land Under Waterbodies and Waterways and Banks. However, portions of the proposed work area are located within the 200-foot Riverfront Area and BLSF associated with Cheese Cake Brook. Riverfront Area impacts have been minimized to the extent practicable given the existing conditions of the Site, the constraints of the Site, and programmatic needs of the proposed Site improvements. Resource area impacts and compliance with applicable standards of the Regulations and the Floodplain Ordinance are described below.



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a. 200-foot Riverfront Area

The 200-foot Riverfront area bisects the Site, including only the western portion. The majority of permanent impacts to Riverfront area are confined to degraded areas, except for small, landscaped areas outline in Table 1 below. Previously degraded areas are defined in 10.58(5) of the WPA Regulations:

*“A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds.”*

The majority of the site currently exists as impervious surface, which are considered degraded and work within them qualifies for redevelopment of Riverfront area. The only non-degraded areas in which permanent impacts are proposed are the existing area of grass between the pools and the tennis courts, a strip of grass area south of the pools, and two (2) small areas of lawn south of the building. To mitigate for impacts to non-degraded areas, existing impervious areas throughout the Site are being removed and will be transitioned to pervious pavement, lawn or landscaped areas. Areas of change from impervious surfaces (degraded Riverfront Area) to restored Riverfront Area, or from non-degraded Riverfront Area to impervious surfaces, are quantified in Table 1 below. Other temporary impact areas, including the construction access area and areas within the LOD that surround work that are necessary to have adequate space, will be entirely restored to existing conditions. Approximately 41,526 square feet of alteration is proposed within the 200-foot Riverfront Area associated with Cheese Cake Brook. These impacts are associated with the demolition and reconstruction of portions of the existing Gath Memorial Pool complex. Of this, ±26,543 sf of impervious surfaces are proposed (including the existing building), with the rest of the work area either being temporary impacts (i.e. construction entrance, extra work space) or the transitioning of existing impervious areas to pervious pavement, lawn or planting areas. Existing impervious surfaces within the Site make up ±29,737 sf, therefore the proposed work will result in a ±3,194 sf net decrease in impervious areas within the Riverfront Area. Of the ±3,194 sf decrease in impervious areas, ±2,589 will be transitioned to lawn or planting areas (non-degraded Riverfront Area) and ±605 sf will be transitioned to pervious pavement which is still considered degraded Riverfront area but represents an improvement in regards to environmental impacts as compared to impervious pavement. Shown below are all of the changes in degraded areas within the Riverfront Area.



**Table 1. Changes in Degraded Areas Within Riverfront Area**

Activity	Change in Impervious Surface (sf)*
Removal of Tennis Courts**	±3,612
Removal of Paved Area North of Building**	±1,175
Removal of Paved Area West of Building**	±502
Removal of Paved Area South of Building**	±228
New Pool Deck South of Splash Pool	±2,081
Extension of Pool Deck and ADA Accessible Ramp South of Pools	±749
New Roofed Shade and Storage Area South of Building	±34
Extension of Sidewalk South of Building	±64
<b>Net Change</b>	<b>±2,589***</b>

\*Reductions of impervious areas are shown in green and increases in impervious areas are shown in red.

\*\* Areas where impervious surfaces are to be removed, will be restored in accordance with the restoration requirements outlined in 310 CMR 10.58(5)(f).

\*\*\*The ±605 sf of proposed pervious pavement (over existing impervious pavement) was not included in this calculation as it is considered degraded riverfront area still.

As the majority of work is proposed over previously developed/degraded Riverfront Area, the proposed project falls under 10.58(5) in the WPA Regulations, “Redevelopment Within Previously Developed Riverfront Area: Restoration and Mitigation.” As such, the performance standards for in the “Compliance with WPA Regulations Performance Standards” section.

*b. Compliance with Riverfront Area Performance Standards in the WPA Regulations*

Compliance with the applicable Performance Standards for Riverfront Area set forth in 310 CMR 10.58(5) is demonstrated below.

*(5) Redevelopment Within Previously Developed Riverfront Areas; Restoration and Mitigation. Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas.*

As such, the work must meet the provisions of 310 CMR 10.58(4)(a) and (b) but does not have to meet the provisions of 310 CMR 10.58(4)(c) and (d). Compliance with these provisions is demonstrated below.



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*a) **Protection of Other Resource Areas:** The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (Coastal Bank), 10.32 (Salt Marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.*

**Compliance:** Work within other resource areas (except for BLSF) has been entirely avoided. Please see “Bordering Land Subject to Flooding” section below for compliance with 310 CMR 10.57(4)(a) and the City of Newton’s Floodplain Ordinance.

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

**Compliance:** The Site is not located within mapped rare species habitat and there are no naturally vegetated areas in the limits of work. The site consists entirely of developed and landscaped areas that provide minimal habitat functions. There are no mapped certified vernal pools or potential vernal pools and none were observed on-Site.

Compliance with performance standards for Redevelopment within Riverfront Area at 310 CMR 10.58(5) is demonstrated below:

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

**Compliance:** Proposed work represents an improvement over existing conditions by treating all stormwater generated from proposed impervious surfaces and by decreasing the amount of impervious areas on the Site, including a net decrease of ±3,194 square feet within Riverfront Area.



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In doing so, the proposed work increases the amount of pervious areas with pervious pavement, native plantings, and/or lawn. Other aspects of the proposed project do not have any permanent impacts on the Riverfront Area or Cheese Cake Brook. This is because the proposed use of the property is consistent with the existing and the layout of the project is similar to existing. Additionally, all work is occurring in previously disturbed impervious surface or lawn areas and there are no natural areas in the vicinity of the site.

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

**Compliance:** The proposed project will add an underground infiltration system (Cultec R-360HD) to achieve groundwater recharge, treatment requirements, and peak flow attenuation for the site improvements. All new stormwater collection, storage, and treatment systems have been designed in accordance with the guidelines of the Massachusetts Stormwater Handbook prepared by the Massachusetts Department of Environmental Protection (MADEP). Post-development runoff rates will be maintained or reduced from the pre-development condition and released into existing drainage paths downstream of proposed improvements. Proposed impervious areas will be treated prior to leaving the Site in accordance with the handbook. A portion of the existing infrastructure conveying stormwater through the athletic fields to Cheese Cake Brook is also being rerouted around the pool area to make way for those developments.

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

**Compliance:** While work is proposed within the 100-foot inner riparian area, none of the work is proposed closer to the river than existing conditions.

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

**Compliance:** Work is proposed in a similar location to the existing structures. A majority of the proposed work is located outside of the 100-foot Riverfront Areas or is located outside of the



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Riverfront Area entirely. In the opinion of Pare, this meets the definition of “toward the Riverfront boundary and away from the river.” Work could not be proposed in a different location as the building on-Site is a necessary component of the complex and the pools should be in close proximity to the building. Additionally, changing the footprint of the work would likely have increased impacts to BLSF as the proposed project maximizes use of the only area outside of BLSF that is within a reasonable proximity to the building.

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

**Compliance:** Please see below section (f) which establishes the projects compliance with 310 CMR 10.58(5)(f). The proposed degraded areas is  $\pm 2,589$  sf smaller than the existing degraded area due to removal of impervious areas and therefore the area of proposed development does not exceed the amount of degraded areas currently on-Site. Additionally, impacted non-degraded areas are maintained lawn areas in their current condition and provide very little protection to the interests identified in M.G.L. c. 131 § 40. Work outside of existing or proposed degraded areas is temporary in nature and these areas will be converted back to lawn following proposed work.

- f) When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:*
- 1. 1. removal of all debris, but retaining any trees or other mature vegetation;*
  - 2. grading to a topography which reduces runoff and increases infiltration;*
  - 3. coverage by topsoil at a depth consistent with natural conditions at the site; and*
  - 4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;*

**Compliance:** Restoration of on-Site degraded Riverfront Areas is proposed in the northwest corner of the tennis court as well as different impervious areas surrounding the building. The impervious surfaces in these areas will be removed, the grades will be reestablished to match surroundings and



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encourage infiltration or flow to the stormwater management system, the areas will be covered by topsoil consistent with natural conditions, and the areas will be seeded and/or planted with native species/vegetation appropriate to the site. These restored areas will make up  $\pm 5,517$  sf on the Site after proposed work. However, new impervious surfaces proposed in existing lawn areas including the new pool deck south of the splash pool, the extension of the pool deck and ADA accessible walkway/ramp, the new roofed shade and storage area south of the building, and the extension of the sidewalk south of the building will make up  $\pm 2,928$  sf of the Site following proposed work. Therefore, the restored areas are  $\pm 2,589$  larger than newly degraded areas, in total and proposed restoration is occurring at just below a  $\pm 2:1$  ratio, well above the 1:1 requirement.

- g) When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 through 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Energy and Environmental Affairs.*

**Compliance:** Does not apply. No mitigation is proposed.

*c. Bordering Land Subject to Flooding*

BLSF associated with Cheese Cake Brook will be partially filled on the Site. Impacts to BLSF generally includes all work outside of the limit of the existing pools, their decking, and the building, as BLSF closely encircles these areas on the Site. Compensatory flood storage is proposed at just higher than a 1:1 ratio when compared with filled BLSF. 38,652 sf of BLSF will be directly impacted from proposed work, and





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in this area, 178.87 cubic feet (cf) of fill is proposed. To mitigate for displacement of BLSF, the box culvert will provide 141.4 cf of compensatory storage and cuts into existing conditions will provide 37.94 cf of compensatory flood storage. The summation of these figures equates to 179.34 cf, which is 0.47 cf greater than the 178.87 cf of proposed fill. Therefore, the project represents a net increase in flood storage on the Site.

*d. Compliance with BLSF Performance Standards in the WPA Regulations*

Compliance with the applicable Performance Standards for BLSF set forth in 310 CMR 10.57(4)(a) is demonstrated below:

- 1. Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.*

*Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.*

**Compliance:** Flood storage lost equates to 178.87 and compensatory flood storage provided via a box culvert and areas of cut into existing conditions equates to 179.34. The box culvert as well as areas surrounding the proposed development allow for unrestricted water passage and all cuts are proposed along the edges of the project. This allows for unrestricted hydraulic connection to the same waterway, as the BLSF for Cheese Cake Brook complete encircles the project. As the entire project is within a  $\pm 1.51$  acre area, all displacements and cuts are within the same reach of the Brook. Due to this, it is the opinion of Pare that this project is permissible for the proposed use and work under Newton's Flood Plain Ordinance.



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2. *Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.*

**Compliance:** Work is located entirely outside of and greater than 50-feet from the hydrologic feature. Additionally, during flood events, water will still be allowed to travel to the east and west of the project area and through the proposed box culvert. Therefore, work within BLSF will not restrict flows.

3. *Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.*

**Compliance:** In the opinion of Pare, the area of the Site provides no wildlife habitat whatsoever as it and its surroundings are entirely developed. The use and footprint of the Site are similar to existing and proposed development should not alter wildlife habitat.

*e. Compliance with Stormwater Control Standards*

The proposed stormwater management system is designed within the guidelines of the Massachusetts Stormwater Handbook. The Stormwater Management Report, included under separate cover as Section 6 in this NOI, provides detailed descriptions of the existing and proposed drainage conditions, and demonstrates compliance with the DEP Stormwater Management Standards.

*f. Compliance with the Newton's Floodplain Ordinance and Conservation Commission Policies*



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Compliance with the applicable Performance Standards for work in the Floodplain/Watershed Protection District is set forth in Sec. 22-22 as well as compliance with various Newton Conservation Commission Policies (Compensatory Storage Policy & 25-foot Naturally Vegetated Buffer Policy) is demonstrated below:

*Sec 22-22*

- 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 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.*

**Compliance:** Flood storage lost equates to 178.87 and compensatory flood storage provided via a box culvert and areas of cut into existing conditions equates to 179.34. The box culvert allows for unrestricted water passage and all cuts are proposed along the edges of the project. This allows for unrestricted hydraulic connection to the same waterway, as the BLSF for Cheese Cake Brook complete encircles the project. As the entire project is within a  $\pm 1.51$  acre area, all displacements and cuts are within the same reach of the Brook. Due to this, it is the opinion of Pare that this project is permissible for the proposed use and work under Newton's Flood Plain Ordinance.

*Newton Compensatory Storage Policy*

*Compensatory Storage Policy: Any project proposal which involves fill greater than 2 cubic yards, must supply an additional 10% of compensatory flood storage capacity (i.e., 110% compensation for fill brought*



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into the floodplain elevation). This additional flood storage capacity shall be built into the project application filed with the Commission when proposing work within BLSF or City Floodplain.

*EXEMPTIONS: If an applicant seeks an exemption from the requirements of this policy or any provision hereof, the burden shall be upon the applicant to prove that the proposed project:*

- *Complies with the Wetlands Protection Act and City Flood Plain Ordinance, and*
- *Is the only reasonable alternative to achieve the stated project purpose, or*
- *Will further a significant public interest, or*
- *Is the only available alternative that does not constitute an unconstitutional taking of private property without just compensation.*

*If the Commission votes to allow an exemption to this policy, it may require the applicant to meet certain conditions that the Commission determines will result in improved protection of the wetland resource area.*

**Request for Exemption:** We are requesting an exemption from this policy it is the belief of Pare that the project meets all of the exemption criteria (where compliance with the first criteria and only one (1) other criteria is required) as demonstrated below:

- *“Complies with the Wetlands Protection Act and City Flood Plain Ordinance”* – The site is designed in such a manner that complies with the WPA Regulations and its applicable Riverfront and BLSF standards. Additionally, as demonstrated in “Section F” of the “Wetlands Impacts and Regulatory Compliance” section of this narrative, the project is compliant with the City of Newton’s Flood Plain Ordinance.
- *“Is the only reasonable alternative to achieve the stated project purpose”* – The project is essentially an existing mounded pool complex that is being expanded in an open field. There is no other way to provide compensatory storage as the pool itself is the only infrastructure at these elevations. All manners of regrading and providing flood storage under the pool itself through box culverts is being exhausted to bring the project in compliance with flood regulations.
- *“Will further a significant public interest”* – This project furthers a significant public interest as it is an improvement to a public recreation facility that will provide benefits to Newton residents. Gath Pool provides recreational opportunity for the public and students alike and is a central fixture at the overall site where many community events take place.



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- “Is the only available alternative that does not constitute an unconstitutional taking of private property without just compensation” – As mentioned above, all storage solutions are being exhausted at this time.

*Newton Conservation Commission 25-Foot Naturally Vegetated Buffer Policy*

*REQUIREMENT of this POLICY: To fully protect Newton’s wetland resources, it is the policy of the Newton Conservation Commission to ensure that a 25-foot Naturally Vegetated Buffer (25-foot NVB) of native trees, shrubs, and low-growing vegetation is maintained or established to the maximum extent feasible immediately upgradient of the edge of a resource area subject to protection under the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40.*

**Compliance:** No land within 25-feet of Cheese Cake Brook is located on the Site or the parcel in which the site falls on and therefore it is not possible for the project to meet this policy. Native plantings from the City’s “Recommended Native Plants” list have been proposed throughout the site that will result in a net ecological benefit.

## **V. Summary**

This NOI addresses the proposed improvements to the Gath Memorial Pools in Newton, Massachusetts. The project includes the removal and disposal of the existing pools, pool decks, tennis courts, and other associated site features as well as the construction of two (2) new pools, a new splash pool, a new pool deck, new ADA accessible walkways, and other associated site improvements within the existing developed footprint.

Impacts to resource areas are limited to work within the 200-foot Riverfront Area and BLSF associated with Cheese Cake Brook, a perennial stream. As demonstrated herein, the work complies with the applicable Performance Standards for Redevelopment within Riverfront Area established in 310 CMR 10.58(5), the applicable performance standards for BLSF established in 310 CMR 10.57(4)(a), the applicable performance standards for the City of Newton Floodplain/Watershed Ordinance, and the applicable Newton Conservation Commission Policies. Measures have been incorporated into the project plans to minimize impacts to resource areas in the form of erosion and sedimentation controls and stormwater BMPs. The unavoidable impacts are the minimum necessary to achieve the project purpose



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allowable within the State and Local Regulations. On behalf of the City of Newton Parks, Recreation, and Culture Department, Pare respectfully requests that the Newton Conservation Commission issue an Order of Conditions allowing the project to proceed as proposed.



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**SECTION 5**

Wetland Delineation Report





## WETLAND FIELD REPORT

**PROJECT TITLE:** Gath Memorial Pool Improvements

**PARE JOB NO.:** 23048.00

**LOCATION:** 250 Albemarle Road, Newton, MA

**WEATHER:** Sunny, 85°

**REPORT DATE:** 4/14/2023

**PERFORMED BY:** Gregory LaCroix

### DISCUSSIONS AND COMMENTS

Wetlands at the 250 Albemarle Road property in the vicinity of the Gath Memorial Pool complex (Site) in Newton were defined and delineated in accordance with the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00, referred to as the Regulations), and the methodology specified in the publications entitled Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act (Jackson et al., 2022). Inspection and delineation of wetlands were completed on April 14, 2023.

The project site consists of a parcel (Sec-Block-Lot 21022 0001) with frontage along the east side of Albemarle Road. The site includes the Gath Memorial Pool complex as well as multiple athletic fields and is bound by an athletic complex and Cheese Cake Brook to the west, F.A. Day Middle School to the east, Old Horace Mann Elementary School to the south, and residential lots to the north. Wetland resource areas in the vicinity of the site include **Bank, Land Under Water Bodies/Waterways, 200-Foot Riverfront Area, and Bordering Land Subject to Flooding.**

Primary parameters evaluated in wetland delineation included vegetation, indicators of wetland hydrology, and hydric soil indicators. Banks of the Cheese Cake Brook channel were delineated according to the first observable break in slope. As no bordering vegetated wetland were observed in the vicinity of the Site, no Department of Environmental Protection wetland delineation data forms have been included with this report.

### WETLAND DESCRIPTIONS

#### **Cheese Cake Brook**

Cheese Cake Brook, a tributary to the Charles River, flows in a northerly direction through stone masonry retaining walls along the western portion of the Site. It is mapped as a perennial river according to the USGS Topographic Quadrangle and is shown as a hydrographic feature on the FEMA Flood Insurance Rate Map for the area. Therefore, Cheese Cake Brook is classified as a **River** and has an associated **200-foot Riverfront Area** that includes both wooded and previously disturbed areas on the property.

The edges of the stream are defined in 310 CMR 10.54 (2) of the Regulations as **Bank**. Cheese Cake Brook flows the northbound and southbound lanes of Albemarle Road and approaches the Site from the south, flows past the Site, and leaves the vicinity of the Site after flowing north underneath Crafts Street, via a bridge. The eastern and western banks of the Brook are defined by the face of masonry retaining walls with various width topsoil and grass overtopping the retaining walls. Portions of the retaining walls have significant undercutting that may compromise their stability. Upgradient of the banks are maintained lawn areas with a line of Red Maple shade trees with approximately 100-foot separation. The Albemarle Road lanes exist approximately 20-feet upgradient of the banks on either side. Within the area of delineation ( $\pm$ 200-feet south of the pedestrian bridge that crosses the Brook north to the Craft St. bridge) the Brook



## WETLAND FIELD REPORT

receives a significant amount of stormwater via paved swales receiving water directly from Albemarle Road or culvert outfalls that receive water from unknown locations.

The channel of the Brook consists of a gravelly and stony substrate with small grass-vegetated mounds intermittently spaced throughout. Flow within the stream is moderate and ranges from 1-6 inches in depth depending on location. Both Canada Geese (*Branta canadensis*) and Mallards (*Anas platyrhynchos*) were observed within the channel and along the banks of the Brook during the day of delineation. Various types of trash were also observed in the Brook's channel as well.

No flags were hung along the banks of the Brook due to the lack of woody vegetation and because the retaining walls serve as a permanent demarcation of the banks of the stream. As such, the banks of the Brook were located using a handheld Trimble GPS unit with sub-meter accuracy. Bank vegetation observed along the delineated portion of Cheese Cake Brook included, but was not limited to, the following species:

Common Name	Scientific Name	Indicator Status
Red Maple	<i>Acer rubrum</i>	FAC
Grass	<i>Grass sp.</i>	Assume FACU

### Bordering Land Subject to Flooding

According to the FEMA Flood Insurance Rate Map (FIRM) for the Town of Newton, Massachusetts (Preliminary community-panel no. 25017C0552F, revised August 18, 2021), an area of 100-year floodplain associated with Cheese Cake Brook encompasses a band of land bordering the brook off its eastern bank. According to 310 CMR 10.57(2), areas of 100-year floodplain located upslope of the delineated Banks are classified as **Bordering Land Subject to Flooding (BLSF)**. The site is also partially located within the City of Newton Floodplain/Watershed Protection District. Cheese Cake Brook is not designated as a regulatory floodway, instead just a hydrographic feature, in this portion of the Brook. Floodplain on the site is located within Zone A, areas with 1% annual chance of flooding without a designated flood elevation. However, based on Newton GIS data and available preliminary FEMA Flood Zone Maps, the agent of the Newton Conservation Commission, Jennifer Steele, and a representative of Pare established 27.7 to be the base flood elevation of the 100-year storm. The remaining portions of the Site (outside of the FEMA Flood Zone A) are completely outside of flood zones and/or BLSF.

GDL/LHG

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Photo No. 1: View from between Cheese Cake Brook and the building looking east at the building.



Photo No. 2: View looking north of both buildings on the parcel from southwest of Gath Memorial Pools complex off of eastern bank of Cheese Cake Brook.







Photo No. 3: View looking southeast of the building from the northwest of the building. The pools exist to the rear of the building with tennis and basketball courts to the left side.



Photo No. 4: View looking southeast of building's proximity to Cheese Cake Brook. Riverfront Area exists as lawn, shade trees, and/or impervious surfaces on the Site.







Photo No. 5: View south at Cheese Cake Brook. Notice Mallards and grass mounds within the channel. Depth of water is 6-inches at a maximum.



Photo No. 6: View north of Cheese Cake Brook and Riverfront Area. Inner Riparian Area is similar off of east and west banks of the Brook. It includes lawn, shade trees, and impervious areas.







Photo No. 7: View of channel substrate and retaining wall that serves as bank from western bank of Brook. Brook substrate includes gravels and stones and has some algal growth on it.



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**SECTION 5**

Stormwater Memo

Bound Separately



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**SECTION 6**

Project Plans  
Bound Separately

