EcoTec, Inc.

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

September 11, 2023

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

RE: -Notice of Intent under the Massachusetts Wetlands Protection Act and Newton Floodplain/Watershed Ordinance
-Demolition of the Existing SFH and Site Features and Construction of New SFH and Site Features in Buffer Zone to Bordering Vegetated Wetlands; 109 Harwich Road, Newton, Massachusetts
-Applicant: Northeast Venture Group

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) $262.50 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 September 7, 2023.

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

List of 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) City of Newton GIS Browser Map with site and mapped resources identified;
      3) BVW Determination Forms for Wetland Flag A2;

4) Flood Insurance Rate Map, Map No. 25017C0566E, dated June 4, 2010 with site indicated;
5) USGS Map, Boston South, 1987 with site indicated;
6) Massachusetts NHESP Atlas (15th Edition), August 1, 2021 with site indicated;
7) Resume;

b. Project Description and Analysis with
1) Tree Assessment, prepared by Kray Small, dated September 5, 2023 (annotated) with ISA Basic Tree Risk Assessment Forms for Trees T1 and T6;
2) Planting Schematic, prepared by EcoTec, Inc., dated September 9, 2023;
3) Photographs of Enhancement Planting Area, prepared by EcoTec, Inc., dated September 7, 2023;

c. Compliance Evaluation under the Regulations;
d. Conclusions;

2. City of Newton Cons.Com. Wetland Application Coversheet/Checklist and Copy of Ordinance Filing Fee Check (redacted);
3. Form WPA 3 - Notice of Intent, Fee Transmittal Form, and Copy of Act Filing Fee Checks (redacted);
4. Abutter Request, List, Map, Notification, and Affidavit of Service;

5. Drainage Report, 109 Harwich Road, Newton, Massachusetts, prepared by VTP Associates, Inc., dated September 8, 2023, Stamped and Signed by Marc Besio, P.E., SIT;
6. Operations & Maintenance Plan, 109 Harwich Road, Newton, Massachusetts, prepared by VTP Associates, Inc., dated September 8, 2023, Stamped and Signed Marc Bessio, P.E., SIT;

7. Plan Set:
a. Topographic Site Plan, Newton, Massachusetts Showing Existing Conditions at #109 Harwich Road, Sheet 1 of 1, Scale 1" = 10', prepared by VTP Associates, Inc., dated September 8, 2023, Stamped and Signed by Joseph T. Porter, PLS;
b. Topographic Site Plan, Newton, Massachusetts Showing Proposed Conditions at #109 Harwich Road, Sheet 1 of 2, Scale 1" = 10', prepared by VTP Associates, Inc., dated September 8, 2023, Stamped and Signed by Joseph T. Porter, PLS and Marc Besio, PE; and
c. Details, Newton, Massachusetts Showing Proposed Conditions at #109 Harwich Road, Sheet 2 of 2, Scale NTS, prepared by VTP Associates, Inc., dated September 8, 2023, Stamped and Signed by Joseph T. Porter, PLS and Marc Besio, PE.

One copy of this filing and payment of $237.50 have been sent by Certified Mail, Return Receipt Requested and Regular Mail, respectively, to the Northeast Regional Office of the Department of Environmental Protection and to the DEP Lockbox, respectively. Documentation of all payments is included in the filing.

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

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

We look forward to meeting remotely with the Conservation Commission on this matter on September 28, 2023. If you have any questions, please feel free to contact me at any time.

Wetland Resource Evaluation:

On July 5, 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 (Section 22-22; the "Ordinance"). John P. Rockwood, Ph.D., SPWS conducted the inspection.

The subject site consists of 0.256± acres (11,167± square feet) of land located to the south of Harwich Road in the Chestnut Hill section of Newton, Massachusetts (see Locus Map and Newton GIS Browser Map). The northern portion of the site is previously developed with a single-family house with chimney and one-car garage with the rear extension of the house on piers; paved driveway with brick border; concrete front landing/walkway; rear wooden deck with steps and landings; rear stone/concrete patio; AC pad with condenser; various fencing; and associated lawn and landscaping with peripheral trees. The northern portion of the subject site is relatively flat sloping very gradually to the south. The undeveloped southern portion of the site is forested consisting of both upland and wetland forest and slopes moderately to gradually to the south. Plant species observed in the upland forest include northern red oak (*Quercus rubra*), red maple (*Acer rubrum*), Norway maple (*Acer platanoides*), shag-bark hickory (*Carya ovata*), common buckthorn (*Rhamnus cathartica*), and American yew (*Taxus canadensis*) trees, saplings, and/or shrubs; poison ivy (*Toxicodendron radicans*), Virginia creeper (*Parthenocissus quinquefolia*), oriental bitter-sweet (*Celastrus orbiculata*), and grape (*Vitis sp*.) climbing woody vines and/or ground cover; bramble (*Rubus sp*.) shrubs; and woodfern (*Dryopteris sp*.) and golden-rods (*Solidago sp*.) ground cover. The area between the site and Harwich Road consists of a bituminous sidewalk, a grass strip with two street trees, and concrete curbing. A catch basin occurs within Harwich Road at the existing driveway opening. The wetland resources observed on the subject site are described below.

Wetland Resource Evaluation: Methodology

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

Massachusetts Handbook for Delineation of Bordering Vegetated Wetlands, Second Edition, produced by the Massachusetts Department of Environmental Protection, dated September 2022. As recommended by the Department, the plant taxonomy used in this letter is based on the *National List of Plant Species that Occur in Wetlands: Massachusetts* (Fish and Wildlife Service, U.S. Department of the Interior, 1988). Federal wetlands were presumed to have boundaries conterminous with the delineated Bordering Vegetated Wetlands. One set of *Bordering Vegetated Wetland Determination Forms* completed for observation plots located in the wetlands and uplands near flag A2 is attached. The table below provides the Flag Numbers, Flag Type, and Wetland Types and Locations for the delineated wetland resources.

Flag Numbers	Flag Type	Wetland Types and Locations
Start A1 to A7 Stop	Blue Pin Flags	Boundary of Bordering Vegetated Wetlands located near the toe of slope in the southern portion of the site that is associated with an off-site stream (Sawmill Brook 3 Tributary B).

Wetland Resource Evaluation: Findings

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Wetland A (i.e., A-series flags), which is located in the southern portion of the site and off-site to the south, consists of large area of forested swamp which borders a stream located well off-site to the south. This wetland is subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L., Ch. 131, § 40A) and is shown as Wetlands Restriction #7 on the attached Newton GIS Browser Map. Plant species observed within the forested swamp on and near the site include red maple (*Acer rubrum*) and American elm (*Ulmus americana*) trees, saplings, and/or shrubs; poison ivy (*Toxicodendron radicans*) climbing woody vines and/or ground cover; northern spicebush (*Lindera benzoin*), common winterberry (*Ilex verticillata*), highbush blueberry (*Vaccinium corymbosum*), sweet pepper-bush (*Clethra alnifolia*), and glossy buckthorn (*Rhamnus frangula*) shrubs; and bristly blackberry (*Rubus hispidus*), cinnamon fern (*Osmunda cinnamomea*), royal fern (*Osmunda regalis*), woodfern (*Dryopteris sp*.), and golden-rods (Solidago sp.) ground cover. Evidence of wetland hydrology, including hydric soils, inundation, high groundwater, saturated soils, and pore linings, was observed within the delineated wetland. The vegetated wetland borders an off-site stream; accordingly, the vegetated wetlands would be regulated as Bordering Vegetated Wetlands and the off-site stream would be regulated as Bank and Land Under Water Bodies and Waterways under the Regulations. A 100' Buffer Zone extends horizontally outward from the edge of Bordering Vegetated Wetlands under the Regulations.

Bordering Land Subject to Flooding and Section 22-22 Floodplain: Bordering Land Subject to Flooding is an area that floods due to a rise in floodwaters from a bordering waterway or water body. Where flood studies have been completed, the boundary of Bordering Land Subject to Flooding is based upon flood profile data prepared by the National Flood Insurance Program. Section 10.57(2)(a)3. states that "The boundary of Bordering Land Subject to Flooding is the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm."

Based upon a review of the Flood Insurance Rate Map, Map Number 25017C0566E, Effective Date June 4, 2010 (attached), the entire 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). The 500-year floodplain does not have regulatory significance under the Act and Ordinance. [The Preliminary FIRM from the FEMA Website (Map Number 25017C0566F, Version 2.6.3.6, with Preliminary Date of August 13, 2021) does not show the site within or in close proximity to a Zone A/Zone AE/100-year floodplain. The area to the south/southeast of the site that is presently mapped as Other Flood Areas: Zone X (i.e., 500-year floodplain) will be shown as a Zone A (i.e., 100-year floodplain without a base flood elevation. These maps are expected to be released in the upcoming months and was reviewed out of an abundance of caution based upon a suggestion by Conservation Staff.] When present, Bordering Land Subject to Flooding would occur in areas where the 100-year floodplain is located outside of or upgradient of the delineated Bordering Vegetated Wetlands boundary. Bordering Land Subject to Flooding does not have a 100' Buffer Zone under the Regulations.

Based upon review, the site may be partially located within an area subject to Section 22-22, which establishes Floodplain/Watershed Protection provisions associated with various resources within the City of Newton. Section 22-22 (g)4. of the Ordinance establishes a Watershed to various named wetlands; based upon a review of this Section, it appears that the extreme southern portion of the site may be located within the Ordinance Watershed associated with (6) Bald Pate Meadow at elevation of 142.0 feet City of Newton Datum. Section 22-22 does not establish any form of buffer zone.

Riverfront Area: Based upon a review of the current USGS Map, Boston South Quadrangle, dated 1987 (attached), there are no mapped streams located on or within 200 feet of the site. Based upon observations made in the field and local mapping, there are no significant streams located on or within 200 feet of the site. As such, Riverfront Area would not occur on the site. Riverfront Area does not have 100' Buffer Zone under the Act and Regulations.

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

The reader should be aware that the regulatory authority for determining wetland jurisdiction rests with local, state, and federal authorities. A brief description of my experience and qualifications is attached.

Project Description and Analysis:

The project consists of the demolition of the existing single-family house, the associated site features including the paved driveway, deck, patio, and rear wire fencing, and the removal of four trees and one larger sapling, and the construction of a new single-family house with two car garage, front landing, rear covered patio, side egress well, and side bulkhead; paved driveway; front and rear walkways; utilities; and associated lawn and landscaping. The project has been designed to maintain the existing limit of development and to keep all structures outside of the 25' Buffer Zone. The proposed project will include an erosion control barrier comprising 12" compost sock to address erosion/sedimentation and establish a limit of work. The proposed work area is all previously developed and is relatively level sloping very gradually to the south. The project includes a stormwater infiltration system designed to comply with the Newton Stormwater Ordinance which will address both driveway runoff and roof runoff. Lastly, 1,491± square feet of the 25' Buffer Zone will be bounded and enhanced through the partial removal of an unsafe overgrown snag; removal and treatment with herbicide of Norway maple and common buckthorn saplings/shrubs and limited oriental bitter-sweet vines and ground cover; and the establishment of native woody plantings including ten saplings, thirty shrubs, and sixteen smaller shrubs.

The seven trees and large saplings located within the limit of work have been evaluated by a Certified Arborist. These trees/saplings are shown on the Site Plans as T1 to T7 and are detailed in the Tree Assessment included with this Notice of Intent. Two of the trees, T3 and T4, are proposed to be retained with protection including construction fence set away from the trunk and 6 to 12" of wood chips over the roots; These two trees may be pruned for safety and to improve the health of the trees. Four trees and one large sapling are proposed to be removed; two of these trees are diseased and represent a hazard; the two other trees and the sapling are small, have multiple stems/leaders, and do not trigger mitigation requirements under the Newton Tree Ordinance. The applicant is aware that an application under the Tree Ordinance will be required to be submitted and any mitigation required by the Tree Warden implemented. As part of this project, ten saplings, thirty shrubs, and sixteen small shrubs are proposed to be planted within a bounded enhancement planting area located within the 25' Buffer Zone just south of the limit of work. The enhancement planting area is described below in this letter and is shown on the Site Plan and in the Planting Schematic prepared by EcoTec, Inc. The northern edge of the proposed enhancement planting area is proposed to be bounded four stone bounds with conservation markers. These markers do not establish any form of restriction on use of the property but simply make the owner aware that wetland resource areas occur downslope and that some form of Conservation Commission approval under the Act and/or Ordinance would be required for work proposed within areas subject to Conservation Commission jurisdiction.

The proposed project results in increased impervious surfaces on the site and in the 100' Buffer Zone compared to the existing conditions. The impervious surfaces on the site increase by 746± square feet from 2,421± square feet under existing conditions to 3,167± square feet under proposed conditions. Under the existing condition, roof runoff is not collected or directed and falls from the roof to the

ground surface; driveway runoff is not controlled or treated. Under proposed conditions, driveway runoff is collected in a trench drain, pretreated through a drainage manhole with sump, and infiltrated; roof runoff is collected in gutters and directed through downspouts and drain lines to the infiltration system. The proposed stormwater system has been designed as detailed in the Drainage Summary to comply with requirements under the Newton Stormwater Ordinance. An Operations and Maintenance Plan for stormwater components on the site has been provided. These documents are referenced above in this Cover Letter and are included with this Notice of Intent.

The proposed erosion controls include a 12”-diameter compost sock as shown on the Site Plan which will also serve as the limit of work. Any disturbed lawn and landscaped areas will be minimally graded and will be loamed and seeded/hydroseeded/sodded to provide permanent cover by lawn or will be landscaped. Any existing landscaping located within the limit of work is proposed to be removed as part of this project. The proposed limit of work will be demarcated in the field by the erosion control barrier as shown on the Site Plan. Soil will be temporarily stored in a covered stockpile within the limit of work with excess soil removed from the site. The Site Plan also shows a concrete washout area, a proposed construction entrance, and catch basin inlet protection for the catch basin within Harwich Road. The details for these features are provided on the Site Plan.

No work is proposed within any wetland resource area under the Act or Ordinance. With the exception of work within the extreme northern portion of the site outside of the 100’ Buffer Zone (i.e., portion of driveway, portion of stormwater management system, portion of front lawn, part of utility work, and work to bring the sidewalk and curbs to City of Newton standards), the vast majority of the proposed project occurs within the 100’ Buffer Zone within the previously developed portion of the subject site. As detailed below, the proposed project has been designed to comply with the narrative standard for work within the 100’ Buffer Zone set forth at 310 CMR 10.53(1) and meets the intent of the Newton Conservation Commission 25’ Naturally Vegetated Buffer (NVB) Policy and will enhance almost 75 percent of the 25’ Buffer Zone on the site. Again, no work is proposed within any wetland resource area subject to jurisdiction under the Act or Ordinance.

<u>Enhancement Planting Area Plan:</u>
The area located between the existing house and the Bordering Vegetated Wetlands boundary within the 25’ Buffer Zone consists of lawn and upland forest with a sparse but invasive understory (see attached photographs). The proposed project will keep the existing lawn line and will enhance approximately 1,491± square feet of the upland forest through the partial removal of an unsafe overgrown snag; removal and treatment with herbicide of Norway maple and common buckthorn saplings/shrubs and limited oriental bitter-sweet vines and ground cover; and the establishment of native woody plantings including ten saplings, thirty shrubs, and sixteen smaller shrubs. The northern edge of the enhancement planting area will be bounded with four stone bounds with conservation markers for informational purposes. These plantings will serve to stabilize the area, reduce stormwater runoff, and provide enhanced wildlife habitat, including cover, perching, and foraging habitat, compared to the existing condition. The bounds and plantings are intended to minimize future creep toward the Bordering Vegetated Wetlands.

The proposed saplings and shrubs will be spaced under the supervision of a qualified wetland scientist and planted in accordance with current landscaping practices (i.e., hole twice as wide and as deep as the root ball with the area around the root ball backfilled with high quality loamy top soil). The proposed plant species listing is provided on the Planting Schematic; the selected species are native and have been selected based upon the conditions of the proposed planting area. If a species is not available, a substitution will be recommended by the wetland scientist and approved by Conservation Staff. The excess soil will be removed from the site. Following installation, the plants will be watered in well. Mulch is not proposed; the leaf litter in the area should be used to mulch the plantings. If deemed necessary, the plantings can be mulched with salt marsh hay only (not hay or straw). This will aid in keeping the plantings moist and will provide temporary cover and habitat value until leaves begin to accumulate in this area. The woody materials will be watered regularly for a period of four weeks, and will be watered, as necessary, if evidence of stress is observed. As shown on the Site Plan, the northern edge of the area will be demarcated with four stone bounds with conservation markers.

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

Compliance Evaluation under the Regulations:

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 associated with this project, a 12-inch diameter compost sock will be installed as shown on the Site Plan. This barrier will also serve as the limit of work. The 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 northern portion of the site is relatively flat with a very gradual slope to the south. The southern portion of the site, which is currently upland and wetland forest, slopes moderately to gradually to the south. The proposed project will be limited to the northern portion of the site within the limit of the prior development on the site. As shown on the Site Plan, the intent is to fit the proposed project into the existing topography. Work on the site is proposed in areas with relatively flat topography. Four trees and one larger sapling are proposed to be removed from the Buffer Zone; ten saplings, thirty shrubs, and sixteen smaller shrubs are proposed to be established within a 1,491± square foot enhancement planting area in the inner Buffer Zone in the southern portion of the site. Work in this bounded enhancement planting area will also include the partial removal of a dead tree leaving a 10' tall snag for wildlife habitat purposes and the removal and treatment of invasive species within the understory. Upon completion of the project, the Buffer Zone will be stabilized by building, pavement, lawn, landscaping, and native sapling/shrub plantings. As such, the proposed project will serve to protect the applicable statutory interests of the adjacent Bordering Vegetated Wetlands.

<u>City of Newton 25-foot Naturally Vegetated Buffer (NVB) Policy:</u>
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. No structure or hardscape is proposed within the 25' Buffer Zone. A 1,491± square foot portion of the inner Buffer Zone is proposed to be bounded and enhanced through the removal of the upper portion of a dangerous snag leaving a safe 10' tall snag for habitat

value; removal and treatment of Norway maple and common buckthorn saplings/shrubs and oriental bitter-sweet vines and ground cover; and the establishment of native woody vegetation including ten saplings, thirty shrubs, and sixteen smaller shrubs; the balance of the 25' Buffer Zone will remain as lawn. Four stone bounds with conservation markers for informational purposes are proposed at the northern edge of the proposed enhancement planting area. As required by the Act, any work or activity proposed within geographic jurisdiction under the Act or Ordinance require pre-construction approval of some form from Commission Staff or the Commission. The proposed activities in this area will serve to promote shading; interception and infiltration of surface flows; maintain flood water storage; uptake and/or infiltration of nutrients; light and sound buffering through plantings; and provide improved understory and future overstory habitat compared to the existing condition.

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 100' Buffer Zone and outside of the 100' Buffer Zone. The proposed house is located greater than 25 feet from the wetland boundary and stormwater improvements to address driveway and roof runoff have been incorporated into the site design. The existing lawn within the 25' Buffer Zone will remain; the balance of the 25' Buffer Zone on the site will be bounded and enhanced to protect the adjacent resource area and to improve wildlife habitat characteristics of the inner Buffer Zone. As detailed above, the proposed work has been designed to comply with the standards for work in such areas and will represent an improvement compared to the existing condition. As such, it is EcoTec's opinion that the proposed project complies with the applicable provisions of the Act and Regulations and the Ordinance will serve to protect the applicable statutory interests.

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.

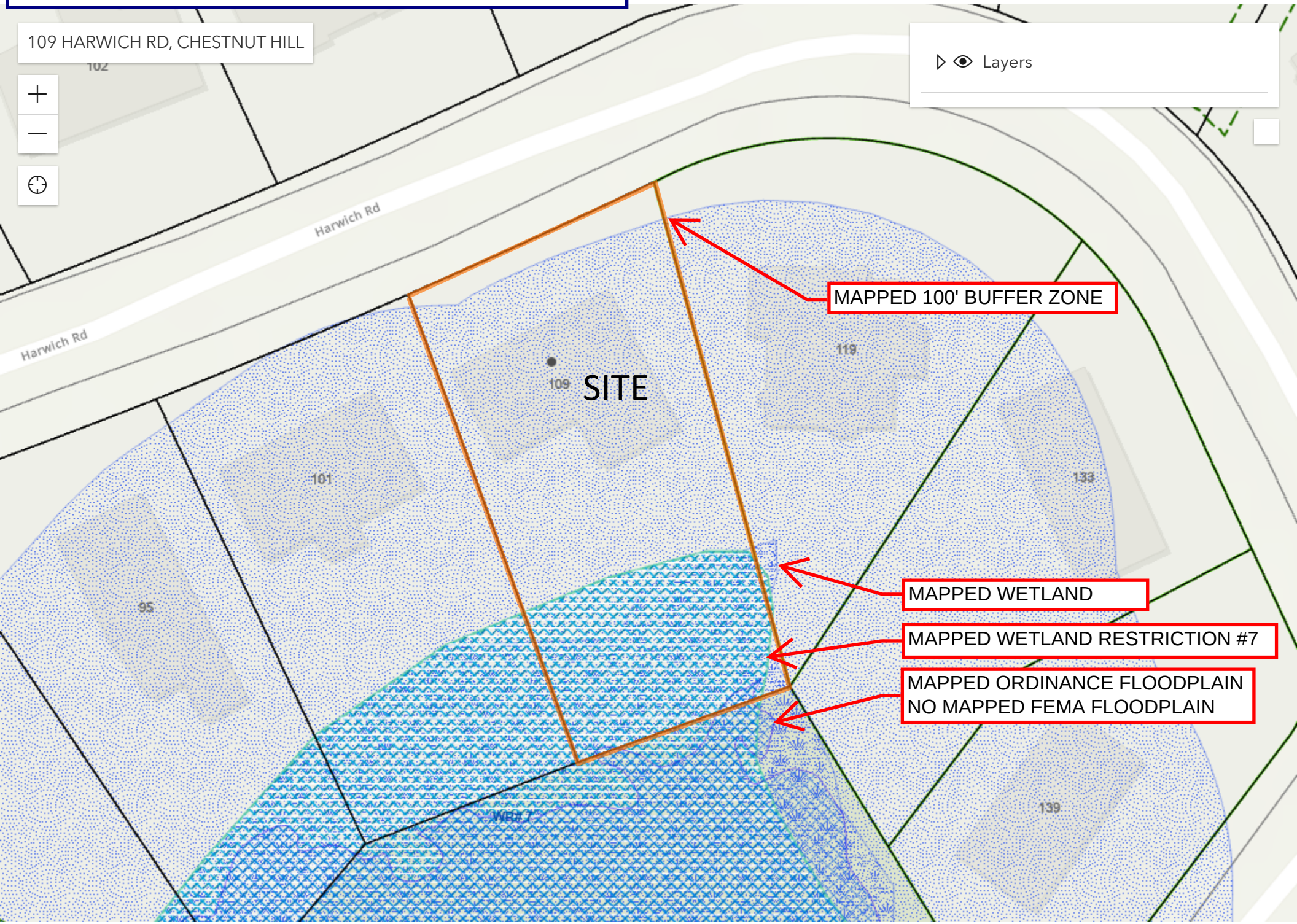
John P. Rockwood, Ph.D., SPWS
Principal Environmental Scientist

Cc: Department of Environmental Protection, Northeast Regional Office (by Certified Mail /Return Receipt Requested)
David Corey, Northeast Venture Group (Via Email)
Joseph Porter, PLS VTP Associates, Inc. (Via Email)

NEWTON LOCUS MAP

109 HARWICH ROAD

NEWTON GIS BROWSER WITH MAPPED LAYERS IDENTIFIED



BORDERING VEGETATED WETLAND DETERMINATION FORM

Project/Site: 109 Harwich Road City/Town: Newton Sampling Date: 07/05/2023

Applicant/Owner: -- Sampling Point or Zone: A2 UP

Investigator(s): John P. Rockwood, Ph.D., SPWS Latitude / Longitude: 42.306 / -71.172

Soil Map Unit Name: Udorthents, Wet Substratum NWI or DEP Classification: WS1

Are climatic/hydrologic conditions on the site typical for this time of year? Yes [✓] No [ ] (If no, explain in Remarks)

Are Vegetation [ ], Soil [ ], or Hydrology [ ] significantly disturbed? (If yes, explain in Remarks)

Are Vegetation [ ], Soil [ ], or Hydrology [ ] naturally problematic? (If yes, explain in Remarks)

SUMMARY OF FINDINGS – Attach site map and photograph log showing sampling locations, transects, etc.

Wetland vegetation criterion met?	Yes [ ] No [✓]	**Is the Sampled Area within a Wetland?**	Yes [ ] No [✓]
Hydric Soils criterion met?	Yes [ ] No [✓]		
Wetlands hydrology present?	Yes [ ] No [✓]		

Remarks, Photo Details, Flagging, etc.:
On slope upgradient of wetland

HYDROLOGY

Field Observations:			
Surface Water Present?	Yes [ ]	No [✓]	Depth (inches)____
Water Table Present?	Yes [ ]	No [✓]	Depth (inches)____
Saturation Present (including capillary fringe)?	Yes [ ]	No [✓]	Depth (inches)____

Wetland Hydrology Indicators

Reliable Indicators of Wetlands Hydrology	Indicators that can be Reliable with Proper Interpretation	Indicators of the Influence of Water
[ ] Water-stained leaves	[ ] Hydrological records	[ ] Direct observation of inundation
[ ] Evidence of aquatic fauna	[ ] Free water in a soil test hole	[ ] Drainage patterns
[ ] Iron deposits	[ ] Saturated soil	[ ] Drift lines
[ ] Algal mats or crusts	[ ] Water marks	[ ] Scoured areas
[ ] Oxidized rhizospheres/pore linings	[ ] Moss trim lines	[ ] Sediment deposits
[ ] Thin muck surfaces	[ ] Presence of reduced iron	[ ] Surface soil cracks
[ ] Plants with air-filled tissue (aerenchyma)	[ ] Woody plants with adventitious roots	[ ] Sparsely vegetated concave surface
[ ] Plants with polymorphic leaves	[ ] Trees with shallow root systems	[ ] Microtopographic relief
[ ] Plants with floating leaves	[ ] Woody plants with enlarged lenticels	[ ] Geographic position (depression, toe of slope, fringing lowland
[ ] Hydrogen sulfide odor		

Remarks (describe recorded data from stream gauge, monitoring well, aerial photos, previous inspections, if available):
None were observed

This form is only for BVW delineations. Other wetland resource areas may be present and should be delineated according to the applicable regulatory provisions.

VEGETATION – Use both common and scientific names of plants.

Tree Stratum Plot size 30' Radius

Common name*	Scientific name	Indicator Status	Absolute/ Relative % Cover	Dominant? (yes/no)	Wetland Indictor? (yes/no)
1. Red Maple	*Acer rubrum*	FAC	38.0/42.5	Yes	Yes
2. Norway Maple	*Acer platanoides*	NL	20.5/22.9	Yes	No
3. Common Buckthorn	*Rhamnus cathartica*	NL	10.5/11.7	No	No
4. Northern Red Oak	*Quercus rubra*	FACU-	20.5/22.9	Yes	No
5.					
6.					
7.					
8.					
9.					

89.5 = Total Absolute Cover

Shrub/Sapling Stratum Plot size 15' Radius

Common name*	Scientific name	Indicator Status	Absolute/ Relative % Cover	Dominant? (yes/no)	Wetland Indictor? (yes/no)
1. Shag-bark Hickory	*Carya ovata*	FACU-	10.5/50.0	Yes	No
2. American Elm	*Ulmus americana*	FACW-	10.5/50.0	Yes	Yes
3.					
4.					
5.					
6.					
7.					
8.					
9.					

21.0 = Total Absolute Cover

Herb Stratum Plot size 5' Radius

Common name*	Scientific name	Indicator Status	Absolute/ Relative % Cover	Dominant? (yes/no)	Wetland Indictor? (yes/no)
1. Oriental Bitter-sweet	*Celastrus orbiculata*	NL	10.5/16.9	No	No
2. Virginia Creeper	*Parthenocissus quinquefolia*	FACU	20.5/33.1	Yes	No
3. Poison Ivy	*Toxicodendron radicans*	FAC	20.5/33.1	Yes	Yes
4. Multiflora Rose	*Rosa multiflora*	FACU	10.5/16.9	No	No
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

62.0 = Total Absolute Cover

* 1988 Plant List

VEGETATION – continued.

Woody Vine Stratum	Plot size 30' Radius				
Common name*	Scientific name	Indicator Status	Absolute/ Relative % Cover	Dominant? (yes/no)	Wetland Indictor? (yes/no)
1. Poison Ivy	*Toxicodendron radicans*	FAC	10.5/50.0	Yes	Yes
2. Virginia Creeper	*Parthenocissus quinquefolia*	FACU	10.5/50.0	Yes	No
3.					
4.					
			21.0 = Total Absolute Cover		

* 1988 Plant List

Rapid Test: Do all dominant species have an indicator status of OBL or FACW?				Yes ☐ No ☑
Dominance Test:	Number of dominant species	Number of dominant species that are wetland indicator plants		Do wetland indicator plants make up ≥ 50% of dominant plant species?
	9	4 4/9 = 0.444 or 44.4%		Yes ☐ No ☑
Prevalence Index:		Total % Cover (all strata)	Multiply by:	Result
	OBL species		X 1	= 0.0
	FACW species		X 2	= 0.0
	FAC species		X 3	= 0.0
	FACU species		X 4	= 0.0
	UPL species		X 5	= 0.0
	Column Totals	(A) 0.0		(B) 0.0
	Prevalence Index	B/A = Not Calculated		Is the Prevalence Index ≤ 3.0? Yes ☐ No ☐
Wetland vegetation criterion met?		**Yes** ☐	**No** ☑	

Definitions of Vegetation Strata

Tree - Woody plants 3 in. (7.62 cm) or more in diameter at breast height (DBH), regardless of height

Shrub / Sapling - Woody plants less than 3 in. (7.62 cm) DBH and greater than or equal to 3.3 ft. (1 m) tall

Herb - All herbaceous (non-woody plants, regardless of size, and woody plants less than 3.3 ft. (1 m) tall

Woody vines - All woody vines greater than 3.3 ft. (1 m) in height

Cover Ranges	
Range	Midpoint
1-5 %	3.0 %
6-15 %	10.5 %
15-25 %	20.5 %
26-50 %	38.0 %
51-75 %	63.0 %
76-95 %	85.5 %
96-100 %	98.0 %

Sampling Point A2 UP

SOIL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators)

Horizon/ Depth	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type[1]	Location[2]		
A 0-6"	10 YR 3/2		--				Loam	
Bw 6-20"	10 YR 4/4		--				Sandy Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains [2]Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators (Check all that apply)		**Indicators for Problematic Hydric Soils**
☐ Histosol (A1)	☐ Polyvalue Below Surface (S8)	☐ 2 cm Muck (A10)
☐ Histic Epipedon (A2)	☐ Thin Dark Surface (S9)	☐ 5 cm Mucky Peat or Peat (S3)
☐ Black Histic (A3)	☐ Loamy Mucky Mineral (F1)	☐ Dark Surface (S7)
☐ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)	☐ Polyvalue Below Surface (S8)
☐ Stratified Layers (A5)	☐ Depleted Matrix (F3)	☐ Thin Dark Surface (S9)
☐ Depleted Below Dark Surface (A11)	☐ Redox Dark Surface (F7)	☐ Iron-Manganese Masses (F12)
☐ Thick Dark Surface (A12)	☐ Depleted Dark Surface (F8)	☐ Mesic Spodic (A17)
☐ Sandy Mucky Mineral (S1)		☐ Red Parent Material (F21)
☐ Sandy Gleyed Matrix (S4)		☐ Very Shallow Dark Surface (TF12)
☐ Sandy Redox (S5)		☐ Other (Include Explanation in Remarks)
☐ Stripped Matrix (S6)		
☐ Dark Surface (S7)		

Restrictive Layer (if observed) Type: _____ Depth (inches): _____

Remarks:

No hydric soil characteristics observed

Hydric Soils criterion met? Yes ☐ No ☑

BORDERING VEGETATED WETLAND DETERMINATION FORM

Project/Site: 109 Harwich Road City/Town: Newton Sampling Date: 07/05/2023

Applicant/Owner: -- Sampling Point or Zone: A2 WET

Investigator(s): John P. Rockwood, Ph.D., SPWS Latitude / Longitude: 42.306 / -71.172

Soil Map Unit Name: Udorthents, Wet Substratum NWI or DEP Classification: WS1

Are climatic/hydrologic conditions on the site typical for this time of year? Yes [✓] No [ ] (If no, explain in Remarks)

Are Vegetation [ ], Soil [ ], or Hydrology [ ] significantly disturbed? (If yes, explain in Remarks)

Are Vegetation [ ], Soil [ ], or Hydrology [ ] naturally problematic? (If yes, explain in Remarks)

SUMMARY OF FINDINGS – Attach site map and photograph log showing sampling locations, transects, etc.

Wetland vegetation criterion met?	Yes [✓] No [ ]	**Is the Sampled Area within a Wetland?** Yes [✓] No [ ]
Hydric Soils criterion met?	Yes [✓] No [ ]	
Wetlands hydrology present?	Yes [✓] No [ ]	

Remarks, Photo Details, Flagging, etc.:

HYDROLOGY

Field Observations:			
Surface Water Present?	Yes [ ]	No [✓]	Depth (inches)____
Water Table Present?	Yes [ ]	No [✓]	Depth (inches)____
Saturation Present (including capillary fringe)?	Yes [✓]	No [ ]	Depth (inches) 10"

Wetland Hydrology Indicators

Reliable Indicators of Wetlands Hydrology	Indicators that can be Reliable with Proper Interpretation	Indicators of the Influence of Water
[ ] Water-stained leaves	[ ] Hydrological records	[ ] Direct observation of inundation
[ ] Evidence of aquatic fauna	[ ] Free water in a soil test hole	[ ] Drainage patterns
[ ] Iron deposits	[✓] Saturated soil	[ ] Drift lines
[ ] Algal mats or crusts	[ ] Water marks	[ ] Scoured areas
[✓] Oxidized rhizospheres/pore linings	[ ] Moss trim lines	[ ] Sediment deposits
[ ] Thin muck surfaces	[ ] Presence of reduced iron	[ ] Surface soil cracks
[ ] Plants with air-filled tissue (aerenchyma)	[ ] Woody plants with adventitious roots	[ ] Sparsely vegetated concave surface
[ ] Plants with polymorphic leaves	[ ] Trees with shallow root systems	[✓] Microtopographic relief
[ ] Plants with floating leaves	[ ] Woody plants with enlarged lenticels	[ ] Geographic position (depression, toe of slope, fringing lowland
[✓] Hydrogen sulfide odor		

Remarks (describe recorded data from stream gauge, monitoring well, aerial photos, previous inspections, if available):

This form is only for BVW delineations. Other wetland resource areas may be present and should be delineated according to the applicable regulatory provisions.

Sampling Point A2 WET

VEGETATION – Use both common and scientific names of plants.

Tree Stratum Plot size 30' Radius

Common name*	Scientific name	Indicator Status	Absolute/ Relative % Cover	Dominant? (yes/no)	Wetland Indictor? (yes/no)
1. Red Maple	*Acer rubrum*	FAC	63.0/66.7	Yes	Yes
2. American Elm	*Ulmus americana*	FACW-	10.5/11.1	No	Yes
3. Shag-bark Hickory	*Carya ovata*	FACU-1	10.5/11.1	No	No
4.					
5.					
6.					
7.					
8.					
9.					

94.5 = Total Absolute Cover

Shrub/Sapling Stratum Plot size 15' Radius

Common name*	Scientific name	Indicator Status	Absolute/ Relative % Cover	Dominant? (yes/no)	Wetland Indictor? (yes/no)
1. Shag-bark Hickory	*Carya ovata*	FACU-	10.5/50.0	Yes	No
2. American Elm	*Ulmus americana*	FACW-	10.5/50.0	Yes	Yes
3.					
4.					
5.					
6.					
7.					
8.					
9.					

21.0 = Total Absolute Cover

Herb Stratum Plot size 5' Radius

Common name*	Scientific name	Indicator Status	Absolute/ Relative % Cover	Dominant? (yes/no)	Wetland Indictor? (yes/no)
1. Cinnamon Fern	*Osmunda cinnamomea*	FACW	20.5/37.3	Yes	Yes
2. Virginia Creeper	*Parthenocissus quinquefolia*	FACU	10.5/19.1	Yes	No
3. Poison Ivy	*Toxicodendron radicans*	FAC	10.5/19.1	Yes	Yes
4. Bristly Blackberry	*Rubus hispidus*	FACW	10.5/19.1	Yes	Yes
5. Glossy Buckthorn	*Rhamnus frangula*	FAC	3.0/5.5	No	Yes
6.					
7.					
8.					
9.					
10.					
11.					
12.					

55.0 = Total Absolute Cover

* 1988 Plant List

VEGETATION – continued.

Woody Vine Stratum	Plot size 30' Radius				
Common name*	Scientific name	Indicator Status	Absolute/ Relative % Cover	Dominant? (yes/no)	Wetland Indictor? (yes/no)
1. Poison Ivy	*Toxicodendron radicans*	FAC	10.5/50.0	Yes	Yes
2.					
3.					
4.					
			10.5 = Total Absolute Cover		

* 1988 Plant List

Rapid Test: Do all dominant species have an indicator status of OBL or FACW?				Yes ☐ No ☑
Dominance Test:	Number of dominant species	Number of dominant species that are wetland indicator plants		Do wetland indicator plants make up ≥ 50% of dominant plant species?
	8	6 6/8 = 0.750 or 75.0%		Yes ☑ No ☐
Prevalence Index:		Total % Cover (all strata)	Multiply by:	Result
	OBL species		X 1	= 0.0
	FACW species		X 2	= 0.0
	FAC species		X 3	= 0.0
	FACU species		X 4	= 0.0
	UPL species		X 5	= 0.0
	Column Totals	(A) 0.0		(B) 0.0
	Prevalence Index	B/A = Not Calculated		Is the Prevalence Index ≤ 3.0? Yes ☐ No ☐
Wetland vegetation criterion met?		**Yes** ☑	**No** ☐	

Definitions of Vegetation Strata

Tree - Woody plants 3 in. (7.62 cm) or more in diameter at breast height (DBH), regardless of height

Shrub / Sapling - Woody plants less than 3 in. (7.62 cm) DBH and greater than or equal to 3.3 ft. (1 m) tall

Herb - All herbaceous (non-woody plants, regardless of size, and woody plants less than 3.3 ft. (1 m) tall

Woody vines - All woody vines greater than 3.3 ft. (1 m) in height

Cover Ranges	
Range	Midpoint
1-5 %	3.0 %
6-15 %	10.5 %
15-25 %	20.5 %
26-50 %	38.0 %
51-75 %	63.0 %
76-95 %	85.5 %
96-100 %	98.0 %

Sampling Point A2 WET

SOIL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators)

Horizon/ Depth	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type[1]	Location[2]		
A 0-6"	10 YR 2/1		--				Mucky Loam	Pore Linings
Bg	10 YR 6/1		7.5 YR 5/6	5	C	M	Sandy Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains [2]Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators (Check all that apply)		**Indicators for Problematic Hydric Soils**
☐ Histosol (A1)	☐ Polyvalue Below Surface (S8)	☐ 2 cm Muck (A10)
☐ Histic Epipedon (A2)	☐ Thin Dark Surface (S9)	☐ 5 cm Mucky Peat or Peat (S3)
☐ Black Histic (A3)	☐ Loamy Mucky Mineral (F1)	☐ Dark Surface (S7)
☑ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)	☐ Polyvalue Below Surface (S8)
☐ Stratified Layers (A5)	☐ Depleted Matrix (F3)	☐ Thin Dark Surface (S9)
☑ Depleted Below Dark Surface (A11)	☐ Redox Dark Surface (F7)	☐ Iron-Manganese Masses (F12)
☐ Thick Dark Surface (A12)	☐ Depleted Dark Surface (F8)	☐ Mesic Spodic (A17)
☐ Sandy Mucky Mineral (S1)		☐ Red Parent Material (F21)
☐ Sandy Gleyed Matrix (S4)		☐ Very Shallow Dark Surface (TF12)
☐ Sandy Redox (S5)		☐ Other (Include Explanation in Remarks)
☐ Stripped Matrix (S6)		
☐ Dark Surface (S7)		

Restrictive Layer (if observed) Type: _____ Depth (inches): _____

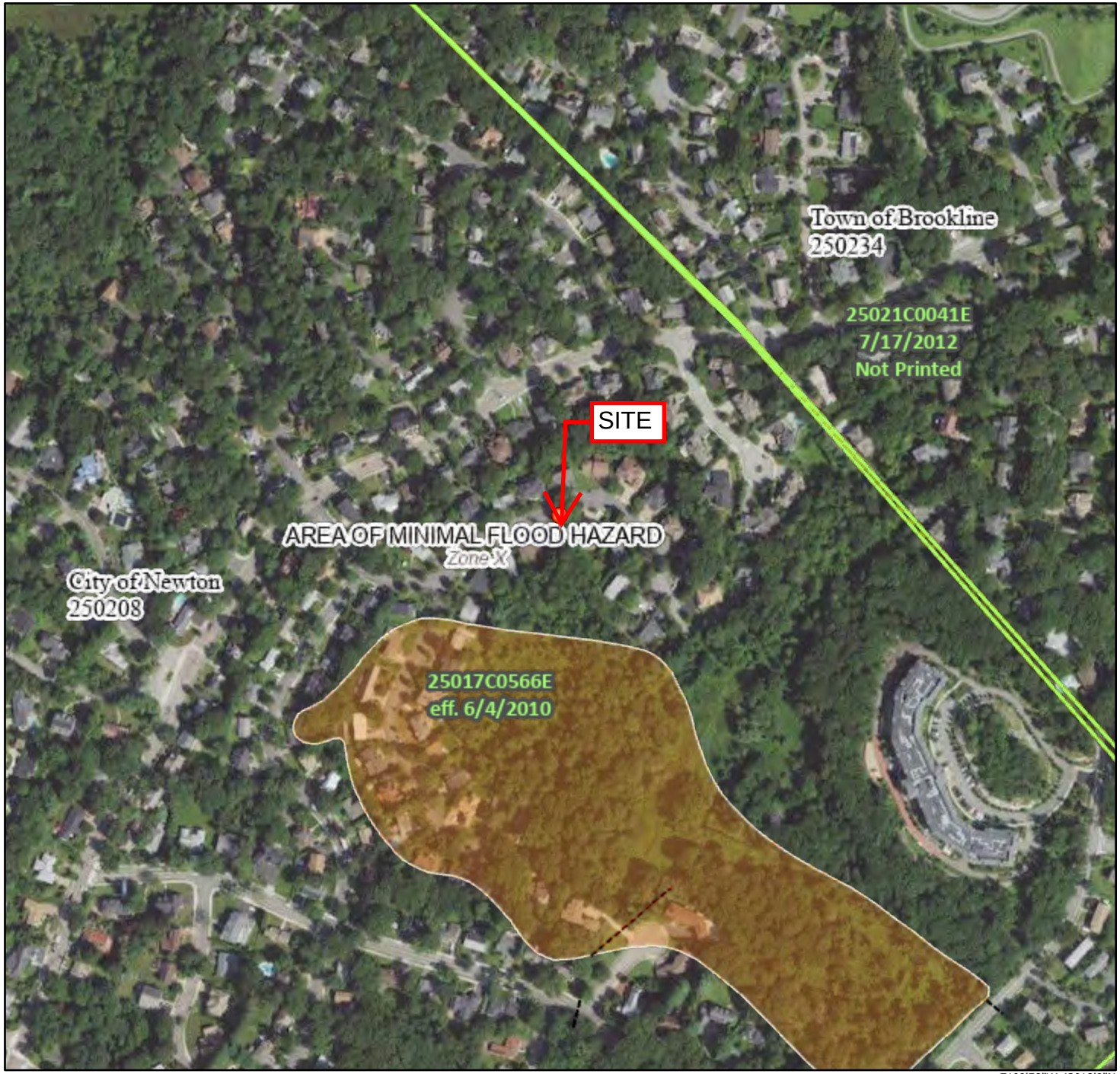
Remarks:

Hydric Soils criterion met? **Yes** ☑ **No** ☐

National Flood Hazard Layer FIRMette

FEMA

71°10'36"W 42°18'36"N



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

1:6,000

71°9'59"W 42°18'9"N

Basemap Imagery Source: USGS National Map 2023

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

OTHER AREAS OF FLOOD HAZARD
- 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
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

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

OTHER FEATURES
- 20.2 Cross Sections with 1% Annual Chance
- 17.5 Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

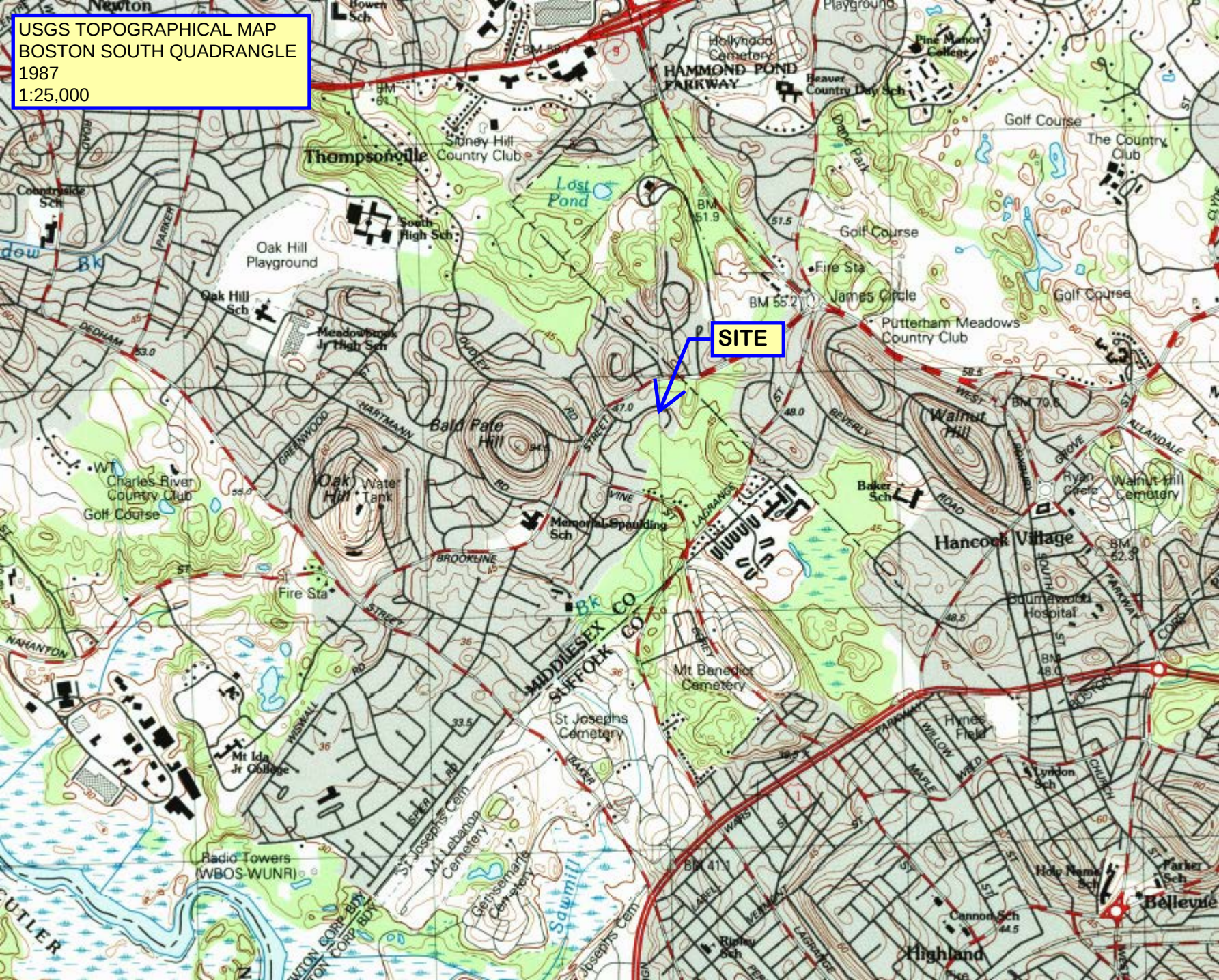
N

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 7/5/2023 at 1:19 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.


USGS TOPOGRAPHICAL MAP
BOSTON SOUTH QUADRANGLE
1987
1:25,000
SITE
Newton
Thompsonville
Oak Hill Playground
Oak Hill Sch
South High Sch
Meadowbrook Jr High Sch
Sidney Hill Country Club
Lost Pond
Hollynood Cemetery
HAMMOND POND PARKWAY
Pine Manor College
Beaver Country Day Sch
Golf Course
The Country Club
Fire Sta
James Circle
Putterham Meadows Country Club
Bald Pate Hill
Oak Hill Water Tank
Charles River Country Club
Memorial-Spaulding Sch
Walnut Hill
Baker Sch
Hancock Village
Newton-Wellesley Hospital
Walnut Hill Cemetery
Ryan Circle
Mt Benedict Cemetery
St Josephs Cemetery
Mt Ida Jr College
Radio Towers (WBOS-WUNR)
Hynes Field
Lyndon Sch
Holy Name Sch
Parker Sch
Bellevue
Cannon Sch
Highland
Ridley Sch
Gethsemane Cemetery
Mt Lebanon Cemetery
Sawmill
MIDDLESEX CO
SUFFOLK CO


NHESP ATLAS, 15TH EDITION, AUGUST 1, 2021
PRIORITY HABITAT, ESTIMATED HABITAT AND
CERTIFIED AND POTENTIAL VERNAL POOLS
SCALE: AS BELOW
BOYLSTON STREET
SITE
DEDHAM STREET
HARTMAN ROAD
ALLANDALE ROAD
BONAD ROAD
NAHANTON STREET
WISWALL ROAD
SAW MILL BROOK PARKWAY
SPIERS ROAD
BAKER STREET
LAGRANGE STREET
MAPLE STREET
WILLOW STREET
HAWTHORNE ROAD
CHURCH STREET
PH 1188
500 m
1000 ft
Scale = 1:36,112
221,734.96m 898,104.54m
2019 Color Orthos (USGS)

EcoTec, Inc.

ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street
Worcester, MA 01605-2629
508-752-9666 – Fax: 508-752-9494

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

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

September 5, 2023

Town Of Newton

To whom it may concern,

I, Kray A. Small, Massachusetts Certified Arborist, License # 1797, have been retained by Joshua Michalak, of Oakview Builders, to assess 7 trees of 8" DBH and greater on a property located at 109 Harwich Road, in Newton, MA.

Trees within the developed portion of the site were assessed

All trees within the parcel, 8 inches in DBH and above, are located and numbered logically on engineer's print, project **#2223150 and dated July 18, 2023;** provided by VTP Associates, Inc., Land Surveyors and Civil Engineers, located at 132 Adams St, 2nd floor Suite 3, Newton, MA 02458.

All trees are within the 100', 50', and 25' wetland buffer.

Tree numbers are provided on Existing Conditions Site Plan

1. ***Malus spp.*** (Unknown variety of crabapple) this tree is in poor condition/health. The tree has decay throughout the co-dominant leaders and has deadwood in the canopy. The 2 leaders were measured 4'6" from grade to obtain the DBH value.

   DBH: L1-11" L2-12" **(Total DBH is 23")**

   See Attached ISA Tree Assessment

   Health: Poor

   Height: 25'

   Action: **Removal** **<u>Without</u>** **mitigation**

2. ***Magnolia soulangeana*** (Saucer Magnolia) this tree is in good condition/health. The tree is comprised of 2 co-dominant leaders. DBH was measured 4'6" from grade to obtain the DBH value.

   DBH: L1-7" L2-6.5" **(Total DBH is 13.5")**

   Health: Good

   Height: 40'

   Action: **Removal** **<u>Without</u>** **mitigation, under 15" cumulative DBH**

3. ***Ulmus americana*** (American Elm) this tree is in good condition/health. The tree has a distinct lean towards the abutters' dwelling. DBH was measured 4'6" from grade.

   DBH: 12"

   Health: Good

   Height: 60'

   Action: **Protect**

   The CRZ of this plant shall be protected by a snow fence at least 4' in height and staked every 5'. The protected area will be reduced and semi-circumvent the stem and extend 5'. In addition, a wood carpet of wood chips 6" to 12" may be placed to mitigate soil compaction further than 5' from the stem.

4. ***Acer rubrum*** (Red Maple) this tree is in good condition/health. DBH was measured 4'6" from grade.

   DBH: 19"
   Health: Good
   Height: 65'
   Action: **Protect**
   The CRZ of this plant shall be protected by a snow fence at least 4' in height and staked every 5'. The protected area will be reduced and semi-circumvent the stem and extend 5'. In addition, a wood carpet of wood chips 6" to 12" may be placed to mitigate soil compaction further than 5' from the stem.

5. ***Cornus florida*** (Flowering Dogwood) this tree is in fair condition/health. DBH was measured 4'6" from grade.

   DBH: Under 8"
   Health:
   Height:
   Action: **Removal** **Without** **mitigation, under 8" DBH**

   Less than 8" DBH; not a tree

6. ***Acer rubrum*** (Red Maple) this tree is in poor condition/health. A good portion of the central leader is hollow, and a co-dominant leader has torn out some years before. DBH was measured 4'6" from grade.

   DBH: 14"
   Health: Poor
   Height: 50'
   Action: **Removal** **Without** **mitigation**

   See Attached ISA Tree Assessment

7. ***Acer platanoides*** (Norway Maple) this tree is in good condition/health. DBH was measured 4'6" from grade to obtain the DBH value.

   DBH: L1-5" L2-4" L3-2" L4-2" **(Total DBH is 13")**
   Health:
   Height:
   Action: **Removal** **Without** **mitigation, under 15" cumulative DBH**

   Non-native tree near proposed enhancement area

ISA Basic Tree Risk Assessment Forms are attached to this report for trees #1 and #6

If any questions arise, I may be reached by telephone at 508-328-4214 and by email ksmall4214@charter.net any other correspondence can be mailed to Kray Small P.O. Box 163, Woodville, MA 01784.

Respectively Submitted,

Kray A. Small, Massachusetts Certified Arborist #1797

Photo #1

Pointed out are cavities within the one of the leaders. The epicormic branching shows the plant is under heavy stress..

Photo #2

Shows wounds on one of the leaders.

Photo #3

Pointed out is a large cavity left after a co-dominant leader had torn out.

Photo #4

Shows the canopy of the tree, one sided. The arrow points to where the cavity is.

Basic Tree Risk Assessment Form

Client Oakview Builders Joshua Michalak Date 7/25/23 Time 10:00am

Address/Tree location 109 Harwich Road, Newton MA Tree no. 1 Sheet 1 of 2

Tree species Crabapple dbh L1-11" L2-12" Height 24' Crown spread dia. 24

Assessor(s) Kray Small Time frame 1-2 years Tools used none

Target Assessment

Target number	Target description	Target zone: Target within drip line	Target zone: Target within 1 x Ht.	Target zone: Target within 1.5 x Ht.	Occupancy rate (1–rare 2–occasional 3–frequent 4–constant)	Practical to move target?	Restriction practical?
1	Incoming service wire	✓	✓	✓	4	no	
2							
3							
4							

Site Factors

History of failures Sewveral dead branches, breaks etc. **Topography** Flat ■ Slope ☐ _____% **Aspect** _____

Site changes None ■ Grade change ☐ Site clearing ☐ Changed soil hydrology ☐ Root cuts ☐ Describe _____

Soil conditions Limited volume ☐ Saturated ☐ Shallow ☐ Compacted ☐ Pavement over roots ☐ _____% Describe _____

Prevailing wind direction west **Common weather** Strong winds ■ Ice ■ Snow ■ Heavy rain ■ Describe New England Weather patterns

Tree Health and Species Profile

Vigor Low ■ Normal ☐ High ☐ **Foliage** None (seasonal) ☐ None (dead) ☐ Normal _____% Chlorotic 85 % Necrotic _____%

Pests Fungal diseases **Abiotic** _____

Species failure profile Branches ■ Trunk ■ Roots ☐ Describe cavities in centrral leaders, dead branch ends and numerous spots on foliage

Load Factors

Wind exposure Protected ☐ Partial ■ Full ☐ Wind funneling ☐ _____ **Relative crown size** Small ☐ Medium ■ Large ☐

Crown density Sparse ☐ Normal ☐ Dense ■ **Interior branches** Few ■ Normal ☐ Dense ☐ **Vines/Mistletoe/Moss** ☐ _____

Recent or planned change in load factors none known

Tree Defects and Conditions Affecting the Likelihood of Failure

— Crown and Branches —

Unbalanced crown ■ LCR 75 %

Dead twigs/branches ■ 50 % overall Max. dia. 3"

Broken/Hangers Number _____ Max. dia. _____

Over-extended branches ■

Pruning history

Crown cleaned ■ Thinned ☐ Raised ☐

Reduced ☐ Topped ☐ Lion-tailed ■

Flush cuts ■ Other _____

Cracks ■ _____ Lightning damage ☐

Codominant ■ _____ Included bark ☐

Weak attachments ■ _____ Cavity/Nest hole 10 % circ.

Previous branch failures ■ _____ Similar branches present ☐

Dead/Missing bark ■ Cankers/Galls/Burls ■ Sapwood damage/decay ■

Conks ☐ Heartwood decay ■ _____

Response growth Mostly a large amount of epicormic branching

Main concern(s) breaking the insulation on the incoming service lines

Load on defect N/A ☐ Minor ☐ Moderate ☐ Significant ■ _____

Likelihood of failure Improbable ☐ Possible ☐ Probable ☐ Imminent ■ _____

— Trunk —

Dead/Missing bark ■ Abnormal bark texture/color ☐

Codominant stems ■ Included bark ☐ Cracks ■

Sapwood damage/decay ■ Cankers/Galls/Burls ■ Sap ooze ☐

Lightning damage ☐ Heartwood decay ■ Conks/Mushrooms ■

Cavity/Nest hole 10 % circ. Depth _____ Poor taper ☐

Lean _____° Corrected? _____

Response growth epicormic branching

Main concern(s) decay exists at the juncture of the co-dominant leaders

Load on defect N/A ☐ Minor ☐ Moderate ☐ Significant ☐

Likelihood of failure

Improbable ☐ Possible ☐ Probable ☐ Imminent ☐

— Roots and Root Collar —

Collar buried/Not visible ☐ Depth _____ Stem girdling ☐

Dead ☐ Decay ☐ Conks/Mushrooms ☐

Ooze ☐ Cavity ☐ _____% circ.

Cracks ☐ Cut/Damaged roots ☐ Distance from trunk _____

Root plate lifting ☐ Soil weakness ☐

Response growth N/A

Main concern(s) _____

Load on defect N/A ☐ Minor ■ Moderate ☐ Significant ☐

Likelihood of failure

Improbable ☐ Possible ■ Probable ☐ Imminent ☐

Risk Categorization

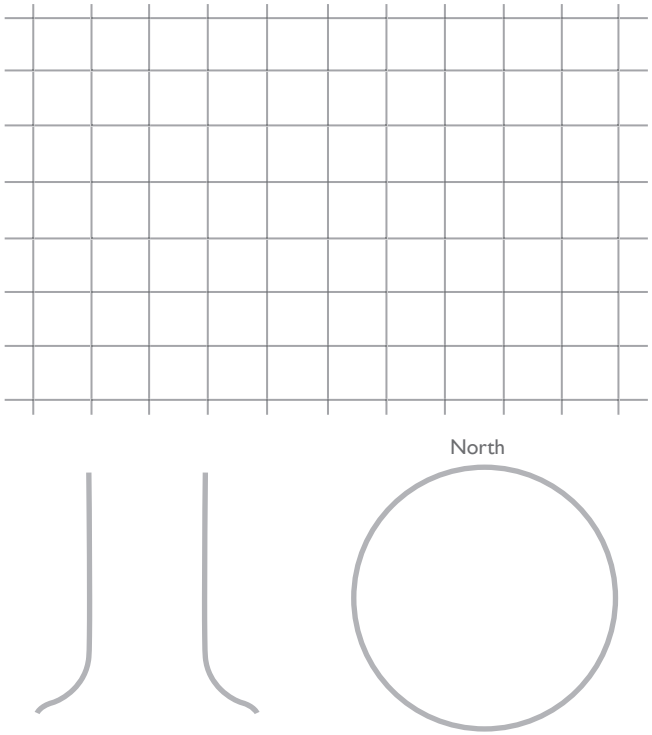
Condition number	Tree part	Conditions of concern	Part size	Fall distance	Target number	Target protection	Likelihood: Failure: Improbable	Likelihood: Failure: Possible	Likelihood: Failure: Probable	Likelihood: Failure: Imminent	Likelihood: Impact: Very low	Likelihood: Impact: Low	Likelihood: Impact: Medium	Likelihood: Impact: High	Likelihood: Failure & Impact (from Matrix 1): Unlikely	Likelihood: Failure & Impact (from Matrix 1): Somewhat	Likelihood: Failure & Impact (from Matrix 1): Likely	Likelihood: Failure & Impact (from Matrix 1): Very likely	Consequences: Negligible	Consequences: Minor	Consequences: Significant	Consequences: Severe	Risk rating of part (from Matrix 2)
1	Branches	incoming service drop	6-8"	12'	2	no				●			●				●					●		high
2	leaders	incoming service drop and sidewalk	12"	20'	1	no				●				●				●				●		extreme
3																								
4																								

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impacting Target			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low



Notes, explanations, descriptions there are a lot of dead branches ranging in size from a penicl to 5-6" . The canopy has been infected yearly with several fungal pathogens. Decay is present throughout all areas of stems and canopy

Mitigation options removal **Residual risk** 0

Residual risk _____

Residual risk _____

Residual risk _____

Overall tree risk rating Low ☐ Moderate ☐ High ■ Extreme ☐ **Work priority** 1 ☐ 2 ■ 3 ☐ 4 ☐

Overall residual risk Low ☐ Moderate ☐ High ☐ Extreme ☐ **Recommended inspection interval** o if removed

Data ■ Final ☐ Preliminary **Advanced assessment needed** ■ No ☐ Yes-Type/Reason _____

Inspection limitations ■ None ☐ Visibility ☐ Access ☐ Vines ☐ Root collar buried Describe _____

Basic Tree Risk Assessment Form

Client Oakview Builders Joshua Michalak Date 7/25/23 Time 10:00am

Address/Tree location 109 Harwich Road, Newton MA Tree no. 6 Sheet 1 of 2

Tree species Crabapple dbh 14" Height 50' Crown spread dia. 24

Assessor(s) Kray Small Time frame 1-2 years Tools used none

Target Assessment

Target number	Target description	Target zone: Target within drip line	Target zone: Target within 1 x Ht.	Target zone: Target within 1.5 x Ht.	Occupancy rate (1–rare 2–occasional 3–frequent 4–constant)	Practical to move target?	Restriction practical?
1	dwelling	✓	✓	✓	4	no	
2	outdoor living space	✓	✓	✓	4	no	
3							
4							

Site Factors

History of failures Sewveral dead branches, breaks etc. **Topography** Flat ■ Slope ☐ _____% **Aspect** _____

Site changes None ■ Grade change ☐ Site clearing ☐ Changed soil hydrology ☐ Root cuts ☐ Describe _____

Soil conditions Limited volume ☐ Saturated ■ Shallow ☐ Compacted ☐ Pavement over roots ☐ _____% Describe _____

Prevailing wind direction west **Common weather** Strong winds ■ Ice ■ Snow ■ Heavy rain ■ Describe New England Weather patterns

Tree Health and Species Profile

Vigor Low ■ Normal ☐ High ☐ **Foliage** None (seasonal) ☐ None (dead) ☐ Normal _____% Chlorotic _____% Necrotic _____%

Pests decay and carpenter ants in central leader and bole **Abiotic** _____

Species failure profile Branches ■ Trunk ■ Roots ☐ Describe cavities in centrral leader at the juncture of distinct lean from a remaining leader

Load Factors

Wind exposure Protected ☐ Partial ■ Full ☐ Wind funneling ☐ _____ **Relative crown size** Small ■ Medium ☐ Large ☐

Crown density Sparse ■ Normal ☐ Dense ☐ **Interior branches** Few ■ Normal ☐ Dense ☐ **Vines/Mistletoe/Moss** ☐ _____

Recent or planned change in load factors none known

Tree Defects and Conditions Affecting the Likelihood of Failure

— Crown and Branches —

Unbalanced crown ■ LCR 40 %

Dead twigs/branches ■ ____% overall Max. dia. _____

Broken/Hangers Number _____ Max. dia. _____

Over-extended branches ■

Pruning history

Crown cleaned ☐ Thinned ☐ Raised ☐

Reduced ☐ Topped ☐ Lion-tailed ☐

Flush cuts ☐ Other _____

Cracks ■ _____ Lightning damage ☐

Codominant ■ one tore out some years ago Included bark ☐

Weak attachments ■ _____ Cavity/Nest hole 40 % circ.

Previous branch failures ■ _____ Similar branches present ☐

Dead/Missing bark ☐ Cankers/Galls/Burls ☐ Sapwood damage/decay ■

Conks ☐ Heartwood decay ■ _____

Response growth Mostly a large amount of epicormic branching

Main concern(s) stem breaking at the juncture of the cavity

Load on defect N/A ☐ Minor ☐ Moderate ☐ Significant ■ _____

Likelihood of failure Improbable ☐ Possible ☐ Probable ☐ Imminent ■ _____

— Trunk —

Dead/Missing bark ■ Abnormal bark texture/color ☐

Codominant stems ■ Included bark ☐ Cracks ■

Sapwood damage/decay ■ Cankers/Galls/Burls ☐ Sap ooze ☐

Lightning damage ☐ Heartwood decay ■ Conks/Mushrooms ☐

Cavity/Nest hole 25 % circ. Depth 10" Poor taper ☐

Lean 60 ° Corrected? no

Response growth none

Main concern(s) decay exists at the juncture of the co-dominant leader that broke out some years before

Load on defect N/A ☐ Minor ☐ Moderate ☐ Significant ■

Likelihood of failure

Improbable ☐ Possible ☐ Probable ☐ Imminent ■

— Roots and Root Collar —

Collar buried/Not visible ☐ Depth _____ Stem girdling ☐

Dead ☐ Decay ■ Conks/Mushrooms ☐

Ooze ☐ Cavity ■ 30 % circ.

Cracks ■ Cut/Damaged roots ☐ Distance from trunk _____

Root plate lifting ☐ Soil weakness ☐

Response growth none

Main concern(s) tree toppling over

Load on defect N/A ☐ Minor ☐ Moderate ☐ Significant ■

Likelihood of failure

Improbable ☐ Possible ☐ Probable ☐ Imminent ■

Risk Categorization

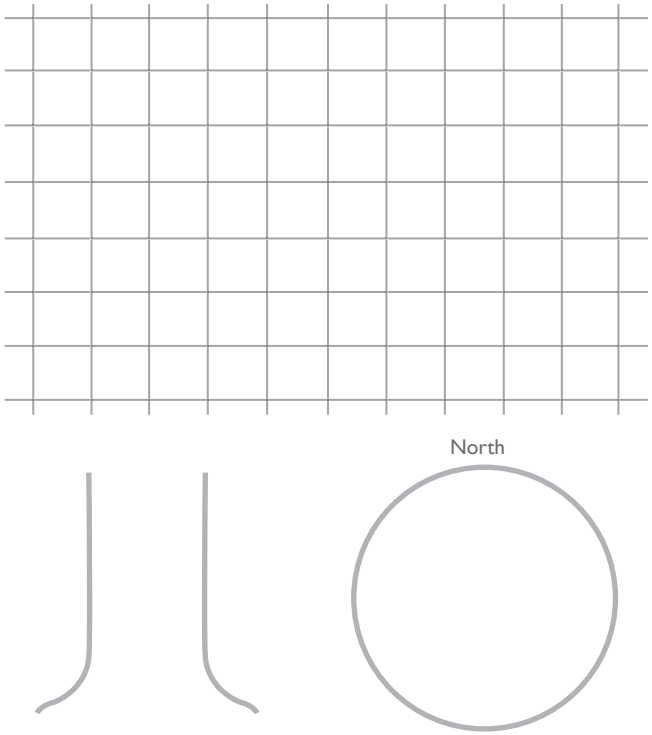
Condition number	Tree part	Conditions of concern	Part size	Fall distance	Target number	Target protection	Likelihood: Failure: Improbable	Likelihood: Failure: Possible	Likelihood: Failure: Probable	Likelihood: Failure: Imminent	Likelihood: Impact: Very low	Likelihood: Impact: Low	Likelihood: Impact: Medium	Likelihood: Impact: High	Likelihood: Failure & Impact (from Matrix 1): Unlikely	Likelihood: Failure & Impact (from Matrix 1): Somewhat	Likelihood: Failure & Impact (from Matrix 1): Likely	Likelihood: Failure & Impact (from Matrix 1): Very likely	Consequences: Negligible	Consequences: Minor	Consequences: Significant	Consequences: Severe	Risk rating of part (from Matrix 2)
1	Stem	Dwelling and outdoor living space	14"	50'	2	no				●				●				●				●	extreme
2	leaders	Dwelling and outdoor living space	12"	25'	2	no				●				●				●				●	extreme
3																							
4																							

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impacting Target			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low



Notes, explanations, descriptions
Structure is unstable
Decay is present throughout all areas of stems and canopy

Mitigation options removal — **Residual risk** 0
Residual risk
Residual risk
Residual risk

Overall tree risk rating Low ☐ Moderate ☐ High ☐ Extreme ■
Work priority 1 ■ 2 ☐ 3 ☐ 4 ☐
Overall residual risk Low ☐ Moderate ☐ High ☐ Extreme ☐
Recommended inspection interval 0 if removed

Data ■ Final ☐ Preliminary **Advanced assessment needed** ■ No ☐ Yes-Type/Reason
Inspection limitations ■ None ☐ Visibility ☐ Access ☐ Vines ☐ Root collar buried Describe

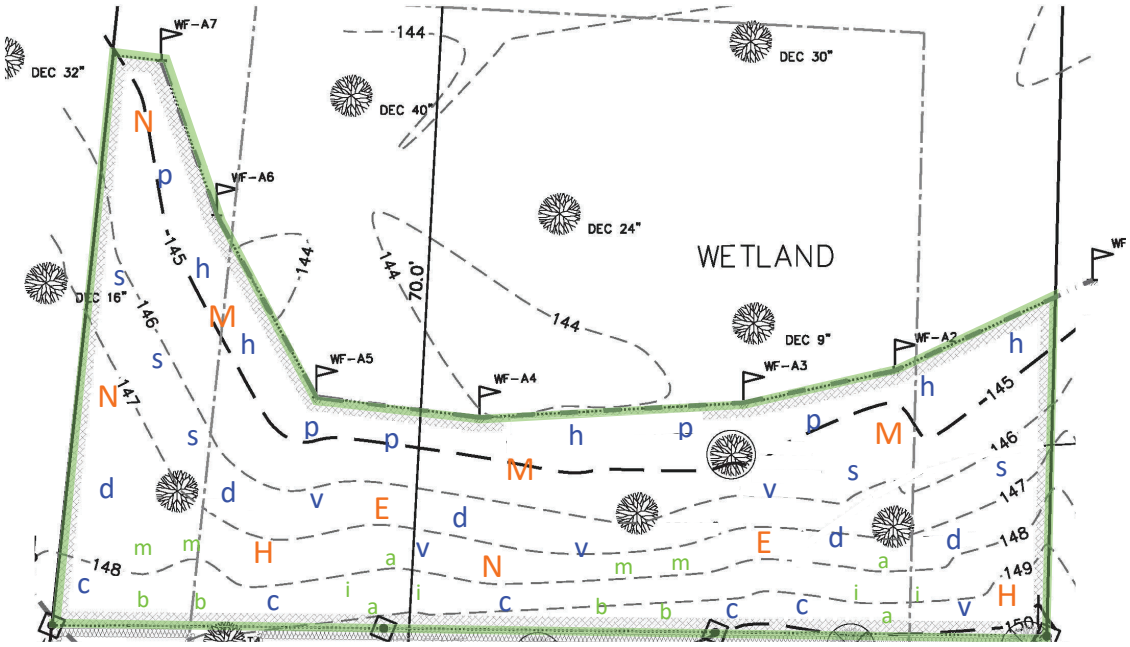
PLANTING SCHEMATIC FOR
ENHANCEMENT PLANTING AREA
109 HARWICH ROAD, NEWTON

PREPARED BY ECOTEC, INC.
SEPTEMBER 9, 2023

Enhancement Planting Area (1,491± S.F.)

Stratum; Species; Size; Spacing	
Saplings; as noted; 12' on-center	10
E Balsam Fir (*Abies balsamea*) or Atlantic White Cedar (*Chamaecyparis thyoides*)	2
N Northern Red Oak (*Quercus rubra*)	3
M Red Maple (*Acer rubrum*)	3
H Shag-bark Hickory (*Carya ovata*) or Pin Oak (*Quercus palustris*)	2
Shrubs; 3-4' height; 7' on-center	30
c Chokecherry (*Prunus virginiana*)	5
s Serviceberry (*Amelanchier canadensis*)	5
v American Witch-hazel (*Hamamelis virginiana*)	5
d Gray Dogwood (*Cornus racemosa*)	5
h Highbush Blueberry (*Vaccinium corymbosum*)	5
p Sweet Pepper-bush (*Clethra alnifolia*)	5
Small Shrubs; 18-24" height; four clusters of four on slope	16
a Pink Azalea (*Rhododendron periclymenoides*)	4
m Maple-leaf Viburnum (*Viburnum acerifolium*)	4
b Northern Bush Honeysuckle (*Diervilla lonicera*)	4
i Inkberry (*Ilex glabra*) or Sheep Laurel (*Kalmia angustifolia*)	4

-The wire fence and stakes at the northern edge of the planting area will be removed.
-The Norway maple and common buckthorn saplings/shrubs and oriental bitter-sweet vines/ground cover in the area will be cut and blotted with glyphosate or triclopyr. Such invasives species treatment will continue through the two-year monitoring period and will be detailed in the annual monitoring reports.
-The dead 18" deciduous tree will be cut to 10' height for safety purposes.
-Plant substitutions are subject to approval by Conservation Staff.
-Plants must be natives; cultivars and varietals will not be accepted.
-All excess soil must be removed and disposed of off-site.
-After plantings, the existing leaf litter will be used to mulch the plantings.
-The plants must be watered in well and watered periodically until they are established.



Note: The locations of the individual saplings and shrubs are shown for permitting and review purposes; the locations of the plantings in the field will be based on this plan subject to the discretion of the overseeing wetland scientist.

Photographs of Proposed Enhancement Planting Area at 109 Harwich Road
EcoTec, Inc., September 7, 2023

View Southeast of Proposed Enhancement Planting Area

View South of Central Portion of Proposed Enhancement Planting Area

View Southeast of Proposed Enhancement Planting Area

View South near East Property Boundary of Proposed Enhancement Planting Area

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 9/12/2023 Deadline

Fill in all white cells completely

Parcel		**Applicant** name	Northeast Venture Group (David Corey)
Address	109 Harwich Road	Address	220 North Main Street, Suite 201, Natick, MA 01760
Sec/Block/Lot	82 / 037 / 0074	Email	dcorey@northeastventuregroup.com
Book & Page	Certificate 274521	Phone	774-278-0257
Owner name	The Phillip A. Szathmary Trust and The Judy Szathmary Trust (Phillip and Judy Szathmary, Trs)	**Representative**	John P. Rockwood, Ph.D., SPWS
Address	109 Harwich Road, Newton, MA 02467	Address	EcoTec, Inc. 102 Grove Street, Worcester, MA 01605
Email	pszath@verizon.net	Email	jrockwood@ecotecinc.com
Phone	617-244-9513	Phone	508-752-9666
Legal Ad Payor	Please identify which party will pay for the Legal Ad.		John Rockwood, EcoTec, Inc. 508-752-9666 jrockwood@ecotecinc.com

Wetland type	Buffer Zone	**sf/cf affected**	--	**Relevant Perf. Standards**	**10.** 53(1)
Wetland type		**sf/cf affected**		**Relevant Perf. Standards**	**10.**_____
Wetland type		**sf/cf affected**		**Relevant Perf. Standards**	**10.**_____

Components of a Complete NOI Application

State Form: NOI Form 3	Included? ☒ Yes ☐ No
Engineered Plan* title(s) Plan date Plan stamped by *if legible, plans should be 11"x17"	See NOI Cover Letter for a complete listing of materials included as part of this filing.
Narrative	Included? ☒ Yes ☐ No See Cover Letter
Proof that all relevant perf. standards are met	Included? ☒ Yes ☐ No See Cover Letter
Locus map	Included? ☒ Yes ☐ No See Cover Letter
Delineation lines (backup material)	Included? ☒ Yes ☐ No See Cover Letter
Fees ● Fee Transmittal form ● City portion of state filing fee $262.50 ● City's separate filing fee $50	 Included? ☒ Yes ☐ No See Cover Letter Included? ☐ Yes ☒ No Checks hand-delivered to Conservation Staff on September 7, 2023 Included? ☐ Yes ☒ No Copies of Redacted Checks attached to Forms
Abutter Information ● Certified abutters list (within 100') ● Newton's Abutter notification form ● Affidavit & proof -- bring to hearing	 Included? ☒ Yes ☐ No See Cover Letter Included? ☒ Yes ☐ No See Cover Letter *Present them at the hearing* To be submitted via NewGov
Other Attachments, e.g.	
Planting Plan	Included? ☒ Yes ☐ No ☐ Not Applicable See Planting Schematic
Floodplain analysis	Included? ☐ Yes ☐ No ☒ Not Applicable
Stormwater analysis	Included? ☒ Yes ☐ No ☐ Not Applicable See Drainage Report and Site Plan (Test Pit Logs)
Riverfront Area Alternatives Analysis	Included? ☐ Yes ☐ No ☒ Not Applicable
Restoration or mitigation summary	Included? ☒ Yes ☐ No ☐ Not Applicable See Site Plan and Cover Letter
~~**Phasing/Sequencing plan,**~~ **O&M plan**, ~~**etc.**~~	Included? ☒ Yes ☐ No ☐ Not Applicable See O & M Plans

Conservation Commission Wetland Permit Process

RDA	NOI	Steps in Permitting Process
	1.	**Get a certified list of all abutters within 100' of property lines from the Newton Assessor's Office.**
1.	2.	**Submit applications by noon of the Tuesday deadline** (16 days before the desired hearing) to**:** a. Newton Conservation Commission: • **Complete NOI or RDA application packet** via **electronic** submission through NewGov. For NOIs use the application checklist to ensure completeness. • **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. • **Check to City of Newton** for city portion of the state filing fee • **$50 check to City of Newton** for city filing fee b. Mass DEP Northeast Regional Office: Wetlands Division, 150 Presidential Way, Woburn, MA 01801 (1 **paper** copy) • **Complete NOI or RDA application packet** (hard copy) *AND* **Photocopy of the two state filing fee checks** c. DEP Lock Box: Box 4062, Boston MA 02211 • **Check to Commonwealth of Mass.** for state portion of the state fee *AND* **Fee transmittal form**
		*The Conservation Agent will determine application completeness and assign **a public hearing/meeting date and time**.*
	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**.
		*The Conservation Agent will **place a legal ad in the Boston Herald** and the **Applicant will receive an email with instructions to pay.***
	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.
		*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.*
		*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).*
	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: • **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.
		*The Con Com will **perform a site visit** to ensure compliance, and will issue a COC if appropriate.*
	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**.

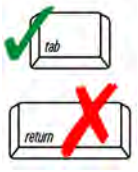
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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):

109 Harwich Road — a. Street Address
Newton — b. City/Town
02467 — c. Zip Code

Latitude and Longitude:
42.30616 — d. Latitude
-71.17149 — e. Longitude

82 037 — f. Assessors Map/Plat Number
0074 — g. Parcel /Lot Number

2. Applicant:

David — a. First Name
Corey — b. Last Name
Northeast Venture Group — c. Organization
220 North Main Street, Suite 201 — d. Street Address
Natick — e. City/Town
MA — f. State
01760 — g. Zip Code
774-278-0257 — h. Phone Number
-- — i. Fax Number
dcorey@northeastventuregroup.com — j. Email Address

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

Phillip / Judy — a. First Name
Szathmary, Trs — b. Last Name
The Phillip A. Szathmary Trust and The Judy Szathmary Trust — c. Organization
109 Harwich Road — d. Street Address
Newton — e. City/Town
MA — f. State
02467 — g. Zip Code
617-244-9513 — h. Phone Number
-- — i. Fax Number
pszath@verizon.net — j. Email address

4. Representative (if any):

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

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

$ 500.00 — a. Total Fee Paid
$ 237.50 — b. State Fee Paid
$ 262.50 — 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 the demolition of the existing SFH and associated site features and the construction of a new SFH with associated site features in the 100' Buffer Zone to BVW. The project includes erosion controls, stormwater management features, and enhancement sapling and shrub plantings in inner Buffer Zone (see Site Plan and Cover Letter).

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

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

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

1. ☐ Yes ☒ No

If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

--
2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Middlesex South	274521
a. County	b. Certificate # (if registered land)
--	--
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:
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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	-- 1. linear feet	-- 2. linear feet
b. ☐ Bordering Vegetated Wetland	-- 1. square feet	-- 2. square feet
c. ☐ 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. ☐ Bordering Land Subject to Flooding	-- 1. square feet -- 3. cubic feet of flood storage lost	-- 2. square feet -- 4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	-- 1. square feet -- 2. cubic feet of flood storage lost	-- 3. cubic feet replaced
f. ☐ Riverfront Area	-- 1. Name of Waterway (if available) - **specify coastal or inland**	

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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

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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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	-- 1. square feet -- 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	-- 1. square feet	-- 2. cubic yards beach nourishment
e. ☐ Coastal Dunes	-- 1. square feet	-- 2. cubic yards dune nourishment

	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	-- 1. linear feet	
g. ☐ Rocky Intertidal Shores	-- 1. square feet	
h. ☐ Salt Marshes	-- 1. square feet	-- 2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	-- 1. square feet -- 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	-- 1. square feet	
k. ☐ 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. ☐ Land Subject to Coastal Storm Flowage	-- 1. square feet	

4. ☐ Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

-- a. square feet of BVW

-- b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

-- a. number of new stream crossings

-- b. number of replacement stream crossings

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C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

   a. ☐ Yes ☒ No

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

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

   August 1, 2021
   b. Date of map

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

   c. Submit Supplemental Information for Endangered Species Review*

      1. ☐ Percentage/acreage of property to be altered:

         (a) within wetland Resource Area -- (percentage/acreage)

         (b) outside Resource Area -- (percentage/acreage)

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

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

   (a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

   (b) ☐ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see https://www.mass.gov/ma-endangered-species-act-mesa-regulatory-review).
Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

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

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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:

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

North Shore - Hull to New Hampshire border:

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).

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

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   --

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☒ Yes ☐ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt:

      1. ☒ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

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D. Additional Information (cont'd)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

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

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

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

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

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

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

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

1846	9/5/2023
2. Municipal Check Number	3. Check date
1845	9/5/2023
4. State Check Number	5. Check date
Northeast Venture Group & Realty LLC	--
6. Payor name on check: First Name	7. Payor name on check: Last Name

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Provided by MassDEP:

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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	9/8/2023
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.

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Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NEWTON
City/Town

F. Signatures and Submittal Requirements

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

DocuSigned by: David Corey E97BF97ED53E4E0... 1. Signature of Applicant	9/1/2023 2. Date
DocuSigned by: F5ZA2CD7013648A... 3. Signature of Property Owner (if different)	9/1/2023 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.

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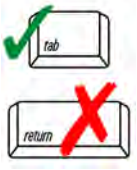
NOI Wetland Fee Transmittal Form

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

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



A. Applicant Information

1. Location of Project:

109 Harwich Road	Newton
a. Street Address	b. City/Town
1845	$ 237.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

David		Corey	
a. First Name		b. Last Name	
Northeast Venture Group			
c. Organization			
220 North Main Street, Suite 201			
d. Mailing Address			
Natick		MA	01760
e. City/Town		f. State	g. Zip Code
774-278-0257	--	dcorey@northeastventuregroup.com	
h. Phone Number	i. Fax Number	j. Email Address	

3. Property Owner (if different):

Phillip / Judy		Szathmary, Trs	
a. First Name		b. Last Name	
The Phillip A. Szathmary and The Judy Szathmary Trust			
c. Organization			
109 Harwich Road			
d. Mailing Address			
Newton		MA	02467
e. City/Town		f. State	g. Zip Code
617-244-9513	--	pszath@verizon.net	
h. Phone Number	i. Fax Number	j. Email Address	

B. Fees

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

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.

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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
2a. Single-family Home and Associated Activities in Buffer Zone	1	$ 500.00	$ 500.00

Step 5/Total Project Fee: $ 500.00

Step 6/Fee Payments:

Total Project Fee:	$ 500.00 (a. Total Fee from Step 5)
State share of filing Fee:	$ 237.50 (b. 1/2 Total Fee **less $**12.50)
City/Town share of filling Fee:	$ 262.50 (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.)

Mailing Address
Assessing Department
1000 Commonwealth Ave.
Newton, MA 02459

Assessment Administration
City of Newton, MA

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

REQUEST FOR ABUTTERS LIST AND MAILING LABELS

Purpose: (check one)

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

Name of organization: EcoTec, Inc.
Person filing request: John Rockwood, Ph.D. **Title:** Principal Scientist
Address: 102 Grove Street, Worcester, MA 01605
Telephone no. during day: 508-294-2548 (to notify for pick-up)

Subject property: 109 Harwich Road (SBL 82 037 0074)
Abutters list requires owner names and addresses of: (check all that apply)

___ Abutters to subject property and abutters to abutters
_X_ Abutters within user-specified distance from property line: within 100 feet
___ Abutters along one or more streets (list below):

_____
_____
_____
_____

Please verify spelling of street on City map on wall near front door of Assessors office.

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

___ 1 set
___ 2 sets

I do not require labels. Please email letter, list, and map to jrockwood@ecotecinc.com when ready.

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

Staff Fee:	**$ 23.75 /hour (or portion thereof)**
Mailing labels:	**$ .50 per label sheet**
Total:	***Calculated upon completion***

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

Signature: John P. Rockwood **Date:** 07/05/2023

Abutters List print this list
Date: July 05, 2023

Subject Property Address: 109 HARWICH RD Newton, MA
Subject Property ID: 82-037-0074

Search Distance: 100 Feet

Owner: TUVAL ARNON M & ORA
Prop ID: 82-037-0065
Prop Location: 120 HARWICH RD Newton, MA
Mailing Address:

120 HARWICH RD
CHESTNUT HILL, MA 02467

Owner: ROZENVAYN SIMKHA & VALENTINA
Prop ID: 82-037-0066
Prop Location: 114 HARWICH RD Newton, MA
Mailing Address:
114 HARWICH RD
CHESTNUT HILL, MA 02467

Owner: SCHNEIDER JUSTIN
Co-Owner: WAPINSKI JOANNA
Prop ID: 82-037-0067
Prop Location: 108 HARWICH RD Newton, MA
Mailing Address:
108 HARWICH RD
CHESTNUT HILL, MA 02467

Owner: SKALI HICHAM & NADIA O
Prop ID: 82-037-0068
Prop Location: 102 HARWICH RD Newton, MA
Mailing Address:
102 HARWICH RD
CHESTNUT HILL, MA 02467

Owner: MOSKOWITZ SAMUEL B

Co-Owner: WILCOVE SUSAN E
Prop ID: 82-037-0072
Prop Location: 95 HARWICH RD Newton, MA
Mailing Address:
95 HARWICH RD
CHESTNUT HILL, MA 02467

Owner: GERSHMAN ANATOLY & YEKATERINA
Prop ID: 82-037-0073
Prop Location: 101 HARWICH RD Newton, MA
Mailing Address:
101 HARWICH RD
CHESTNUT HILL, MA 02467

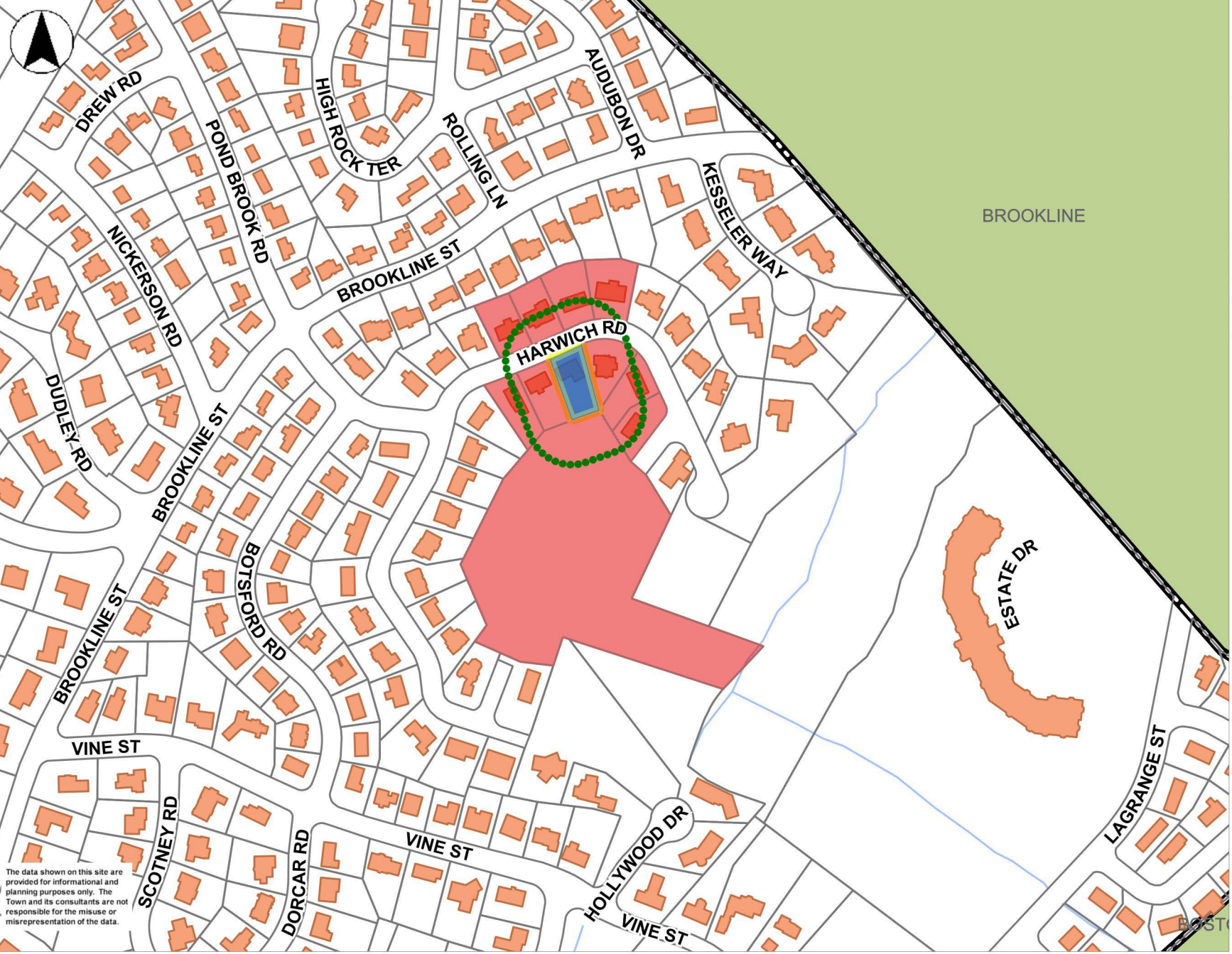
Owner: HABER MITCHELL
Co-Owner: HABER SYLVIA J
Prop ID: 82-037-0075
Prop Location: 119 HARWICH RD Newton, MA
Mailing Address:
119 HARWICH RD
CHESTNUT HILL, MA 02467

Owner: BASARIA SHEHZAD S
Co-Owner: BRAGA MILENA
Prop ID: 82-037-0076
Prop Location: 133 HARWICH RD Newton, MA
Mailing Address:
133 HARWICH RD
CHESTNUT HILL, MA 02467

Owner: NISSENBAUM ALLEN L & ESTA M
Prop ID: 82-037-0077
Prop Location: 139 HARWICH RD Newton, MA
Mailing Address:
139 HARWICH RD
CHESTNUT HILL, MA 02467

Owner: CITY OF NEWTON
Prop ID: 82-037-0079

Prop Location: HARWICH RD REAR Newton, MA
Mailing Address:
1000 COMM AVE
NEWTON, MA 02459



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

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Printed on 07/05/2023 at 10:28 AM

Newton, MA DPW - MapsOnline

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

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

A. The name of the applicant is **Northeast Venture Group.**

B. The applicant has filed a Notice of Intent with the **Newton Conservation Commission** seeking permission to remove, fill, dredge, or alter an Area Subject to Protection Under the Wetlands Protection Act. **No work is proposed within any wetland resource area; work is proposed within the 100' Buffer Zone to Bordering Vegetated Wetlands and outside of the 100' Buffer Zone.**

C. The address of the lot where the activity is proposed is **109 Harwich Road, Newton, Massachusetts (Assessor's Reference: Section 82, Block 037, Lot 0074).**

D. **The Public Hearing on this matter will be held remotely via Zoom on Thursday, September 28, 2023 at 7:00 pm.**

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

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

E. An electronic copy of the submittal may be requested from the applicant's representative at jrockwood@ecotecinc.com. Alternatively, a copy of the Notice on Intent can be found on the Newton Conservation Commission's website "Meeting Documents" tab: https://www.newtonma.gov/government/planning/boards-commissions/conservation-commission/meeting-documents.

F. Questions can be directed to: the Newton Conservation Commission by calling 617-796-1134 or emailing jsteel@newtonma.gov or emenounos@newtonma.gov.

G. Printed notice will be published at least five (5) days in advance in ***The Boston Herald*** or another paper with local distribution**.**

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

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

AFFIDAVIT OF SERVICE

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

I, John P. Rockwood, Ph.D., SPWS, hereby certify under the pains and penalties of perjury that on September 12, 2023, I gave notification to abutters in compliance with the Massachusetts Wetlands Protection Act and City of Newton Floodplain Ordinance in connection with the following matter:

> A Notice of Intent filed under the Massachusetts Wetlands Protection Act and Newton Floodplain Ordinance by Kane Built, Inc. with the Newton Conservation Commission on September 12, 2023 for property located at 109 Harwich Road Street, Newton, Massachusetts.

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

John P. Rockwood

_____ September 12, 2023_____

John P. Rockwood, Ph.D., SPWS Date