

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

July 25, 2023

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

RE: -Notice of Intent under the Massachusetts Wetlands Protection Act and Newton Floodplain/Watershed Ordinance
-Proposed In-ground Pool Installation and Landscaping Activities in Buffer Zone Associated with an Existing Single-Family House; 580 Walnut Street, Newton, Massachusetts
-Applicant: Gaurav Singal and Shikha Mangla

To the Commission:

This Notice of Intent (NOI) has been filed with the Newton Conservation Commission electronically under the Massachusetts Wetlands Protection Act and the Newton Floodplain/Watershed Ordinance. Two checks made payable to the City of Newton: (1) \$122.50 for the City Share of the Act Fee, and (2) \$50.00 for the filing fee under the Ordinance have been provided to Conservation Commission Staff by hand on July 5, 2023.

Please have the legal notice billed to EcoTec, Inc. (John Rockwood; jrockwood@ecotecinc.com; 508-752-9666 ext. 3).

Submitted Materials:

This submittal consists of the following:

1. This Cover Letter, which includes the
 - a. List of Submitted Materials;
 - b. Wetland Resource Evaluation with
 - 1) City of Newton Locus Map;

- 2) Flood Insurance Rate Map, Map No.: 25017C0554E, dated June 4, 2010 with site indicated;
- 3) City of Newton GIS Browser with site and mapped resources identified;
- 4) USGS Map, Boston South Quadrangle, 1987 with site indicated;
- 5) Massachusetts NHESP Atlas (15th Edition), August 1, 2021 and Certified and Potential Vernal Pools from MassMapper with site indicated;
- 6) Resume;
- c. Project Description and Analysis;
- d. Compliance Evaluation for Work in the Buffer Zone;
- e. Conclusions;
 - 1) Site Photographs, EcoTec, Inc., January 18, 2023;
2. City of Newton Cons.Com. Wetland Application Coversheet/Checklist and Copy of Ordinance Filing Fee Check;
3. The Notice of Intent Form, Fee Transmittal Form, and Copy of Act Filing Fee Checks;
4. Drainage Summary, Proposed Pool Addition, 580 Walnut Street, Newton, Massachusetts, prepared by Verne T. Porter Jr, PLS, dated July 17, 2023, signed and stamped by Paul L. Tyrell, P.E.;
 - a. Operations & Maintenance Plan, Stormwater Management Facilities, Proposed Pool, 580 Walnut Street, Newton, Massachusetts, prepared by Verne T. Porter Jr., PLS, dated July 13, 2023;
5. Landscape Plan Set:
 - a. Landscape Site Notes and Preparation Plan, Singal Residence, 580 Walnut Street, Newton, MA, Sheet L1, Scale 1" = 8', prepared by Ryan Associates, signed and stamped by Thomas R. Ryan, RLA;
 - b. Planting Plan, Singal Residence, 580 Walnut Street, Newton, MA, Sheet L2, Scale 1" = 8', prepared by Ryan Associates, signed and stamped by Thomas R. Ryan, RLA; and
6. Civil Plan Set:
 - a. Existing Conditions Site Plan, 580 Walnut Street, Newton, Massachusetts, Sheet 1, Scale 1" = 10', prepared by Verne T. Porter Jr, PLS, dated June 28, 2023, signed and stamped by Verne T. Porter Jr., PLS and Paul L. Tyrell, P.E.; and
 - b. Proposed Conditions Site Plan, 580 Walnut Street, Newton, Massachusetts, Sheet 2, Scale 1" = 10', prepared by Verne T. Porter Jr, PLS, dated June 28, 2023, signed and stamped by Verne T. Porter Jr., PLS and Paul L. Tyrell, P.E

One copy of this filing and payment of \$97.50 have been sent by Certified Mail, Return Receipt Requested and Regular Mail, respectively, to the Northeast Regional Office of the Department of Environmental Protection and to the DEP Lockbox, respectively. Documentation of all payments is included in the filing.

In compliance with the Act and Regulations, all abutters within one hundred feet of the subject site have been notified of this submittal via Certificate of Mailing. Proof of timely notice to

Newton Conservation Commission
July 25, 2023
Page 3.

abutters shall be provided to the Conservation Commission Staff via NewGov well in advance of the hearing on this matter.

We look forward to meeting remotely with the Conservation Commission on this matter on August 17, 2023. If you have any questions, please feel free to contact me at any time.

Wetland Resource Evaluation:

On January 18, 2023, EcoTec, Inc. inspected the above-referenced property for the presence of wetland resources as defined by: (1) the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40; the "Act") and its implementing regulations (310 CMR 10.00 *et seq.*; the "Regulations"); and (2) the U.S. Clean Water Act. The City of Newton does not have a Wetlands Protection Ordinance but does have a Floodplain/Watershed Ordinance (the "Ordinance"; Section 22-22). There was no snow cover at the time of the inspection. John P. Rockwood, Ph.D., SPWS conducted the inspection.

The subject site consists of a 0.392±-acre (17,068±-square foot) parcel located to the east of Walnut Street in the Newtonville section of Newton, Massachusetts (see attached Locus Map). The northern portion of Bullough's Pond is located immediately to the east of the site. The subject site is developed with a single-family house with an attached two-car garage and rear deck with stairs; rear paver and wood patios with hot tub, outdoor kitchen, steps, and decorative stone walls; paved driveway with cobble edging; decorative stone walls; cobble front walk with wooden stairs and landing; accessory garage/house access; AC units and pads; planter boxes; various fencing including a post and cable fence near the eastern property line; various landscape beds, and associated lawn. Several trees occur within the landscaped areas at the site periphery; one 32" multi-leader eastern white pine that is affected by vines occurs very near the northeastern corner of the house. Photographs of the site taken by EcoTec on January 18, 2023 are included with this letter. Two existing subsurface infiltration systems occur on the site to the south of the existing house and patio. The area between the site and Walnut Street consists of a concrete sidewalk, lawn strip with no street trees, and granite curbing. One catch basin occurs in Walnut Street along the site frontage. The wetland resources observed on and near the site are described below.

Methodology:

The site and the area to the east of the site were inspected, and areas suspected to qualify as wetland resources were identified. The boundary of Bordering Vegetated Wetlands or, in the absence of Bordering Vegetated Wetlands, Bank was delineated in the field in accordance with the definitions set forth in the regulations at 310 CMR 10.55(2)(c) and 310 CMR 10.54(2). Section 10.55(2)(c) states that "The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist." Section 10.54(2)(c) states that "The upper

boundary of Bank is the first observable break in the slope or the mean annual flood level, whichever is lower.” The methodology used to delineate Bordering Vegetated Wetlands is further described in: (1) the BVW Policy “*BVW: Bordering Vegetated Wetlands Delineation Criteria and Methodology*,” issued March 1, 1995; and (2) “*Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act: A Handbook*,” produced by the Massachusetts Department of Environmental Protection, dated March 1995. The plant taxonomy used in this report is based on the *National List of Plant Species that Occur in Wetlands: Massachusetts* (Fish and Wildlife Service, U.S. Department of the Interior, 1988). Federal wetlands were presumed to have boundaries conterminous with the delineated Bordering Vegetated Wetlands and Bank. The delineated boundary consists largely of the Bank of Bullough’s Pond with very limited thin bands of Bordering Vegetated Wetlands. As such, DEP Bordering Vegetated Wetland Delineation Field Data Forms were not completed and are not attached to this letter. The table below provides the Flag Numbers, Flag Type, and Wetland Types and Locations for the delineated wetland resources.

Flag Numbers	Flag Type	Wetland Types and Locations
Start A1 to A9 Stop	Blue Flags	Boundary of Bank of Bullough’s Pond with limited thin bands of Bordering Vegetated Wetlands located off-site to the east that is associated with Bullough’s Pond.

Findings:

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Bullough’s Pond is located to the east of the site. The pond at the site is contained by an earthen slope. One boundary consisting of the Bank of the pond and including thin bands of Bordering Vegetated Wetlands in places along the Bank was delineated to the east of the site. Plant species observed within the Bordering Vegetated Wetlands and on the Bank include silky dogwood (*Cornus amomum*), glossy buckthorn (*Rhamnus frangula*), and sweet pepper-bush (*Clethra alnifolia*) shrubs and cinnamon fern (*Osmunda cinnamomea*) ground cover. A large multi-stem red maple (*Acer rubrum*) tree occurs off-site above the Bank of the pond. The identified vegetated wetlands border a pond and would be regulated as Bordering Vegetated Wetlands under the Regulations; Bullough’s Pond would be regulated as Bank and Land Under Water Bodies and Waterways under the Regulations. A 100’ Buffer Zone extends horizontally outward from the edge of Bordering Vegetated Wetlands and Bank under the Regulations.

Bordering Land Subject to Flooding and Section 22-22 Floodplain: Bordering Land Subject to Flooding is an area that floods due to a rise in floodwaters from a bordering waterway or water body. Where flood studies have been completed, the boundary of Bordering Land Subject to Flooding is based upon flood profile data prepared by the National Flood Insurance Program. Based upon a review of the Flood Insurance Rate Map (FIRM), Map Number 25017C0554E, Effective Date June 4, 2010 (attached), the site is mapped as Other Areas: Zone X, which is defined as areas located outside of the 0.2% annual chance flood (i.e., outside of 500-year

floodplain). Bullough's Pond does not have an associated 100-year floodplain (e.g., Zone A or Zone AE) based upon the above-referenced FIRM. As such, Bordering Land Subject to Flooding does not occur on the site. Bordering Land Subject to Flooding does not have a 100-foot Buffer Zone under the Regulations.

The Newton GIS Browser shows the extreme northeastern portion of the site within a mapped Ordinance Watershed: Ordinance Section 22-22(g)5.(10) Bullough's Pond. Per the Ordinance, all lands that are elevation 92.4 City of Newton Datum and below are considered Ordinance Watershed under this section. Based upon site specific topography of the site and the area between Bullough's Pond and the site, the Ordinance Watershed under this section would be located completely off-site within the delineated Bank of the pond. Section 22-22 does not establish any form of buffer zone.

Riverfront Area: The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map (i.e., Boston South Quadrangle, dated 1987, attached) and observations made during the site inspection, there are no mapped streams located on or within 200 feet of the site that would project Riverfront Area onto the site. The Newton GIS does not show a mapped Riverfront Area on the site but does show one off-site to the north. As such, Riverfront Area would not occur on the site. Riverfront Area does not have a 100' Buffer Zone under the Act or Regulations.

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

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

Proposed Project and Analysis:

The project consists of the removal of certain existing site features associated with the existing single-family house including the rear wood patio, hot tub, part of a decorative stone wall, and

certain existing landscaping including an arborvitae hedge, one 32" caliper eastern white pine, and various invasive and landscape plants; the relocation to the site of the existing post and cable fence located near the eastern property line; and the construction of a new in-ground swimming pool, hot tub, and sauna with proposed patio surround, changing area, and pool equipment area. The proposed pool and patio surround will be located completely outside of the 50' Buffer Zone.

Prior to the start of work, an erosion control barrier consisting of staked 12" compost sock only will be installed as shown on the Site Plan. All of the proposed work with the exception of relocating fence posts at the eastern property boundary, the removal of sod from a small portion of the 25' Buffer Zone, placing a few stepping stones to extend the existing walking path, and the planting of new landscape plantings within and near the 25' Buffer Zone will be within the limit of work established by the compost sock barrier. Site access will be via the existing driveway with access to the rear yard via the lawn strip to the south of the house; as such, a construction entrance is not proposed. The proposed plans show a stockpile area to be covered by a tarp within the limit of work near the proposed infiltration system; excess soil associated with the pool and the infiltration system excavations will be removed from the site. During equipment access to the rear yard via the lawn strip to the south of the house, plywood will be placed to protect the roots of the trees within the landscaped area near the southern site boundary; in addition, plywood will be placed over the two existing infiltration systems to the south of the house and patio to prevent unnecessary compaction in these areas. A concrete washout area is proposed within lawn well outside of the 100' Buffer Zone. Any disturbed lawn and landscaped areas will be brought to proposed grade or returned to the existing grade as shown on the Site Plan with loam and will be seeded/hydroseeded or sodded as lawn.

A new additional infiltration system is proposed outside the 50' Buffer Zone to address runoff associated with the 888± square foot increase in impervious surfaces associated with the proposed project. This system has been sized to address the requisite increase in impervious surfaces and to accept post-precipitation drawdown from the pool. The pool pump will be hard plumbed to the new proposed infiltration system and pool drawdown and other discharges will be addressed via this new infiltration system. As such, pool discharges will be controlled via infiltration and will not be directed overland to the adjacent wetland resource areas.

One 32" multi-leader eastern white pine tree that is adversely affected by vines is proposed to be removed to allow for project construction. Significant landscape plantings, including a total of nine saplings of two tree species (i.e., eight eastern red cedar saplings 8 to 10' in height and one 2.5" caliper black gum); eighty-one (81) shrubs of several deciduous and evergreen species; and fifty-seven (57) perennial plantings are proposed in the 100' Buffer Zone including forty-two (42) shrubs and seven (7) perennials proposed as supplemental plantings within the 25' Buffer Zone. The house is owner occupied and will require a submittal under the Tree Ordinance to confirm exempt status relative to the proposed tree removal.

As shown on the Landscape Plans, certain portions of the existing landscaping will be removed, all lawn within the 25' Buffer Zone will be removed and converted to native landscaping, the existing stone walkway to the fence gate will be extended to the new lawn edge, and the existing landscape plantings in the landscape bed to remain will be supplemented with additional plantings as detailed on the Landscape Plan. Woody invasive species such as oriental bittersweet, Japanese barberry, honeysuckle, winged euonymus, euonymus vines, and English Ivy vines and groundcover are proposed to be removed from the work area and from the balance of the landscaped areas within jurisdiction. These plants are proposed to be pulled or removed from the area; if necessary, a cut and blot methodology using a concentrated glyphosate herbicide may be used to treat plants or species that cannot be pulled or removed. Again, supplemental native landscaping plantings as detailed on the Landscape Plan are proposed within the 25' Buffer Zone to augment the existing plantings in that area.

The plantings proposed on the site are shown on the Landscape Plan and lists for the 25' Buffer Zone and the 25'-100' Buffer Zone are provided on Landscape Plan L2. The lists provide the common and scientific names for the proposed plantings and indicate attributes, sizes, and the number to be established. The proposed plantings are not found on the Massachusetts Prohibited Plant List and are not listed on the Invasives Plant Atlas of New England. The proposed new plantings within the 25' Buffer Zone will be subject to annual monitoring and reporting by a qualified wetland scientist for two growing seasons after establishment with 80% survival of the proposed woody plantings the threshold for success; as part of this monitoring, invasive species will also be monitored, documented in the report, and removed.

Compliance Evaluation:

Narrative Standard for Work in the Buffer Zone:

Section 10.53(1) of the Regulations provides a narrative standard for work in the Buffer Zone and states "...If the issuing authority determines that a resource area is significant to an interest identified in M.G.L. c. 131, § 40 for which no presumption is stated in the Preamble to the applicable section, the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests. For work in the buffer zone subject to review under 310 CMR 10.02(2)(b)3., the issuing authority shall impose conditions to protect the interests of the Act identified for the adjacent resource area. The potential for adverse impacts to resource areas from work in the buffer zone may increase with the extent of the work and the proximity to the resource area. The issuing authority may consider the characteristics of the buffer zone, such as the presence of steep slopes, that may increase the potential for adverse impacts on resource areas. Conditions may include limitations on the scope and location of work in the buffer zone as necessary to avoid alteration of resource areas. The issuing authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the resource area and/or other measures

commensurate with the scope and location of the work within the buffer zone to protect the interests of the Act. Where a buffer zone has already been developed, the issuing authority may consider the extent of existing development in its review of subsequent proposed work and, where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a resource area to protect the interest of the Act. The purpose of preconstruction review of work in the buffer zone is to ensure that adjacent resource areas are not adversely affected during or after completion of the work.” As indicated in the Preface to the 2005 Revisions to the Regulations, “This standard is intended to provide better guidance to applicants, conservation commissions and DEP by identifying the measures that will ensure that adjacent wetland resource areas are not adversely affected during or after completion of the work.”

Prior to the start of earth moving activities, an erosion control barrier consisting of staked 12” diameter compost sock will be located as shown on the Site Plan. This erosion control barrier will be maintained until the work area is stabilized. Approval of the issuing authority will be received prior to the removal of the erosion control barrier. Under existing conditions, the site slopes gradually to the east toward Bullough’s Pond; limited grade changes are proposed to the east of the proposed pool; this regraded area will be stabilized as lawn. The proposed project will result in an 888± square foot increase in impervious surfaces on the site. A new infiltration system, which is sized to address that increase as well as pool drawdowns, is proposed. The major site activities, such as the pool and infiltration system installations are located within existing site features or lawn over 50 feet from Bullough’s Pond. A covered soil stockpile is proposed within the limit of work; a concrete washout area is proposed well outside of the 100’ Buffer Zone. One tree and landscaping within part of the site are proposed to be removed; existing lawn within the 25’ Buffer Zone is proposed to be removed; native plantings are proposed throughout the landscape beds on the site including significant plantings within the 25’ Buffer Zone near the eastern site boundary. The mowing of lawns and the pruning of landscaped areas is not subject to jurisdiction under the regulations. Lawn that is affected by the proposed project that is not converted to project components or landscaping will be restored as lawn by seeding/hydroseeding or sodding. Upon completion of the proposed work, the site will be vegetationally stable. The removal of invasive plant species and the establishment of native plant species in the inner Buffer Zone will serve to preserve and augment a potential wildlife corridor along Bullough’s Pond.

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

This Policy was implemented in June 2019 and is intended to protect the functions of Newton’s wetland resource areas by protecting and or re-establishing a naturally vegetated buffer proximate to protected wetland resource areas. The work proposed within the 25’ Buffer Zone consists of the relocation of the existing post and cable fence, the removal of existing invasive plant species, and the removal of existing lawn within the 25’ Buffer Zone with a limited stepping stone expansion of the existing walking path and subsequent supplemental planting of

Newton Conservation Commission
July 25, 2023
Page 9.

the 25' Buffer Zone as shown on the Landscape Plan with forty-two native shrubs and seven perennials. This work meets the intent of this Policy and will serve to protect the statutory interests associated with Bullough's Pond in this area.

Conclusions:

In conclusion, work associated with the proposed project will not occur in wetland resource areas subject to protection under the Act or Ordinance. Work is proposed within the 100' Buffer Zone. Major project components are located greater than 50 feet from Bullough's Pond. The project design includes an erosion control barrier, stockpile area, concrete washout area, tree and existing infiltration system protection measures, a new infiltration system designed to address the increase in impervious area and swimming pool drawdown, and significant native landscape plantings on the site including within the 25' Buffer Zone. As such, it is EcoTec's opinion that the proposed project complies with the applicable provisions of the Act and Regulations and will serve to protect the applicable statutory interests.

We look forward to meeting remotely with the Conservation Commission on this matter on August 17, 2023. If you have any questions, please feel free to contact me at any time.

Cordially,
ECOTEC, INC.



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

Cc: Department of Environmental Protection, Northeast Regional Office (by Certified Mail
/Return Receipt Requested)
Gurav Singal and Shikha Mangla (Via Email)
Verne T. Porter Jr PLS (Via Email)
Alan Aukeman (Via Email)

18/w/NEWTON 580 WALNUT CL WRE PD COMP



Site Access from Walnut Street/Driveway



Site Access through Lawn to South of House



Overview of Existing Paver and Wood Patios, Hot Tub, Arborvitae Hedge, and Pine Tree



Closer View of Wood Patio, Hot Tub, and Arborvitae



View of Decorative Wall, Arborvitae, and Pine Tree



View of Pond, Red Maple, Fence, Walking Path, and 25' Buffer Zone Planting Area

NEWTON LOCUS MAP

580 WALNUT STREET



National Flood Hazard Layer FIRMette

71°12'42"W 42°20'43"N



Legend

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

SPECIAL FLOOD HAZARD AREAS

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

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*

Future Conditions 1% Annual Chance Flood Hazard *Zone X*

Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*

Area with Flood Risk due to Levee *Zone D*

OTHER AREAS OF FLOOD HAZARD

NO SCREEN *Zone X*

Area of Minimal Flood Hazard *Zone X*

Effective LOMR

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

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

OTHER FEATURES

Digital Data Available

No Digital Data Available

Unmapped

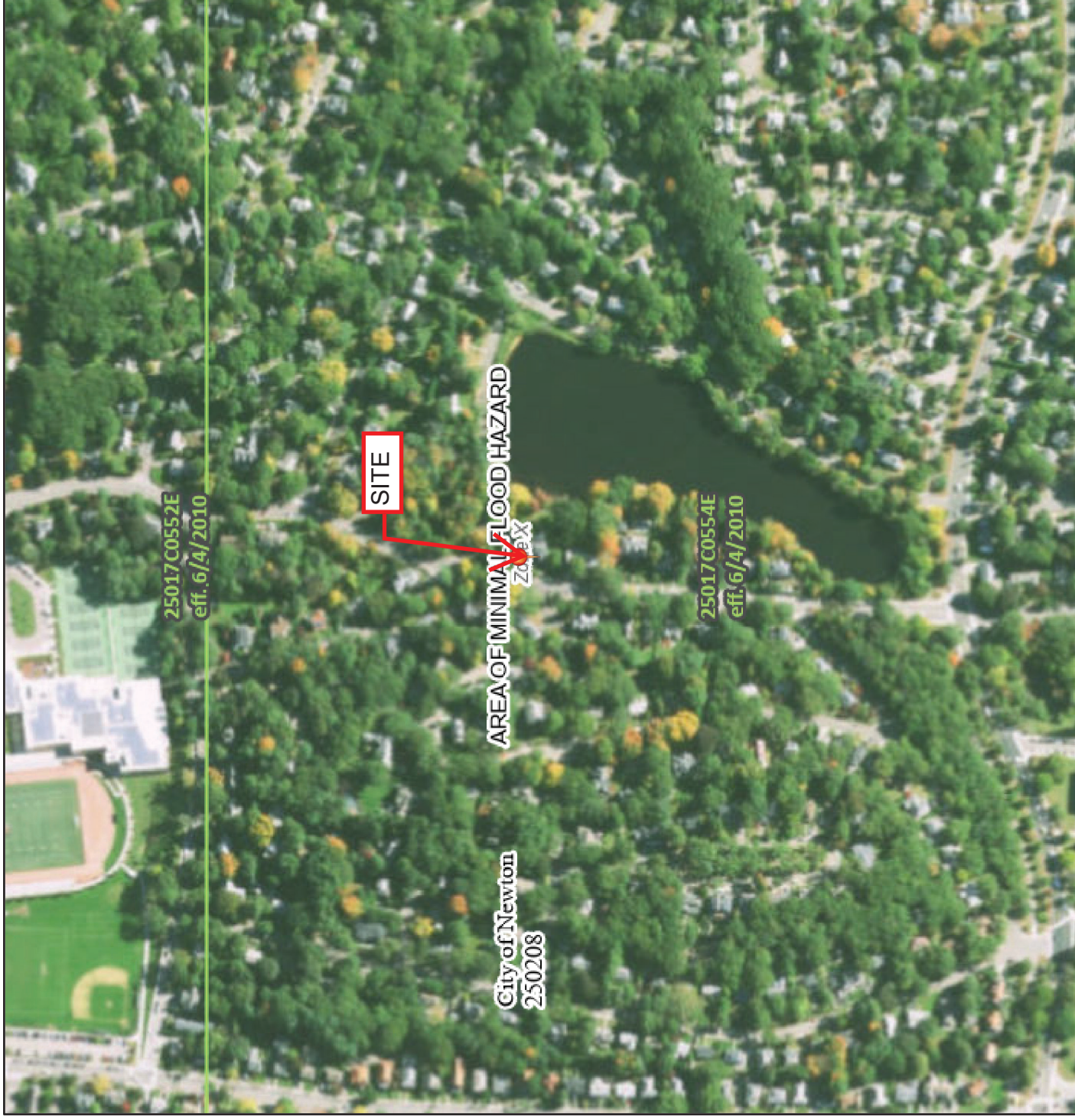
MAP PANELS

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

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

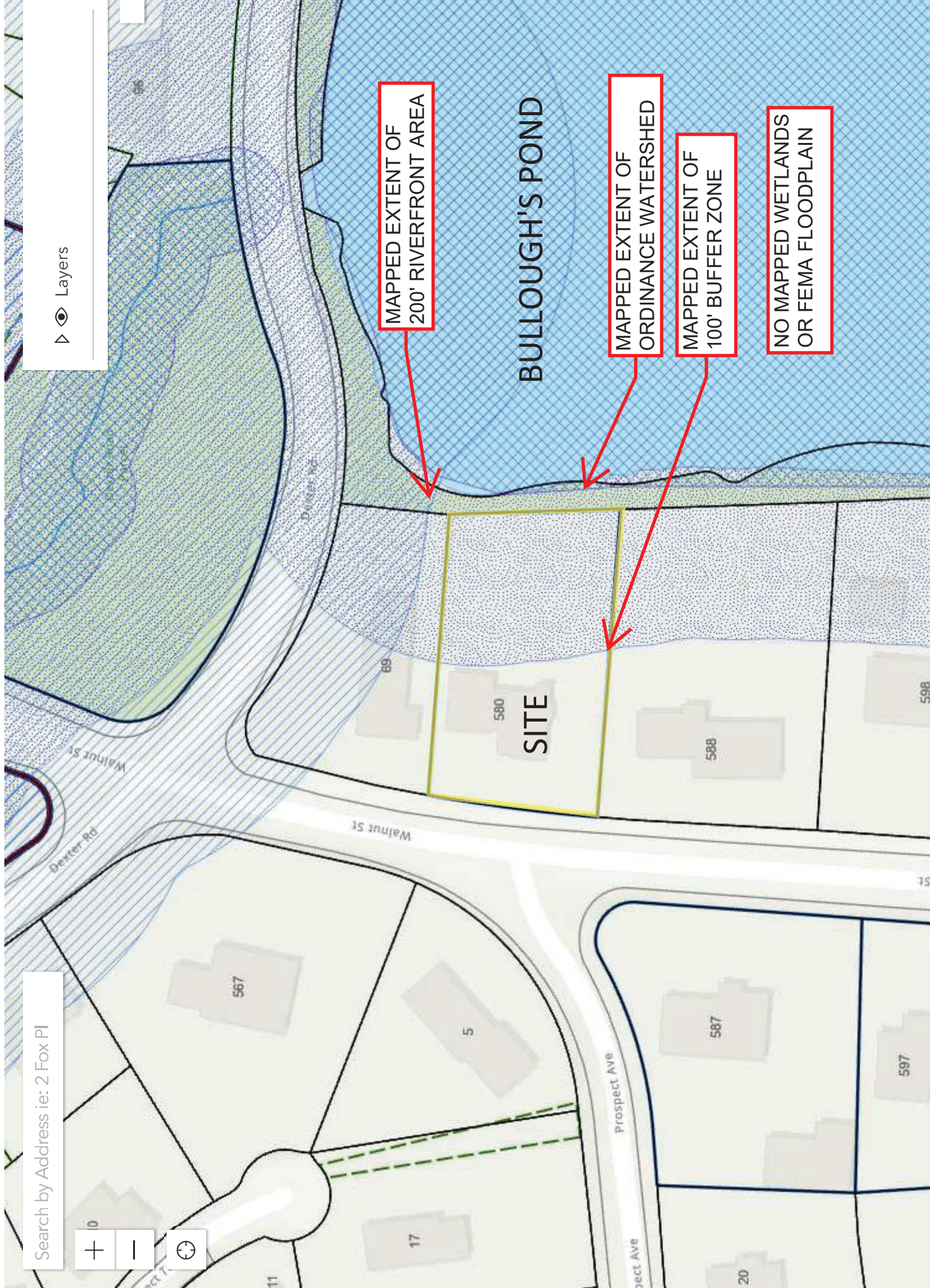
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/19/2023 at 10:39 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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



Search by Address ic: 2 Fox Pl

Layers



MAPPED EXTENT OF
200' RIVERFRONT AREA

BULLOUGH'S POND

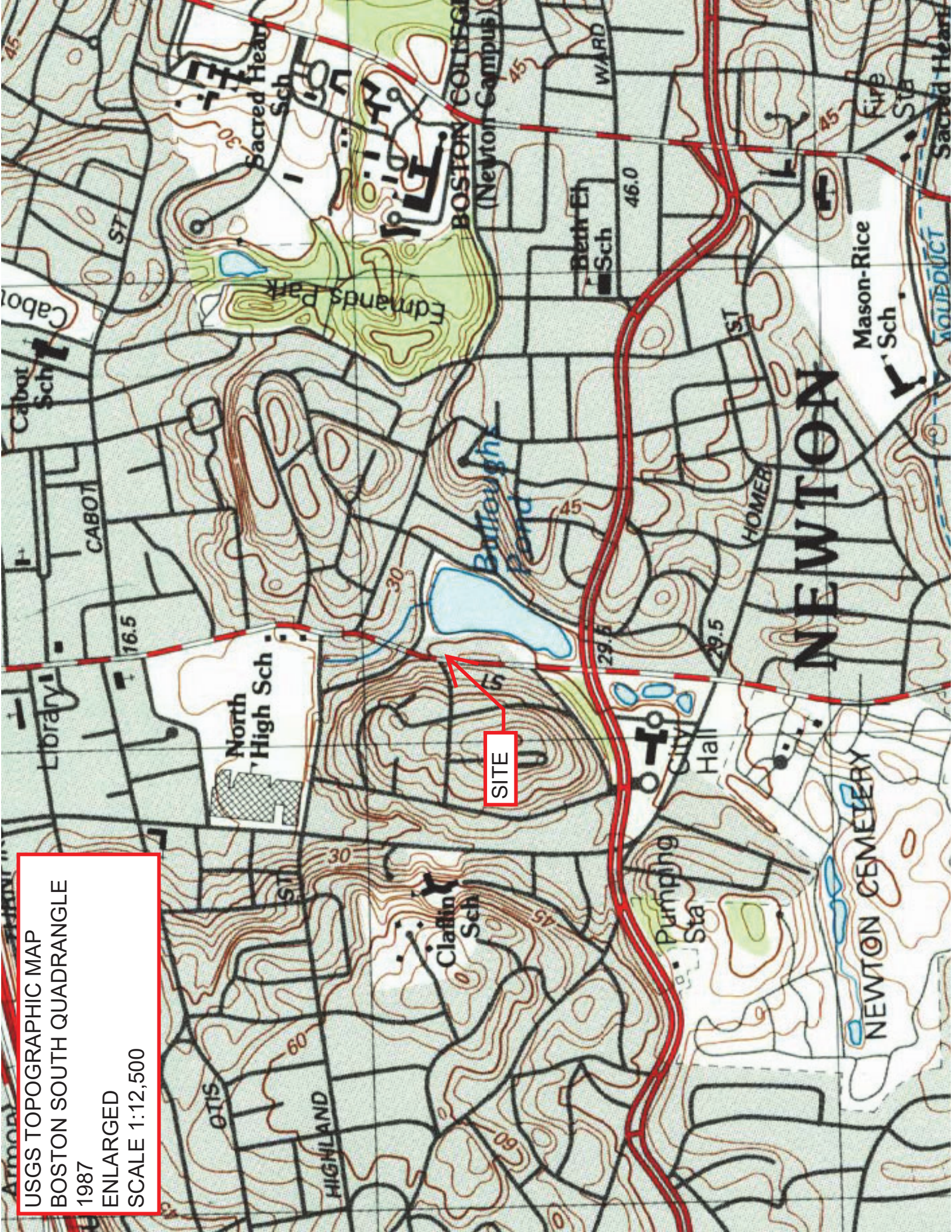
MAPPED EXTENT OF
ORDINANCE WATERSHED

MAPPED EXTENT OF
100' BUFFER ZONE

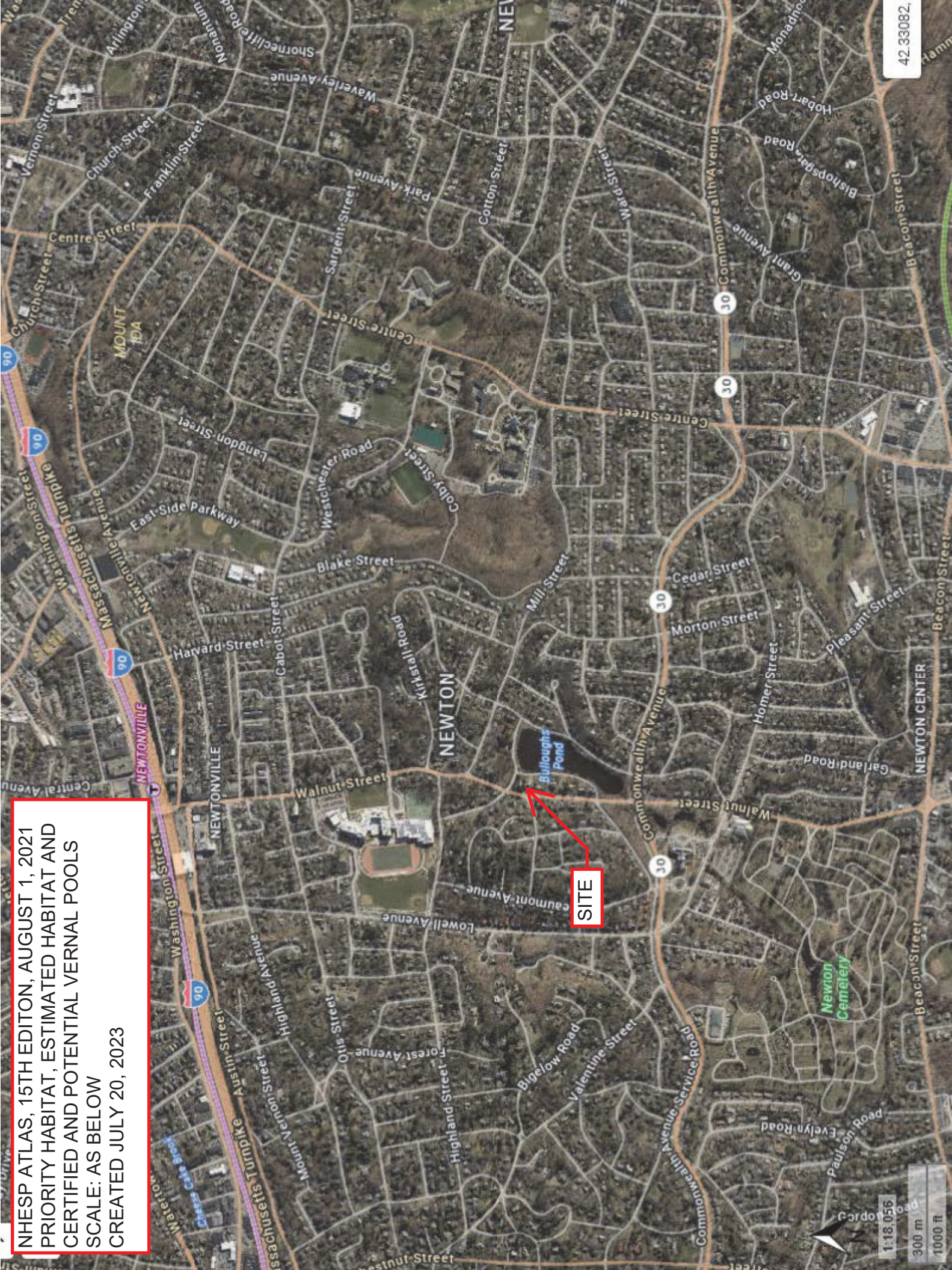
NO MAPPED WETLANDS
OR FEMA FLOODPLAIN

SITE

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



NHESP ATLAS, 15TH EDITION, AUGUST 1, 2021
PRIORITY HABITAT, ESTIMATED HABITAT AND
CERTIFIED AND POTENTIAL VERNAL POOLS
SCALE: AS BELOW
CREATED JULY 20, 2023



42.33082,

1:18,056
300 m
1000 ft

EcoTec, Inc.

ENVIRONMENTAL CONSULTING SERVICES

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

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

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

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

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



Ruthanne Fuller
Mayor

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

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

Barney S. Heath
Director

Conservation Commission Wetland Application Coversheet/Checklist

Date For 8/1/2023 Deadline

Fill in all white cells completely

Parcel		Applicant name	Gaurav Singal and Shikha Mangla		
Address	580 Walnut Street	Address	580 Walnut Street, Newton, MA 02460		
Sec/Block/Lot	24 / 037 / 0003	Email	gsingal@gmail.com		
Book & Page	70407 & 227	Phone	410-952-5528		
Owner name	Gaurav Singal and Shikha Mangla	Representative	John P. Rockwood, Ph.D., SPWS		
Address	580 Walnut Street, Newton, MA 02460	Address	EcoTec, Inc. 102 Grove Street, Worcester, MA 01605		
Email	gsingal@gmail.com	Email	jrockwood@ecotecinc.com		
Phone	410-952-5528	Phone	508-752-9666		
Legal Ad Payor	Please identify which party will pay for the Legal Ad.		John Rockwood, EcoTec, Inc. 508-752-9666 jrockwood@ecotecinc.com		
Wetland type	Buffer Zone	sf/cf affected	--	Relevant Perf. Standards	10. <u>53(1)</u>
Wetland type		sf/cf affected		Relevant Perf. Standards	10. _____
Wetland type		sf/cf affected		Relevant Perf. Standards	10. _____

Components of a Complete NOI Application

State Form: NOI Form 3	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Engineered Plan* title(s) Plan date Plan stamped by <i>*if legible, plans should be 11"x17"</i>	See NOI Cover Letter for a complete listing of materials included as part of this filing.
Narrative	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Proof that all relevant perf. standards are met	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Locus map	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Delineation lines (backup material)	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Fees	
● Fee Transmittal form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
● City portion of state filing fee <u>\$122.50</u>	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Checks hand-delivered to Conservation Staff on July 5, 2023
● City's separate filing fee <u>\$50</u>	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Copies of Redacted Checks attached to Forms
Abutter Information	
● Certified abutters list (within 100')	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
● Newton's Abutter notification form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
● Affidavit & proof -- bring to hearing	<i>Present them at the hearing</i> To be submitted via NewGov
Other Attachments, e.g.	
Planting Plan	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Landscape Plan Set
Floodplain analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Stormwater analysis	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Drainage Summary and Proposed Plan
Riverfront Area Alternatives Analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Restoration or mitigation summary	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Cover Letter and Landscape Plan Set
Phasing/Sequencing plan, O&M plan, etc.	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See O & M Plan in Drainage Summary

Conservation Commission Wetland Permit Process

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

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



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

A. General Information

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

<u>580 Walnut Street</u>	<u>Newton</u>	<u>02460</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.34149</u>	<u>-71.20620</u>	
d. Latitude	e. Longitude	
<u>24 / 037</u>	<u>0003</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Gaurav / Shikha</u>	<u>Singal / Mangla</u>	
a. First Name	b. Last Name	
--		
c. Organization		
<u>580 Walnut Street</u>		
d. Street Address		
<u>Newton</u>	<u>MA</u>	<u>02460</u>
e. City/Town	f. State	g. Zip Code
<u>410-952-5528</u>	<u>--</u>	<u>gsingal@gmail.com</u>
h. Phone Number	i. Fax Number	j. Email Address

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

<u>Gaurav / Shikha</u>	<u>Singal / Mangla</u>	
a. First Name	b. Last Name	
--		
c. Organization		
<u>580 Walnut Street</u>		
d. Street Address		
<u>Newton</u>	<u>MA</u>	<u>02460</u>
e. City/Town	f. State	g. Zip Code
<u>410-952-5528</u>	<u>--</u>	<u>gsingal@gmail.com</u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>John</u>	<u>Rockwood</u>	
a. First Name	b. Last Name	
<u>EcoTec, Inc.</u>		
c. Company		
<u>102 Grove Street, Suite 110</u>		
d. Street Address		
<u>Worcester</u>	<u>MA</u>	<u>01605</u>
e. City/Town	f. State	g. Zip Code
<u>508-752-9666x3</u>	<u>--</u>	<u>jrockwood@ecotecinc.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$ 220.00</u>	<u>\$ 97.50</u>	<u>\$ 122.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
NEWTON
City/Town

A. General Information (continued)

6. General Project Description:

The project consists of the removal of certain site features and the construction of an in-ground pool with associated sauna, hot tub, changing area, pool surround/patio and general landscaping activities associated with an existing SFH in the 100' Buffer Zone to BVW/Bank. Erosion controls and stormwater improvements are proposed. See Cover Letter and Site Plans for more information.

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

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

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

--
2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

South Middlesex	--
a. County	b. Certificate # (if registered land)
70407	227
c. Book	d. Page Number

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

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

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

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

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

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

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

<u> </u>	<u> </u>	<u> </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

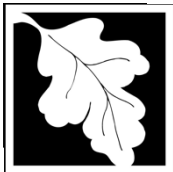
City/Town

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. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	-- a. square feet of BVW	-- b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings	-- a. number of new stream crossings	-- b. number of replacement stream crossings



Massachusetts Department of Environmental Protection
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

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

August 1, 2021
b. Date of map

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

c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:

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

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

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

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

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

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



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:

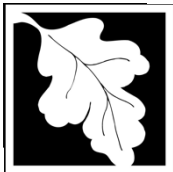
Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: 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
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.
A complete listing of materials included in this filing is provided in the Cover Letter.

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

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

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

670	6/19/2023
2. Municipal Check Number	3. Check date
671	6/19/2023
4. State Check Number	5. Check date
Gaurav / Shikha	Singal / Mangla
6. Payor name on check: First Name	7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

F. Signatures and Submittal Requirements

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

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

See Next Page

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

John Rockwood

7/21/2023

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent



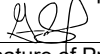

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File Number
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.

 & 	7/21/2023
1. Signature of Applicant	2. Date
 & 	7/21/2023
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

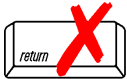
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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



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

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



A. Applicant Information

1. Location of Project:

580 Walnut Street	Newton
a. Street Address	b. City/Town
671	\$ 97.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Gaurav / Shikha	Singal / Mangla	
a. First Name	b. Last Name	
--	--	
c. Organization		
580 Walnut Street		
d. Mailing Address		
Newton	MA	02460
e. City/Town	f. State	g. Zip Code
410-952-5528	--	gsingal@gmail.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

Gaurav / Shikha	Singal / Mangla	
a. First Name	b. Last Name	
--	--	
c. Organization		
580 Walnut Street		
d. Mailing Address		
Newton	MA	02460
e. City/Town	f. State	g. Zip Code
410-952-5528	--	gsingal@gmail.com
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
1a. In-ground Pool/Sauna/Hot Tub/ Changing Area and Surround/Patio in Buffer Zone	1	\$ 110.00	\$ 110.00
1a. Landscaping (Tree Removal and Plantings) in Buffer Zone	1	\$ 110.00	\$ 110.00

Step 5/Total Project Fee: \$ 220.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$ 220.00</u>
State share of filing Fee:	<u>\$ 97.50</u>
City/Town share of filing Fee:	<u>\$ 122.50</u>
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	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.)