

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

Electronic Submittal to City of Newton via NEWGOV
Certified Mail, Return Receipt Requested to DEP-NERO

September 9, 2023

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

RE: -Request for Determination of Applicability under the Massachusetts Wetlands Protection Act and Newton Floodplain Ordinance
 -Addition, Retaining Wall, and Grading in the Outer Buffer Zone; 74 Bowen Street, Newton, Massachusetts
 -Applicant: Bowen Street Investments LLC

To the Commission:

This Request for Determination of Applicability (RDA) has been filed with the City of Newton Conservation Commission electronically under the Massachusetts Wetlands Protection Act and the Newton Floodplain Ordinance through NEWGOV. There is no filing fee or abutter notification required for an RDA under the Act; the \$50.00 check for the filing fee under the Ordinance was delivered to and received by Ellen Menounos on September 7, 2023.

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

The Applicant is seeking a Negative Determination 3 for work proposed in the Buffer Zone that will not affect the adjacent resource areas and a Negative Determination 6 under the City of Newton Floodplain Ordinance, Section 22-22.

List of Submitted Materials:

This submittal consists of the following:

1. This Cover Letter, including;
 - a. List of Submitted Materials;
 - b. Wetland Resource Evaluation, including;

- 1) City of Newton Locus Map with site indicated;
 - 2) City of Newton GIS Browser Map with site indicated;
 - 3) Flood Insurance Rate Map, Map Number 25017C0554E, Effective Date June 4, 2010, with the site indicated;
 - 4) USGS Topographic Map, Boston South Quadrangle, dated 1987 with the site indicated;
 - 5) Massachusetts NHESP Atlas, 15th Edition, effective August 1, 2021, with the site indicated; and
 - 6) Resume; and
- c. Project Description and Analysis;
 - d. Conclusions;
2. City of Newton Cons.Com. Wetland Application Coversheet/Checklist and a copy of the Ordinance Filing Fee Check;
 3. The Request for Determination of Applicability Form (WPA Form 1);
 4. Site Plan Set:
 - a. "Existing Conditions Plan, 74 Bowen Street, Newton, Massachusetts," Sheet 1 or 4, Scale 1" = 10', prepared by Spruhan Engineering, P.C., dated September 7, 2023, Signed and Stamped by Christopher C. Charlton, PLS;
 - b. "Proposed Zoning, Layout and Materials, 74 Bowen Street, Newton, Massachusetts," Sheet 2 or 4, Scale 1" = 10', prepared by Spruhan Engineering, P.C., dated September 7, 2023, Signed and Stamped by Christopher C. Charlton, PLS and Edmond T. Spruhan, P.E.;
 - c. "Civil Plan, 74 Bowen Street, Newton, Massachusetts," Sheet 3 or 4, Scale 1" = 10', prepared by Spruhan Engineering, P.C., dated September 7, 2023, Signed and Stamped by Christopher C. Charlton, PLS and Edmond T. Spruhan, P.E.; and
 - d. "Details, 74 Bowen Street, Newton, Massachusetts," Sheet 4 or 4, Scale NTS, prepared by Spruhan Engineering, P.C., dated September 7, 2023, Signed and Stamped by Edmond T. Spruhan, P.E.

One copy of this submittal has been sent by certified mail, return receipt requested to MassDEP-NERO. Again, there is no filing fee or abutter notification required for an RDA under the Act. One copy of this submittal has been sent to the applicant/owner via Email.

We look forward to meeting remotely with the Conservation Commission on this matter on September 28, 2023.

Wetland Resource Evaluation:

On August 3, 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, S. 40; the "Act") and its implementing regulations (310 CMR 10.00 *et seq.*); 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 Protection Ordinance (the “Ordinance”; Section 22-22). John P. Rockwood, Ph.D., SPWS conducted the inspection.

The subject site consists of a 10,680± square foot parcel located to the northwest of Bowen Street in central Newton (Newton Centre), Massachusetts (see attached Locus Map and Newton GIS Browser Map). The site is entirely previously developed with a residential structure with covered front landing and two covered side landings, paved driveway, concrete pad, front walk, side walk with paver patio, short retaining walls, various fencing, and associated lawn and landscaping with one honey locust (*Gleditsia triacanthos*) tree to northwest (rear) of the house and several peripheral honey locust (*Gleditsia triacanthos*) and black walnut (*Juglans nigra*) trees (see Existing Conditions Plan). A significant relatively flat lawn occurs between the house and the northwestern (rear) property boundary. Siltation fence and orange construction fence were observed proximate to the structure during the inspection (see discussion of Administrative Approvals below). A granite curb, lawn strip, and concrete sidewalk occur between the site and Bowen Street. No wetland resource areas occur on the site; the wetland resource areas observed on the Newton Centre Playground property to the northwest of the site are described below.

The site is the subject of two Administrative Approvals which are detailed on the Existing Conditions Plan and summarized briefly as follows. The first was issued on June 20, 2023 for maintaining and repairing the existing structure and was limited to roof, siding, window, and door replacement within a defined limit of work. The second was issued on July 7, 2023 for the removal of a hazard tree with the required planting of three saplings of canopy tree species in the Buffer Zone on the site. The tree is expected to be removed by crane on or about October 3, 2023 with the required saplings expected to be planted within the inner Buffer Zone during the week of September 11, 2023. These matters are not the subject of this Request.

Methodology:

The subject site and adjacent areas were inspected, and areas suspected to qualify as wetland resources were identified. No wetland resource areas were identified on the site; a small intermittent stream contained within vertical concrete walls was observed on the Newton Centre Playground property to the northwest of the site. The upper boundary of Bank was identified as the inner face of the concrete wall that confines the stream. 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 identified Bank. As Bordering Vegetated Wetlands were not observed, Field Data Forms were not completed and are not attached to this letter.

Findings:

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: There are no water bodies, waterways, or vegetated wetlands on the subject site. There is an intermittent

stream contained within vertical concrete walls located on the Newton Centre Playground property to the northwest of the site. The inner face of the concrete wall that confines the channel was identified as the upper boundary of Bank and was located by survey. The area located between the stream and the site is vegetated with Norway maple (*Acer platanoides*), American basswood (*Tilia americana*), apple (*Malus sp.*), black cherry (*Prunus serotina*), and eastern red cedar (*Juniperus virginiana*) trees, saplings, and/or shrubs; oriental bitter-sweet (*Celastrus orbiculata*) climbing woody vines and ground cover; American yew (*Taxus canadensis*), honeysuckle (*Lonicera sp.*), and multiflora rose (*Rosa multiflora*) shrubs; and grasses (Gramineae sp.) and common pokeweed (*Phytolacca americana*) ground cover. The intermittent stream would be regulated as Bank and Land Under Water Bodies and Waterways under the Regulations. A 100-foot Buffer Zone, which projects onto the subject site, extends horizontally outward from the identified edge of 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, 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). There are no areas mapped as 100-year floodplain (i.e., Zone A or AE) proximate to the site. Bordering Land Subject to Flooding would not occur on or near the subject site. Bordering Land Subject to Flooding does not have a 100-foot Buffer Zone under the Regulations.

The Ordinance does not list a protected Floodplain or Watershed in the vicinity of the subject site. The Newton GIS Browser (attached) does not show a mapped Ordinance Floodplain/ Watershed on or near the site. 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, Boston South Quadrangle, dated 1987 (attached), there are no mapped streams located on or within 200 feet of the site. Based upon observations made during the site visit, there is a stream contained within concrete walls located immediately to the northwest of the site. Newton GIS Browser does not show a Riverfront Area associated with this stream. Given the lack of perennial streams located on or within 200 feet of the site, Riverfront Area under the Regulations would not occur on the site.

Estimated Habitat and Certified/Potential Vernal Pools: The Regulations require that no project may be permitted that will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures set forth at 310 CMR 10.59. Based upon a review of the *Massachusetts Natural Heritage Atlas*, 15th edition, valid from August 1, 2021 (NHESP Interactive Viewer Screenshot with Certified and Potential Vernal Pool Layers active; attached),

there are no Estimated Habitats [for use with the Act and Regulations (310 CMR 10.00 *et seq.*)], Priority Habitats [for use with Massachusetts Endangered Species Act (M.G.L. Ch. 131A; “MESA”) and MESA Regulations (321 CMR 10.00 *et seq.*)], or Certified or Potential Vernal Pools on or in the immediate vicinity of the subject site.

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

Project Description and Analysis:

The project proposed under this Request consists of improvements associated with an existing residential structure including a proposed one/two-story garage addition with bulkhead; AC pads and condensers; retaining wall; permeable paver landing; permeable paver driveway; permeable paver front walk; egress well; removal of paved driveway and replacement with crushed stone driveway with geogrid; permeable paver walkway, steps, and landing; planting bed with retaining wall; removal of three existing retaining walls; and associated grading and lawn. A small portion of the proposed addition, bulkhead, two AC pads and condensers, a short segment of retaining wall, a small pervious paver landing, part of a planter with retaining wall, removal of two existing retaining walls, and associated grading adjacent to the house are proposed within the Buffer Zone. Certain proposed activities are considered minor exempt activities under 310 CMR 10.02(2)(b)2.e.: bulkhead, AC pads and condensers, and pervious paver landing.

Work on the site is located in the outer Buffer Zone between 68 and 100 feet from the off-site intermittent stream. The area within the limit of work within the Buffer Zone is limited to 1,400± square feet. Proposed impervious area within the Buffer Zone will increase by only 34± square feet from 942± square feet under existing conditions to 976± square feet under proposed conditions. On the site, impervious area is proposed to increase by only 159± square feet (see Site Plan).

An erosion control barrier consisting of a 12” staked compost sock will be located around the work area as shown on the Site Plan. An orange construction fence will be installed immediately outside of the erosion control barrier to visually demarcate the limit of work. Site access from Bowen Street is outside of jurisdiction but includes a temporary construction entrance as shown on the Site Plan; likewise, a covered soil stock pile and concrete washout area are proposed outside of the Buffer Zone near Bowen Street. Areas disturbed as part of the project will be brought to proposed grade and seeded, hydroseeded, or sodded as lawn. The erosion control barrier and construction fence will be maintained until the work area is stabilized and approval of the issuing authority received for its removal.

Under existing conditions roof runoff is discharged to the ground surface and driveway runoff is untreated and uncontrolled. The project engineer indicates that the proposed project does not warrant drainage improvements under the Stormwater Ordinance. In any event, roof runoff will be controlled with gutters and downspouts with splash blocks; the driveways will consist of

permeable pavers or crushed stone to promote infiltration. The area within the limit of work has been graded to prevent surface drainage from flowing off of the site.

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 work proposed under this Request, an erosion control barrier consisting of a 12” staked compost sock will be located around the work area as shown on the Site Plan. An orange construction fence will be installed immediately outside of the erosion control barrier to visually demarcate the limit of work. This erosion control barrier will be maintained until the work area is stabilized and approval of the issuing authority received for its removal. The proposed work is located in the outer Buffer Zone between 68 and 100 feet from the intermittent stream and will affect approximately 1,400± square feet of Buffer Zone and increase impervious surface within the

Buffer Zone by only 34± square feet. Site access from Bowen Street is outside of jurisdiction but includes a temporary construction entrance as shown on the Site Plan; likewise, a covered soil stock pile and concrete washout area are proposed outside of the Buffer Zone.

Under existing conditions, the southwestern portion of the site slopes moderately to the northwest; the central and northwestern portions of the site slope gradually to very gradually to the northwest. A significant band of existing lawn is proposed to be retained between the proposed work and the stream. The project includes a retaining wall to limit site grading near the proposed addition. The proposed grading keeps potential surface runoff on the site and away from abutting properties to the north and south. The site is not located within or near mapped rare species habitat and the site does not discharge to a critical area.

The proposed project results in a very slight increase in impervious area on the site and within the Buffer Zone that the project engineer indicates does not warrant drainage improvements under the Stormwater Ordinance. Roof runoff will be controlled with gutters and downspouts with splash blocks; the driveways will consist of permeable pavers or crushed stone to promote infiltration. Areas disturbed as part of the project will be brought to proposed grade and seeded, hydroseeded, or sodded as lawn. Again, the erosion control barrier will remain in place until the site is stabilized and the issuing authority has indicated such controls may be removed.

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 resource area in question is a small intermittent stream contained within vertical concrete walls located off-site to the northwest. As detailed above, the area between the stream and the site is vegetated with trees, shrubs, and herbaceous species. A chain-link fence is located along the northwestern property boundary. The land within 25 feet of the stream on the site consists of lawn with a tree and sapling that are proposed to be retained. No work proposed under this Request will occur within 68 feet of the stream. However, two of three saplings required to be planted to address the tree removal under an Administrative Approval are proposed to be planted within the 25' Buffer Zone.

Conclusions:

The work proposed under this Request is located in the outer Buffer Zone of the off-site intermittent stream and will affect approximately 1,400± square feet of Buffer Zone and result in a 34± square foot increase in impervious surface within the Buffer Zone. A small portion of the proposed addition, bulkhead, two AC pads and condensers, a short segment of retaining wall, a small pervious paver landing, and associated grading adjacent to the house are proposed as part of the project. Upon project completion all disturbed areas will be stabilized by building, pavers, and lawn. An erosion control barrier and a construction fence will be used to establish the limit of work

Newton Conservation Commission
September 8, 2023
Page 8.

68 feet from the intermittent stream. The proposed work has been designed to meet the applicable narrative standard for work in the Buffer Zone and as such is presumed to protect the applicable statutory interests of the adjacent resource areas.

Again, the Applicant is seeking a Negative Determination 3 for work proposed in the 100' Buffer Zone that will not affect the adjacent resource areas and a Negative Determination 6 under the City of Newton Floodplain Ordinance, Section 22-22.

We look forward to meeting remotely with the Conservation Commission on this matter on September 28, 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

Attachments

Cc: Department of Environmental Protection, Northeast Regional Office (by Certified Mail, Return Receipt Requested)
Edmond Spruhan, P.E. (via Email)
Bowen Street Investment LLC (via Email)

18/w/NEWTON 74 BOWEN RDA CL

NEWTON LOCUS MAP

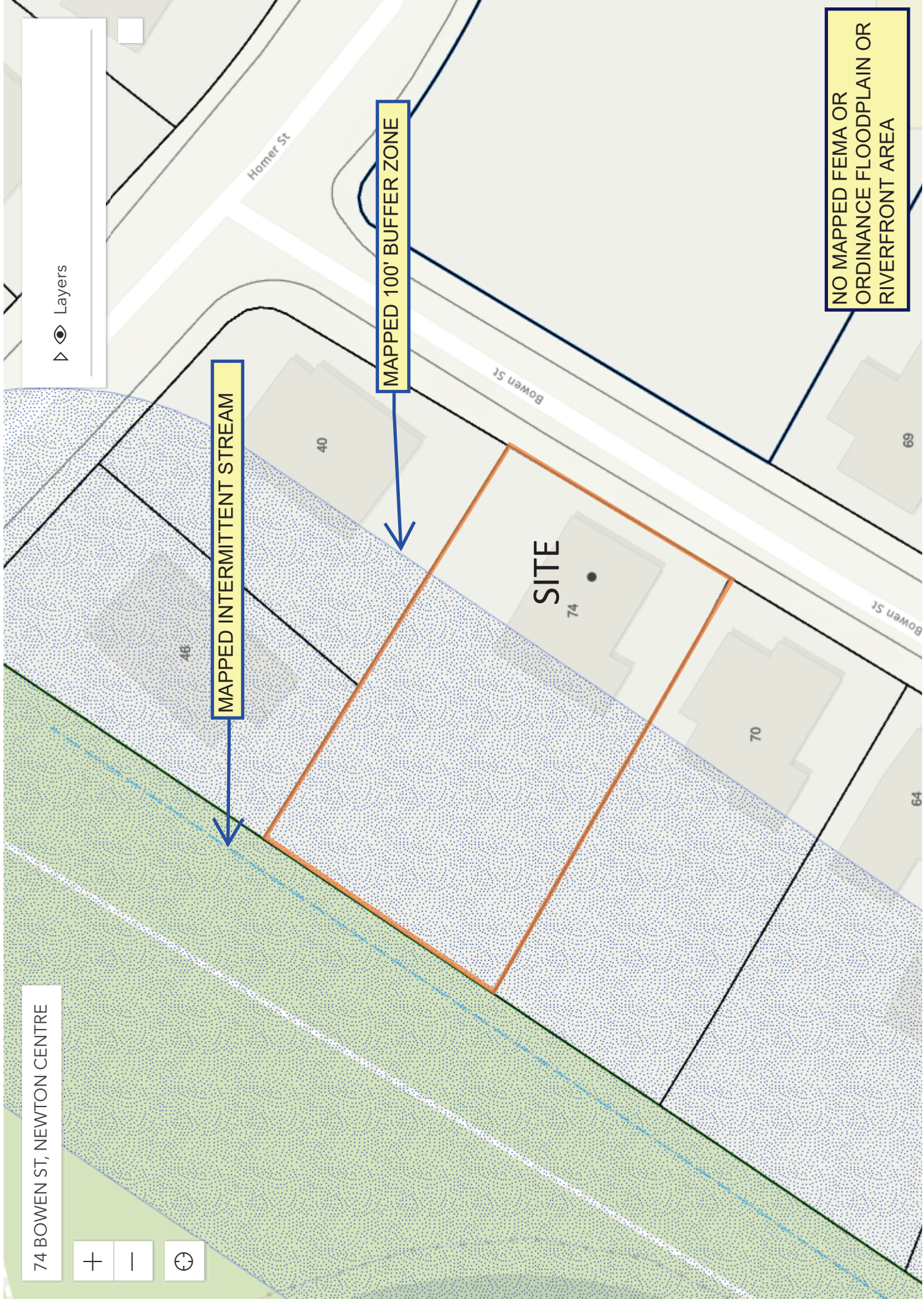
74 BOWEN STREET



74 BOWEN ST, NEWTON CENTRE



Layers



NO MAPPED FEMA OR
ORDINANCE FLOODPLAIN OR
RIVERFRONT AREA

National Flood Hazard Layer FIRMette

71°12'2"W 42°20'17"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*

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

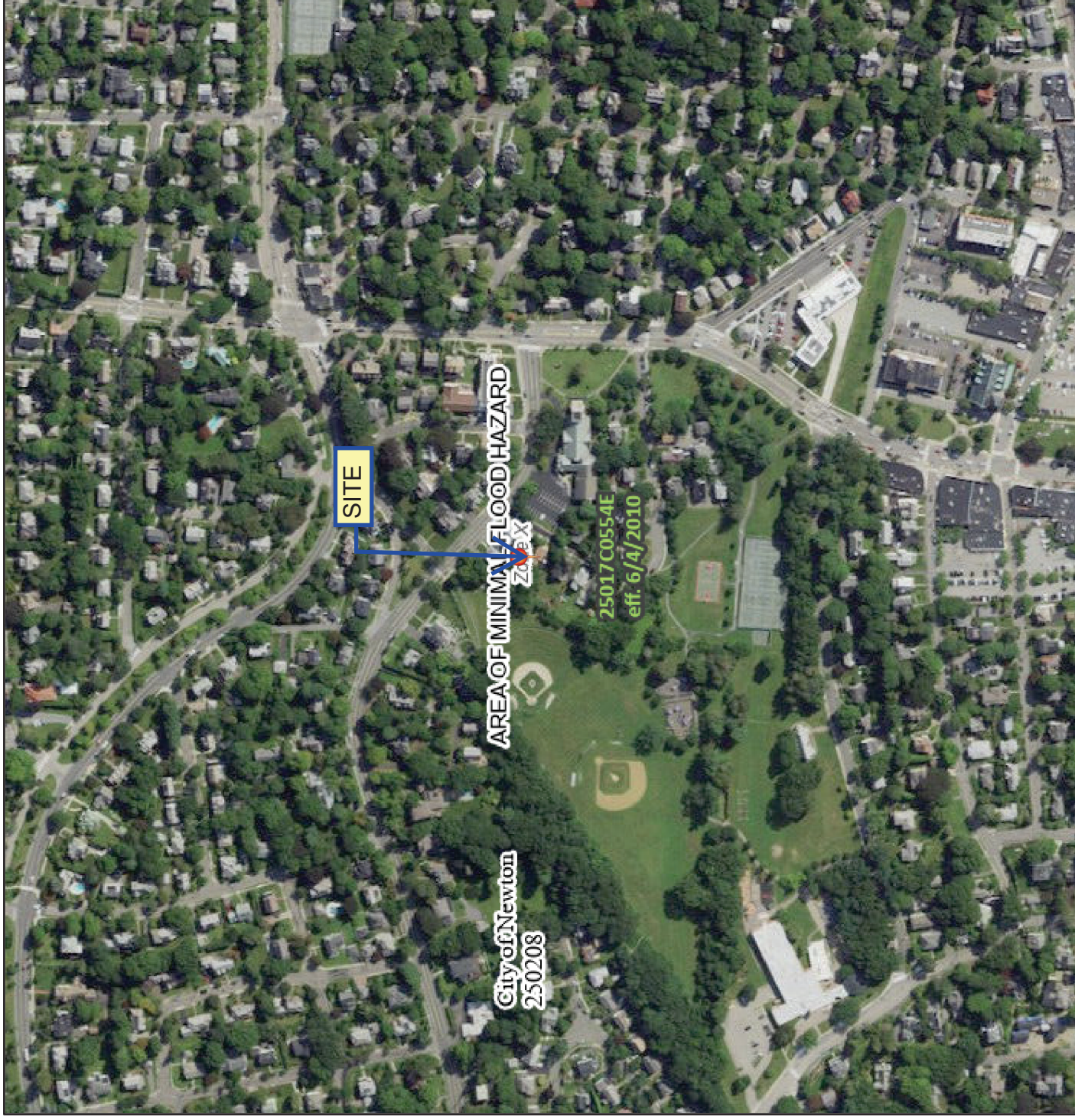
Digital Data Available
No Digital Data Available
Unmapped

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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/2/2023 at 6:08 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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



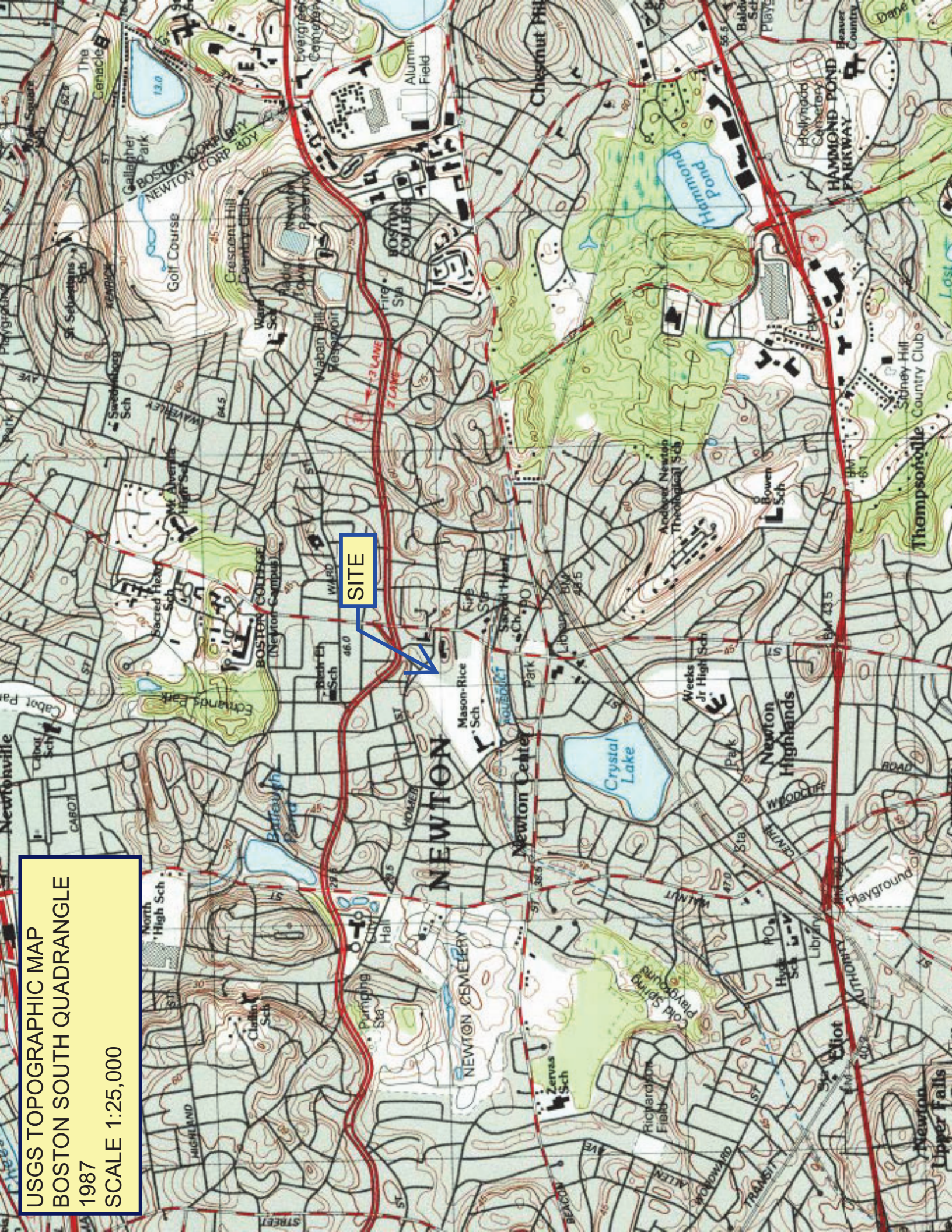
0 250 500 1,000 1,500 2,000 1:6,000 Feet

71°12'25"W 42°19'50"N

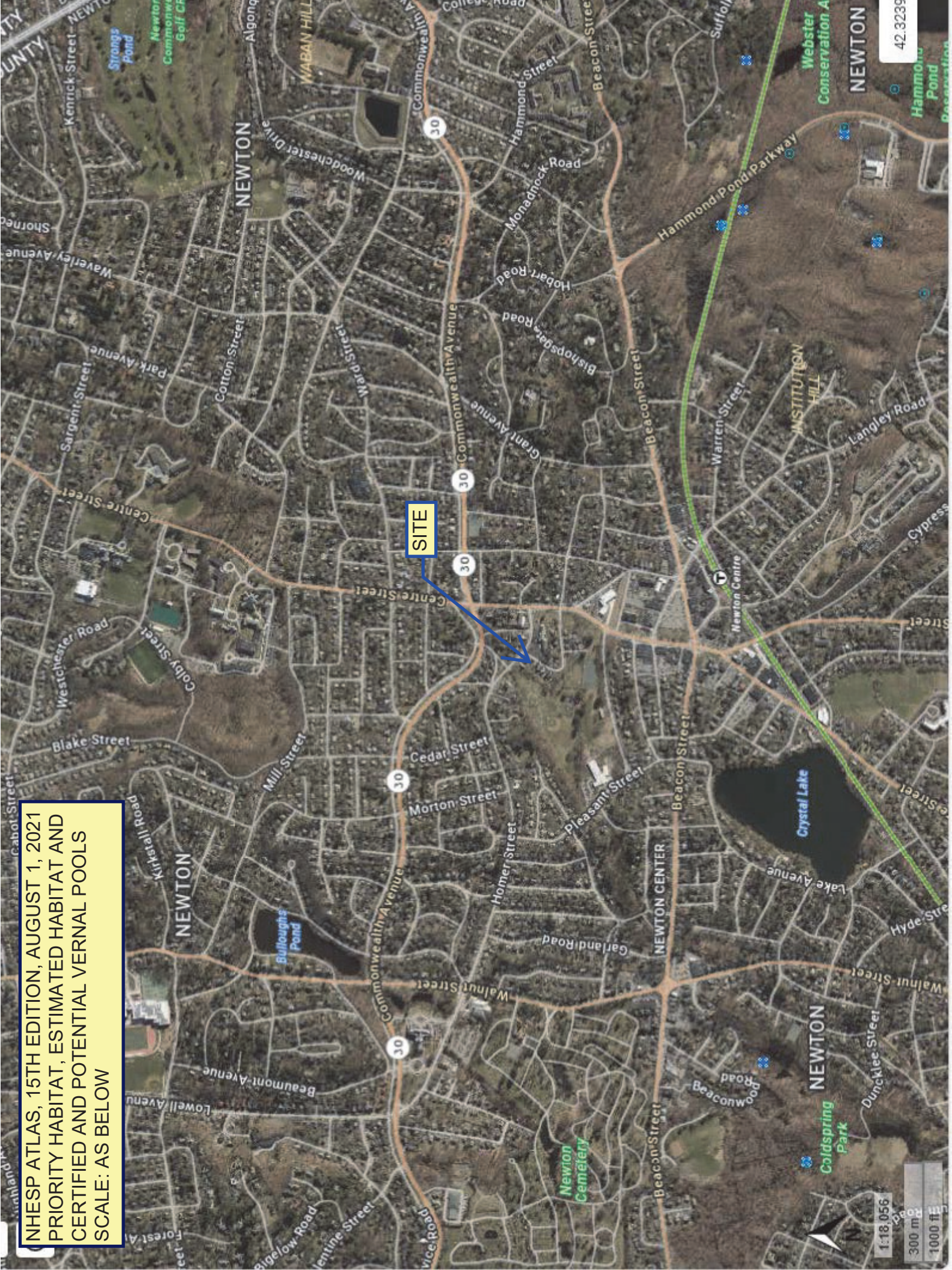
Basemap Imagery Source: USGS National Map 2023

USGS TOPOGRAPHIC MAP
BOSTON SOUTH QUADRANGLE
1987
SCALE 1:25,000

SITE



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



SITE

1:18,056
300 m
1000 ft

42.3239

EcoTec, Inc.
ENVIRONMENTAL CONSULTING SERVICES
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508-752-9666 – Fax: 508-752-9494

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

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

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
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 www.newtonma.gov

Barney S. Heath
Director

Conservation Commission Wetland Application Coversheet/Checklist

RDA ONLY
 Date For 9/12/2023 Deadline

Fill in all white cells completely

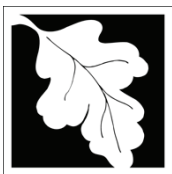
Parcel		Applicant name	Bowen Street Investments LLC (Haim Senior)		
Address	74 Bowen Street	Address	275 Grove Street, Suite 2-400, Auburndale, MA 02466		
Sec/Block/Lot	64 / 032 / 0046	Email	haim@everflowinc.com		
Book & Page	81554 & 333	Phone	702-613-7613		
Owner name	Bowen Street Investments LLC (Haim Senior)	Representative	John P. Rockwood, Ph.D., SPWS		
Address	275 Grove Street, Suite 2-400, Auburndale, MA 02466	Address	EcoTec, Inc. 102 Grove Street, Worcester, MA 01605		
Email	haim@everflowinc.com	Email	jrockwood@ecotecinc.com		
Phone	702-613-7613	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: WPA FORM 1 - RDA	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Engineered Plan* title(s) Plan date Plan stamped by <small>*if legible, plans should be 11"x17"</small>	See RDA Cover Letter for a complete listing of materials included as part of this submittal
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 ● City portion of state filing fee \$----- ● City's separate filing fee \$50	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No No fee under Act for RDA Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Local check hand-delivered to Conservation Staff on September 7, 2023 Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Copies of Redacted Check attached to Form
Abutter Information ● Certified abutters list (within 100') ● Newton's Abutter notification form ● Affidavit & proof -- bring to hearing	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Abutter Notification not required for RDA under Act Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>Present them at the hearing</i>
Other Attachments, e.g.	
Planting Plan	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Floodplain analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Stormwater analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Not Required; see Site Plan
Riverfront Area Alternatives Analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Restoration or mitigation summary	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Phasing/Sequencing plan, O&M plan, etc.	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable

Conservation Commission Wetland Permit Process

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



WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



1. Applicant:

Haim Senior - Bowen Street Investments LLC

Name

haim@everflowinc.com

E-Mail Address

275 Grove Street, Suite 2-400

Mailing Address

Auburndale

City/Town

MA

State

02466

Zip Code

702-613-7613

Phone Number

--

Fax Number (if applicable)

2. Representative (if any):

EcoTec Inc.

Firm

John P. Rockwood, Ph.D, SPWS

Contact Name

jrockwood@ecotecinc.com

E-Mail Address

102 Grove Street

Mailing Address

Worcester

City/Town

MA

State

01605

Zip Code

508-752-9666 x3

Phone Number

--

Fax Number (if applicable)

B. Determinations

1. I request the Newton Conservation Commission make the following determination(s). Check any that apply:

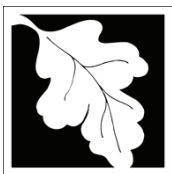
- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Newton Floodplain/Watershed Ordinance Section 22-22

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).

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WPA Form 1- Request for Determination of Applicability

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

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

74 Bowen Street

Street Address

64 032

Assessors Map/Plat Number

Newton

City/Town

0046

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

The subject site, 74 Bowen Street, is a 10,680+/- square foot parcel located to the northwest of Bowen Street in Newton Centre (see Site Plan, Locus Map, Newton GIS Browser Map, USGS Map, FEMA Map, and NHESP Map included with submittal). No wetland resource areas, including Ordinance Floodplain/Watershed, occur on the site; Inland Bank and Land Under Water Bodies and Waterways associated with an intermittent stream contained within vertical concrete walls occurs to the northwest of the subject site on the Newton Centre Playground property. The 100' Buffer Zone associated with the off-site Inland Bank projects approximately 2/3rds of the way across the subject site; the southeastern portion of the subject site is outside geographical jurisdiction. See Cover Letter for the Wetland Resource Evaluation and Existing Conditions Description.

- c. Plan and/or Map Reference(s):

A complete listing of materials included as part of this Request is provided in the Cover Letter.

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

The proposed work includes the rehabilitation of the existing residential structure with the construction of a garage addition and retaining wall on the northern face of the existing structure and limited grading around the existing/proposed structure. The majority of the existing structure and the proposed addition is outside of the 100' Buffer Zone (see Proposed Conditions Plan). Construction fencing and erosion controls are proposed to protect the adjacent wetland resources and to establish the proposed limit of work. Certain work on the site is subject to prior Administrative Approvals. See Cover Letter for a Proposed Conditions Description, Compliance Evaluation, and Conclusions.



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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

The project includes the rehabilitation of an existing residential structure with the construction of a garage addition and retaining wall on the northern face of the existing residential structure partially in the outermost portion of the 100' Buffer Zone. The area between the proposed work and the off-site stream consists of an expanse of almost level lawn. The site is not located in or near a critical area and is not located in or near mapped rare species habitat and no mapped vernal pools are located on or near the subject site. Construction fence and erosion controls are proposed. See Cover Letter for a description of the proposed work and measures to protect the adjacent resource areas.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

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WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Bowen Street Investments LLC

Name

275 Grove Street, Suite 2-400

Mailing Address

Auburndale

City/Town

MA

State

02466

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

See Next Sheet

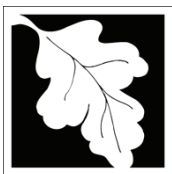
Signature of Applicant

Date

Signature of Representative (if any)

9/8/2023

Date



WPA Form 1- Request for Determination of Applicability

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

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Signature of Applicant

Date

9/8/2023

Signature of Representative (if any)

Date