



Ruthanne Fuller
Mayor

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

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Barney S. Heath
Director

Conservation Commission Wetland Application Coversheet/Checklist

Date 10/17/2023

Fill in all white cells completely

Parcel	83606 0008	Applicant name	Martin Son
Address	5 Bound Brook Rd, Newton MA	Address	5 Bound Brook Rd, Newton MA
Sec/Block/Lot		Email	martinson@gmail.com
Book & Page	1411, 89	Phone	617-308-6766
Owner name	Same as applicant	Representative	Goddard Consulting
Address		Address	291 Main St #8, Northboro MA
Email		Email	ryan@goddardconsultingllc.com
Phone		Phone	508-393-3784
Legal Ad Payor	Please identify which party will pay for the Legal Ad.		

Wetland type	BLSF	sf/cf affected	6sf/675cf	Relevant Perf. Standards	10. 57
Wetland type		sf/cf affected		Relevant Perf. Standards	10. _____
Wetland type		sf/cf affected		Relevant Perf. Standards	10. _____

and bylaws Ord. 22-22

Components of a Complete NOI Application

State Form: NOI Form 3	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Engineered Plan* title(s)	Plot Plan - 5 Bound Brook Rd, Newton MA
Plan date	2-21-2023
Plan stamped by	Scott M. Cerrato
*if legible, plans should be 11"x17"	
Narrative	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Proof that all relevant perf. standards are met	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Locus map	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Delineation lines (backup material)	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A
Fees	
● Fee Transmittal form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● City portion of state filing fee \$ 67.50	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● City's separate filing fee \$50	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Abutter Information	
● Certified abutters list (within 100')	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● Newton's Abutter notification form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● Affidavit & proof - bring to hearing	Present them at the hearing
Other Attachments, e.g.	
Planting Plan	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Floodplain analysis	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
Stormwater analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Riverfront Area Alternatives Analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Restoration or mitigation summary	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Phasing/Sequencing plan, O&M plan, etc.	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable

Notice of Intent Application

for

5 Bound Brook Road, Newton MA
(Map 6, Lot 8)

Newton Conservation Commission
Planning & Development Department
1000 Commonwealth Avenue
Newton, MA 02459

October 17, 2023

PREPARED FOR:

Martin Son
5 Bound Brook Road
Newton MA, 02461



October 17, 2023

Newton Conservation Commission
Planning & Development Department
1000 Commonwealth Avenue
Newton, MA 02459

Re: Notice of Intent
5 Bound Brook Road (Map 6, Lot 8)
Newton, Massachusetts, 02461

Dear Newton Conservation Commission,

On behalf of Martin Son (the Applicant), Goddard Consulting, LLC (Goddard) is hereby submitting this Notice of Intent (NOI) application for a project which involves the removal of an existing garage & foyer to be converted to a larger addition located at 5 Bound Brook in Newton, MA (the Project Site).

Wetland resources affected by the proposed work include Bordering Land Subject to Flooding.

This NOI application is a joint filing under the MA Wetlands Protection Act (WPA) and the Newton City Floodplain Ordinance. Enclosed are the WPA Form 3 and additional supporting documentation for the project for your review and approval. If you have any questions, please feel free to contact Scott Goddard at (508) 525-0726.

Sincerely,
Goddard Consulting, LLC

Scott Goddard,
Principal & PWS

CC: MassDEP Northeast Regional Office, 150 Presidential Way, Woburn, MA 01801
Martin Son, 5 Bound Brook, Newton, MA

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List of Attachments

Attachment A: **Conservation Commission Wetland Application Coversheet/Checklist**

Attachment B: **WPA Form 3 – Notice of Intent**

Attachment C: **Site Figures**

Orthophoto View of Site, Goddard Consulting, LLC, 10/10/2023

USGS of Locus Site, Goddard Consulting, LLC, 10/10/2023

FEMA Flood Map, Goddard Consulting, LLC, 10/10/2023

Attachment D: **Copy of Checks**

Attachment E: **Abutter Information**

Affidavit of Service

Abutter Notification

Abutter List

Attachment F: **Site Photo Exhibit**

Attachment G: ***Plot Plan for 5 Bound Brook Road***, dated 2/21/2023, prepared by Scott M. Cerrato

1.0 INTRODUCTION

On behalf of Martin Son (the Applicant), Goddard Consulting, LLC (Goddard) is hereby submitting this Notice of Intent (NOI) application for the construction of an addition onto the existing dwelling (the Project) at 5 Bound Brook Road, MA (the Project Site).

This report describes existing conditions, proposed conditions, resource areas present on site, and project compliance with the Massachusetts Wetlands Protection Act and Newton's City Floodplain Ordinance.

2.0 EXISTING CONDITIONS

2.1 GENERAL OVERVIEW

The site is located at 5 Bound Brook Road in Newton, MA and contains approximately 11,121 square feet. The parcel has a rectangular shape and lies beside the intersection between Dedham Street and Bound Brook Road. A perennial stream, South Meadow Brook, flows approximately 230' north of the site.

The site is comprised of a single-family home with a deck and garage in a developed neighborhood, adjacent to two other homes north and west of the lot. Photos of the site & existing conditions are attached to the Site Photo Exhibit.

Northern portions of the parcel are located within the regulatory floodway that includes the South Meadow Brook and adjacent overbank areas necessary to effectively convey floodwaters. Portions of the existing structure, such as part of the raised deck, are within this regulatory floodway. The existing and proposed conditions show grades of approximately 112'.

According to Natural Heritage Endangered Species Program (NHESP) mapping, the Project location is not within an area mapped as Priority Habitat of Rare Species, Estimated Habitat of Rare Wildlife, or an Area of Critical Environmental Concern. There are no mapped certified or potential vernal pools on or nearby the site.



Photo 1. *View of existing deck and back of the dwelling, looking east.*



Photo 2: *View towards the back of the dwelling, where the existing garage and foyer are proposed to be removed and replaced with a larger addition to the house.*

2.2 RESOURCE AREAS ON-SITE

A professional wetland scientist from Goddard Consulting, LLC conducted a wetland assessment to identify on-site resource areas jurisdictional under the Massachusetts Wetlands Protection Act and Newton City Floodplain Ordinance in February 2023. A general description of the resource areas observed is provided below.

2.2.1 Bordering Land Subject to Flooding (BLSF)

Bordering Land Subject to Flooding is defined as “an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland.” The Newton City Floodplain Ordinance has jurisdiction over BLSF as well as special flood hazard areas. Flood elevation data for this project is based off the NAVD88 Datum.

There is no Bordering Vegetated Wetland associated with the BLSF on site. Northern portions of the site are located within BLSF. There will a net gain of 0.0025 cubic yards of flood storage as a result of the project.

3.0 **PROPOSED PROJECT**

3.1 GENERAL OVERVIEW

The applicant proposes to take down the existing garage & foyer and construct a larger addition to the existing dwelling. The addition’s garage floor is proposed to be built at 116.9’ elevation on piles, approximately 3.2’ above the 112.77 floodelevation.

Erosion and Sedimentation (E&S) controls, including silt fence, will be installed around the perimeter of the work area to minimize sediment migration downslope of the construction area. E&S controls will be maintained and repaired as necessary throughout the duration of the construction. All exposed areas within the construction area will be stabilized with an approved seed mix covered by mulch. All E&S controls will remain in place until the site is stabilized.

A compensatory storage area is proposed to be constructed directly 5’ west of the garage, of 0.0275 cubic yards.

Impacts to on-site resource areas have been avoided and minimized to the maximum extent practicable by designing the proposed building and associated structures further away from the resource area, that adequate drainage is maintained to reduce flood hazard exposure, and that the addition is constructed in such a way to minimize flood damage. All debris will be removed from the parcel.

3.2 CONSTRUCTION SEQUENCE

The recommended construction sequence is as follows:

1. Installation of stabilized construction entrance/exit along Bound Brook Road
2. Installation of erosion control barrier (straw bales and silt fence)
3. Installation of inlet protection in street
4. Demolition of existing garage & foyer
5. Clearing and grubbing (if needed)
6. Earthwork and excavation/filling as necessary
7. Stabilize permanent lawn areas and slopes with temporary seeding
8. Construction of addition
9. Removal of temporary sediment basins
10. Construction of compensatory flood storage area

11. Remove erosion controls as disturbed areas become stabilized to 70% or greater

4.0 REGULATORY COMPLIANCE WITH WETLANDS PROTECTION ACT

Work within resource areas protected by the Wetlands Protection Act is being proposed. The project has been designed to meet the Wetlands Protection Act’s general performance standards for work within resource areas and to minimize impacts to the extent practicable. Explanation on how the project meets the performance standards of each resource follows.

4.1 BORDERING LAND SUBJECT TO FLOODING (BLSF)

§ 10.57	Bordering Land Subject to Flooding: An area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds, or lakes.	
Performance Standard		Compliance
10.57 (4)(a)(1)	<i>Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows. (1) Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.</i>	The project has been designed to cause no net increase to flood waters. A compensatory flood storage volume calculation is shown in the table below. The proposed construction results in an increase in onsite flood storage volume by approximately 0.0025 cubic yards. This compensatory land is located directly west of the addition, approximately 5’ away. Compensatory flood storage volume is gained at each elevation. See Table 1 below for details.
10.57 (4)(a)(2)	<i>(2) Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.</i>	The work will not restrict flows so as to cause an increase in flood stage or velocity.
10.57 (4)(a)(3)	<i>(3) Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall</i>	The BLSF impact is not presumed significant to wildlife. If the conservation commission requires an official wildlife habitat evaluation for the BLSF disturbance, the Applicant can provide as a supplemental submittal. There are no certified or potential vernal pools located on or nearby the site.

	<p><i>not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.</i></p>	
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Table 1 below outlines flood storage calculations:

Table 1: Flood Storage Calculations

Elevation Range	Incremental Volume of Fill (cubic yards)	Proposed Volume Provided (cubic yards)	Net Increase in Volume Provided (cubic yards)
112 - 113	0.025	0.0275	0.0025

5.0 REGULATORY COMPLIANCE WITH NEWTON CITY FLOODPLAIN ORDINANCE

5.1 LAND SUBJECT TO FLOODING

The limit of the FEMA flood zone is shown on the site plans titled *Plot Plan for 5 Bound Brook Road, Newton MA* dated 2/21/2023, prepared by Scott M. Cerrato. The project proposes 0.675 cubic feet (0.025 cubic yards) of fill in the floodway. The above table shows a net increase in flood storage by 0.0025 cubic yards. There will be no net increase in flood elevation because of the project.

5.2 CONSTRUCTION IN FLOOD ZONE & COMPENSATORY STORAGE POLICY

The Town of Newton Conservation Commission states the purposes of its guidelines for the construction in flood zone and compensatory storage policy is to:

1. *Ensure that flood prone areas continue to provide flood storage and wildlife habitat value interests as specified in the state wetland regulations, and in the face of increased rainfall and flooding events due to climate change.*
2. *Ensure that compensatory flood storage be effective and permanent.*
3. *Ensure excess flood storage capacity must be included in project designs.*

§4.9	<p align="center">Newton Conservation Commission Construction in Flood Zone under the State Wetlands Protection Regs (310 CMR 10.00) and Compensatory Storage Policy Requirements</p>	
	Requirement	Compliance
1	<p><i>(Construction Guidelines) Areas developed as compensatory flood storage must have “unrestricted hydraulic connection” to (i.e., be fully open to the flow of water from any and all sides of) the contiguous flood plain.</i></p> <p><i>a. Structures over compensatory storage areas must be constructed on pilings. Apertures in otherwise solid foundations are not permitted.</i></p> <p><i>b. Skirting, wire mesh, lattice, or other similar covering over or around pilings or apertures within the flood zone/ elevation may be permitted only if those materials are proven to not impede or restrict the flow of flood waters. Any covering that is proposed within the flood zone/ elevation must have an even distribution of at least 50% open air and must not be of a design that is likely to trap debris.</i></p>	<p>The area proposed to be developed as compensatory flood storage will be designed to be fully open to allow for the unrestricted flow of water.</p> <p>No structures are proposed to be built over the proposed compensatory storage area, though the back end of the proposed larger addition approximately 5 feet from the compensatory storage area will be built on piles to further allow flow. No apertures are proposed.</p> <p>Silt fencing and erosions controls are proposed to be placed around the extent of the site & compensatory flood storage area temporarily during construction but will be of material designed to not restrict flood water flow or trap debris. Fences will be elevation 6” off the ground and have >50% openness.</p>
2	<p><i>(Construction Guidelines) Fences must not restrict hydraulic connection or impede wildlife passage.</i></p> <p><i>a. Installing a fence in BLSF is an alteration, so requires the filing of a NOI.</i></p> <p><i>b. BLSF performance standards for storm damage prevention and flood control must be demonstrated to be met.</i></p>	<p>No permanent fencing is proposed as a part of this project. A silt fence and erosion controls will be temporarily placed during construction but will be removed following construction and stabilization of the side.</p>
3	<p><i>(Compensatory Storage Policy) Any project proposal which involves fill greater than 2 cubic yards, must supply an additional 10% of compensatory flood storage capacity (i.e., 110% compensation for fill brought into the floodplain elevation). This additional flood storage capacity shall be build into the project application filed with the Commission when proposing work within BLSF or City Floodplain.</i></p>	<p>The proposed project involves fill less than 2 cubic yards (0.025 cubic yards).</p>

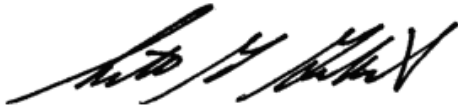
<p>Sec.22-22. Floodplain/Watershed Protection Provisions.</p>	<p><i>(c) The construction, reconstruction or enlargement of any building or structure in the Floodplain/Watershed Protection District shall also be subject to the following provisions:</i></p> <p><i>1. All construction of residential structures shall have the lowest floor (including the basement) at or above the pertinent flood elevation established within subsection (g) hereof, and all the construction of non-residential structures shall have either the lowest floor (including the basement) at or above the pertinent floodelevation of said subsection (g), or along the attendant utility and sanitary facilities shall be floodproofed, i.e. designed so that below the established flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydro static and hydrodynamic loads and effects of buoyancy.</i></p>	<p>The addition's garage floor elevation is proposed to be raised to 116.9 feet, above the 112.77 floodelevation.</p>
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6.0 CONCLUSION

In summary, Goddard Consulting believes that the proposed project will not have any adverse impacts on the interests identified in the Wetlands Protection Act or the Newton City Floodplain Ordinance. The project has been designed with sensitivity to the resource areas on site and has filed the appropriate local permit applications regarding the work in the regulatory floodway.

Please feel free to contact us if you have any questions about this Notice of Intent submission.

Sincerely,



Scott Goddard,
Principal & PWS



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number
Document Transaction Number
Newton
City/Town

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



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

A. General Information

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

<u>5 Bound Brook Road</u>	<u>Newton</u>	<u>02461</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>83006</u>	<u>42.3117017</u>	<u>-71.2025215</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>008</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Martin</u>	<u>Son</u>	
a. First Name	b. Last Name	
c. Organization		
<u>5 Bound Brook Road</u>		
d. Street Address		
<u>Newton</u>	<u>MA</u>	<u>02461</u>
e. City/Town	f. State	g. Zip Code
<u>617-308-6766</u>	<u>martinjson@gmail.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

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

4. Representative (if any):

<u>Scott</u>	<u>Goddard</u>	
a. First Name	b. Last Name	
<u>Goddard Consulting LLC</u>		
c. Company		
<u>291 Main Street #8</u>		
d. Street Address		
<u>Northborough</u>	<u>MA</u>	<u>01532</u>
e. City/Town	f. State	g. Zip Code
<u>508-393-3784</u>	<u>ryan@goddardconsultingllc.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>110.0\$</u>	<u>42.50\$</u>	<u>67.50\$</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Removal of a garage/foyer & the construction of a larger addition within BLSF.

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

a. County

1411

c. Book

b. Certificate # (if registered land)

89

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
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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. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	6	6.6
	1. square feet	2. square feet
	.675	.0675
e. <input type="checkbox"/> Isolated Land Subject to Flooding	3. cubic feet of flood storage lost	4. cubic feet replaced
	1. square feet	
f. <input type="checkbox"/> Riverfront Area	2. cubic feet of flood storage lost	3. cubic feet replaced
	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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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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

- 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**

b. Date of map _____

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

- c. Submit Supplemental Information for Endangered Species Review*

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

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Newton

City/Town

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

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

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

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

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

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

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

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

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only b. Yes No

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

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

North Shore - Hull to New Hampshire border:

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

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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

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

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
 b. No. Check why the project is exempt:
 1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

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

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Newton

City/Town

D. Additional Information (cont'd)

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

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

Plot Plan - 5 Bound Brook Road, Newton MA

a. Plan Title

Scott M. Cerrato

Scott M. Cerrato

b. Prepared By

c. Signed and Stamped by

2-21-2023

1" = 20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

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

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

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

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

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

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

328

9/28/2023

2. Municipal Check Number

3. Check date

329

9/28/2023

4. State Check Number

5. Check date

Martin

Son

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Newton

City/Town

F. Signatures and Submittal Requirements

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


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


1. Signature of Applicant

2. Date 9/28/2023

3. Signature of Property Owner (if different)

4. Date


5. Signature of Representative (if any)

6. Date 10/4/23

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



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

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



A. Applicant Information

1. Location of Project:

5 Bound Brook Road Newton
 a. Street Address b. City/Town
 329 \$42.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Martin Son
 a. First Name b. Last Name

 c. Organization
 5 Bound Brook Road
 d. Mailing Address
 Newton MA 02461
 e. City/Town f. State g. Zip Code
 617-308-6766 martinjon@gmail.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

_____ _____
 a. First Name b. Last Name

 c. Organization

 d. Mailing Address
 _____ _____ _____
 e. City/Town f. State g. Zip Code
 _____ _____ _____
 h. Phone Number i. Fax Number j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

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



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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1: Work on single family lot - addition	1	\$110	\$110
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$110
Step 6/Fee Payments:			
Total Project Fee:			\$110
State share of filing Fee:			\$42.50
City/Town share of filing Fee:			\$67.50
			a. Total Fee from Step 5
			b. 1/2 Total Fee less \$12.50
			c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

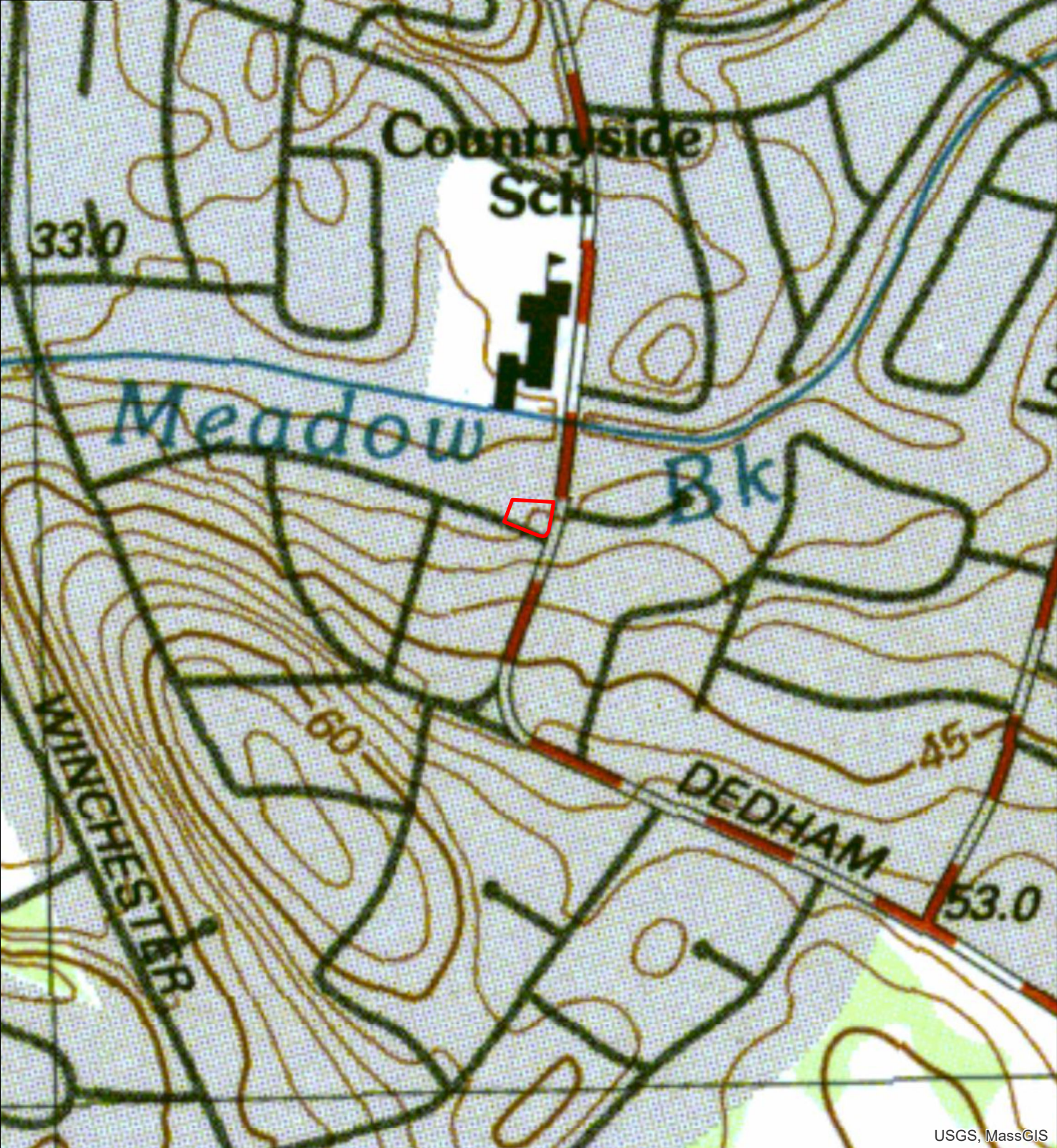
Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



Legend
 Site Parcel

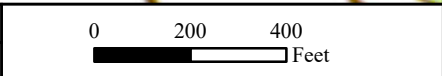


USGS, MassGIS

Date: 10/10/2023

GC Job Number:
207-112

USGS Map



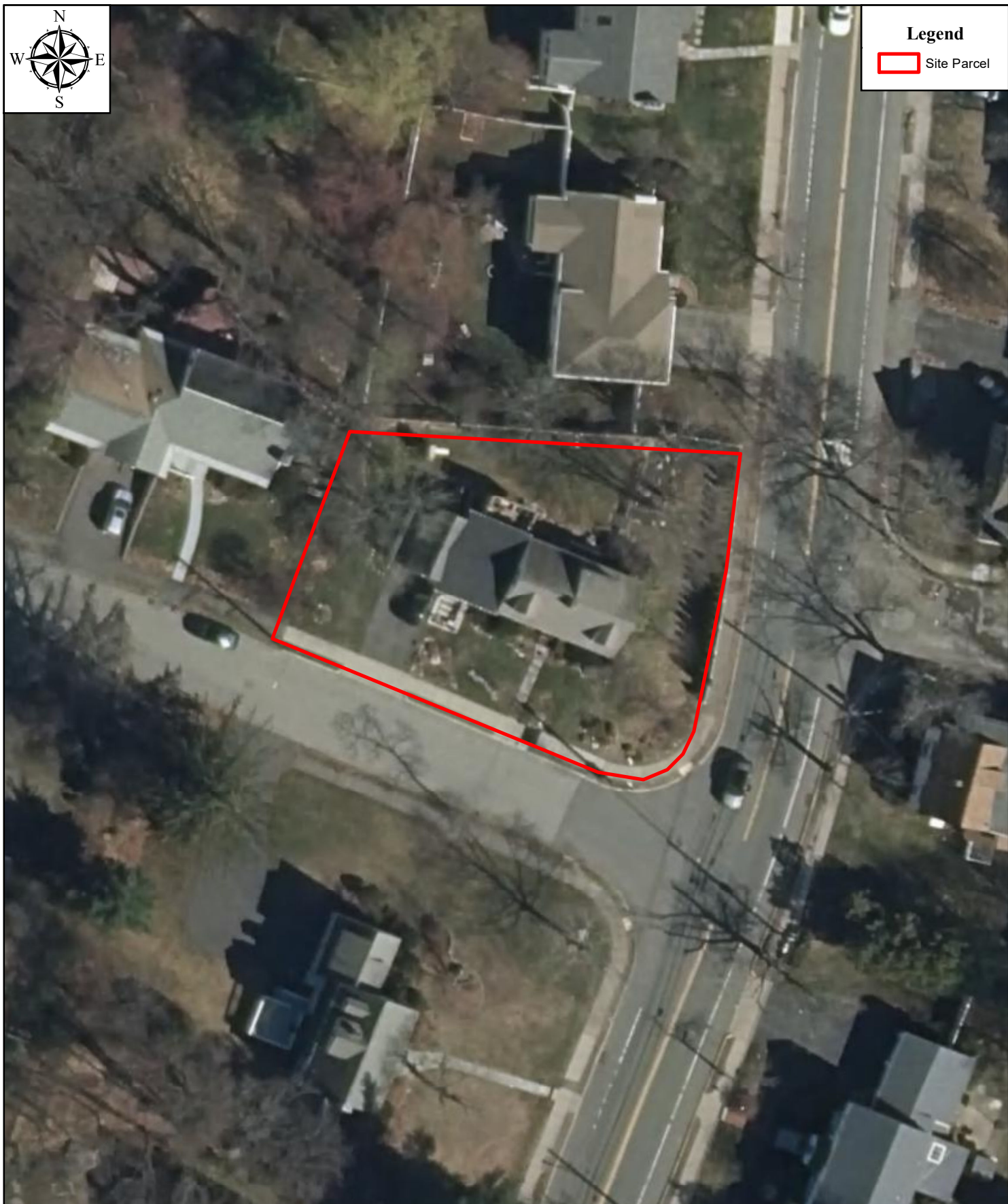
5 Bound Brook Road
Newton, MA

1 in = 400 ft
Map: 83006
Lot: 0008

Figure 1



Legend
 Site Parcel



Date: 10/10/2023

GC Job Number:
207-112

Orthophoto Map

0 20 40
Feet

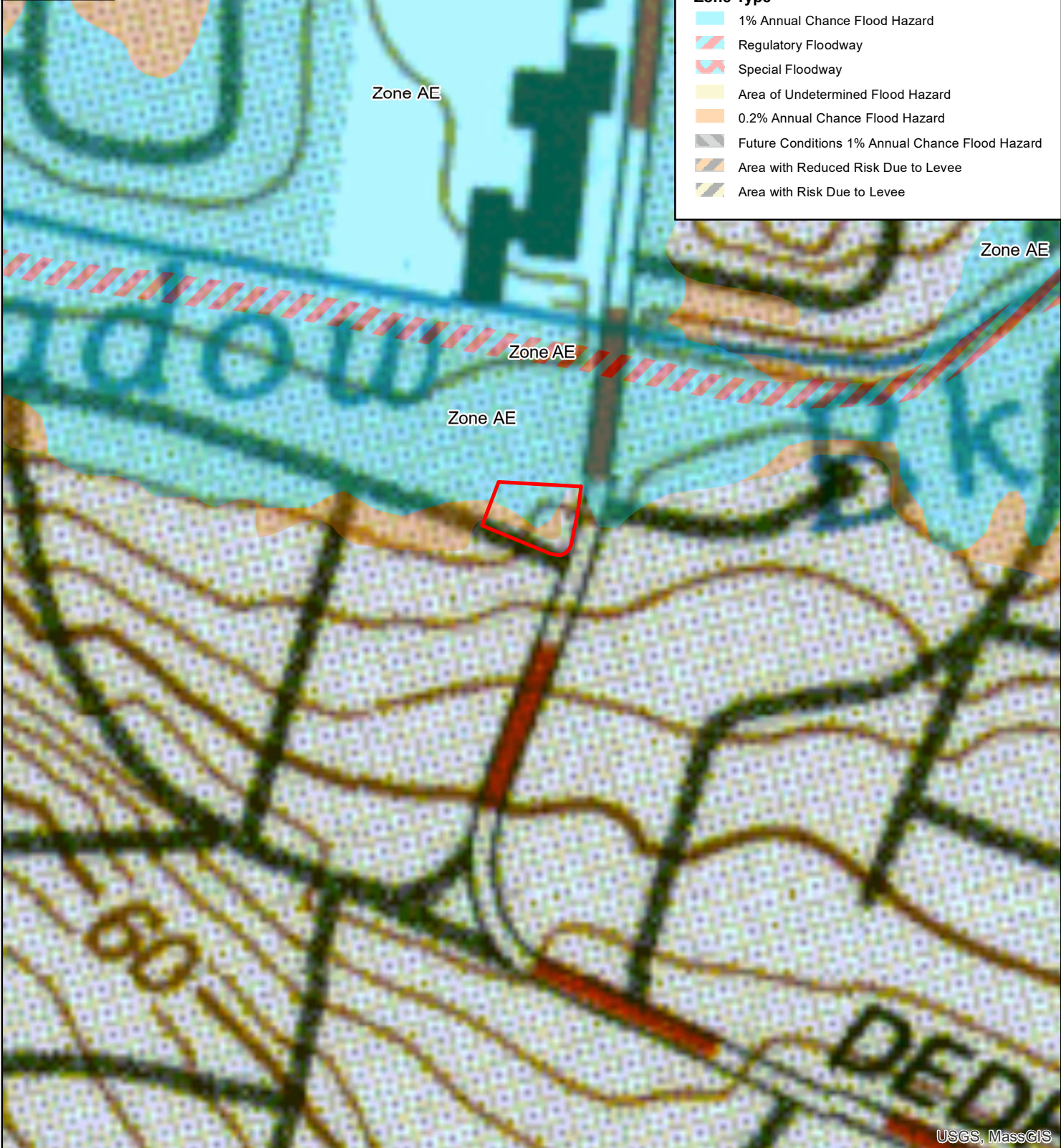


5 Bound Brook Road
Newton, MA

1 in = 40 ft

Map: 83006
Lot: 0008

Figure 2

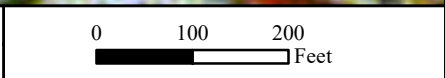


USGS, MassGIS

Date: 10/10/2023

GC Job Number:

FEMA Map



5 Bound Brook Road
Newton, MA

1 in = 200 ft
Map: 83006
Lot: 0008

Figure 3

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

I, Maya Pope name hereby certify under the pains and penalties of perjury that on 10/17/2023 date I gave notification to abutters in compliance with the second paragraph of the Massachusetts General Laws, Chapter 131, Section 40 and the DEP Guide to Abutter Notification in connection with the following matter:

A(n) NOI application was filed under the Massachusetts Wetlands Protection

Act by Maya Pope name with the Newton Conservation Commission on

10/17/2023 Date for a property located at 5 Bound Brook Road, Newton MA address

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

Maya Pope
signature

10/17/2023
date

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

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

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

Applicant: Martin Son
Project Location: S Bound Brook Rd, Newton MA
Project Site Section-Block-Lot: 83006 0008
Project Description: Removal of garage + foyer, and construction of a larger addition in BLSF.

A Public Hearing will be held remotely via Zoom.

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

The Public Hearing will be held remotely on (date and time): November 3rd, 7pm

The Zoom link for the public hearing can be found at the top of the agenda, which can be found here: <https://www.newtonma.gov/government/planning/boards-commissions/conservation-commission/meeting-documents>

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

Copies of the Notice of Intent:

Can be found on the Newton Conservation Commission's website "Meeting Documents" tab: <https://www.newtonma.gov/government/planning/boards-commissions/conservation-commission/meeting-documents>

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

Questions can be directed to:

The Newton Conservation Commission by calling 617-796-1134 or emailing jsteel@newtonma.gov or emenounos@newtonma.gov.

SON MARTIN
LEE JEESOO
5 BOUND BROOK RD
NEWTON, MA 02461

HINENZON AVIRAM
LITVAK-HINENZON ANNA
256 DEDHAM ST
NEWTON, MA 02461

TOURSE DENNIS R&ROBBIE W
3 CANNON ST
NEWTON HGLDS, MA 02461

ODONNELL ANDREW P
SOLOMON AURELIA M
2 CANNON ST
NEWTON, MA 02461

YAMPOLSKY TATIANA TR
TATIANA YAMPOLSKY 2020
234 DEDHAM ST
NEWTON HGLDS, MA 02461

RITTENBERG J L & S A TRS
JORDAN L RITTENBERG TRUST
25 BOUND BROOK RD
NEWTON, MA 02461

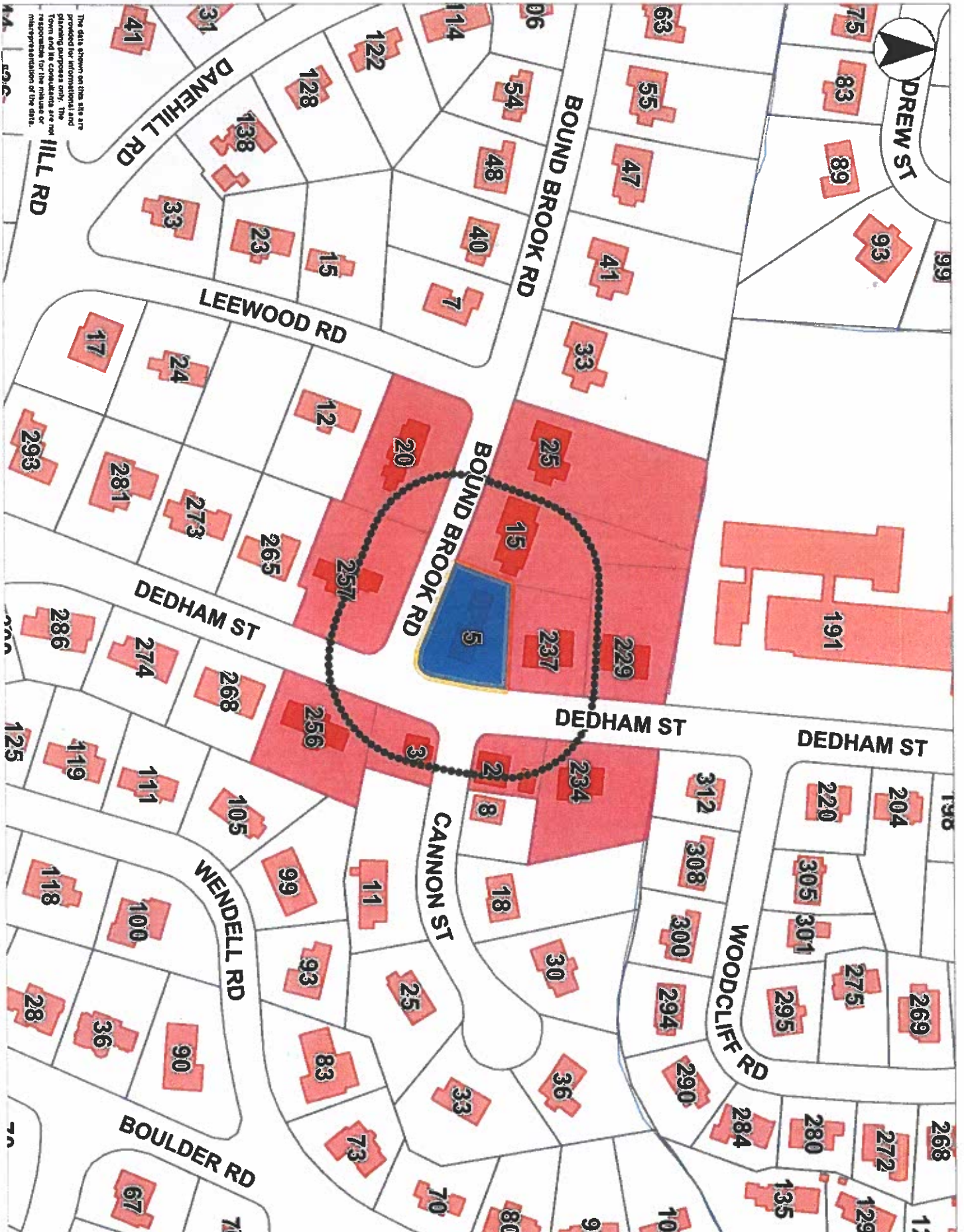
MANDELCORN HOWARD TR
HOWARD MANDELCORN TRUST
15 BOUND BROOK RD
NEWTON, MA 02461

TADMOR EREZ & NIRA
237 DEDHAM ST
NEWTON, MA 02461

KALDANY ELI ANDREW
JAIN RUCHIRA
229 DEDHAM ST
NEWTON, MA 02459

KOVACS CARYN R
257 DEDHAM ST
NEWTON, MA 02461

GAK GROUP LLC
38 CURVE ST
NEEDHAM, MA 02492

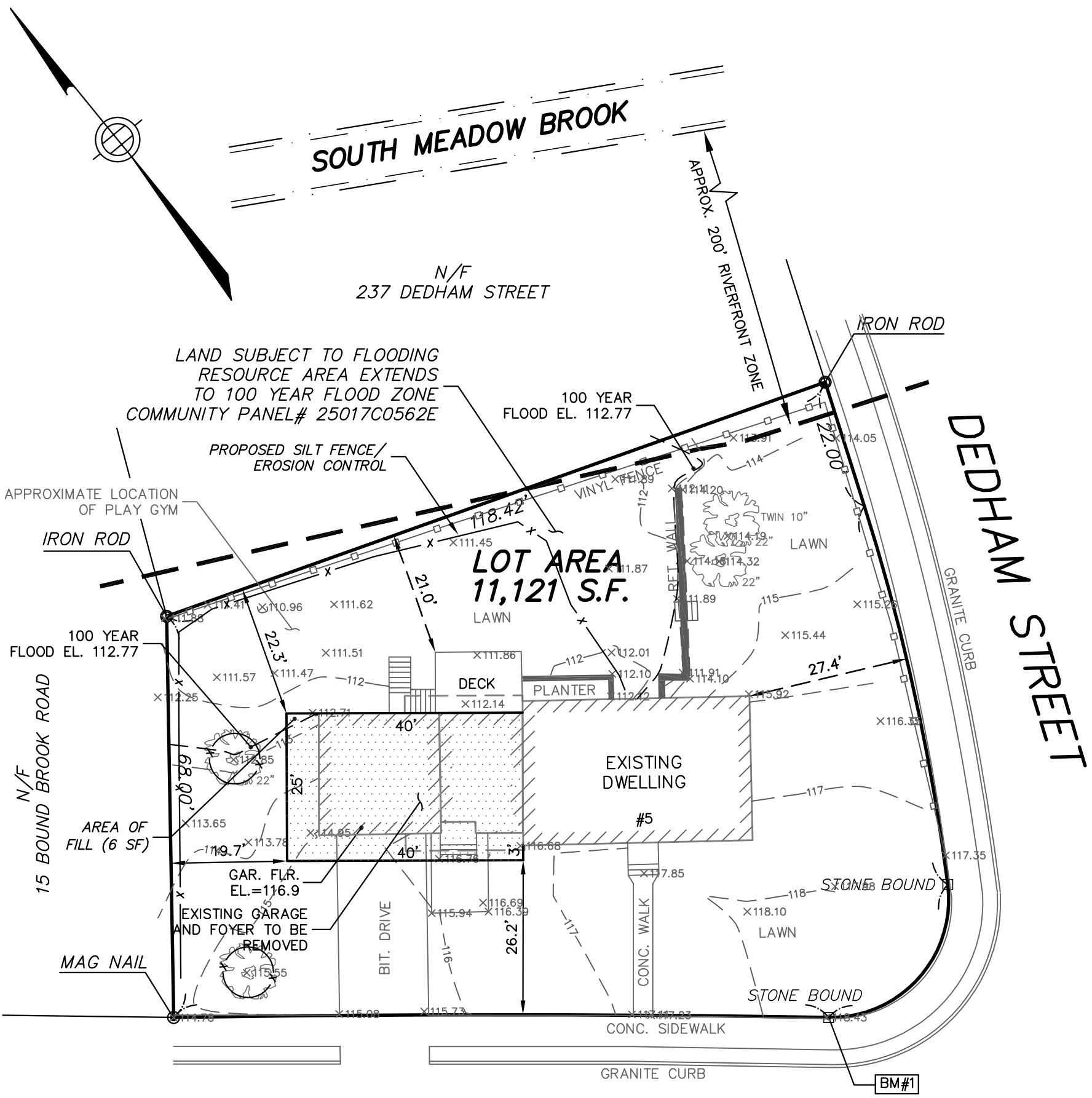


The data shown on this site are provided for informational and planning purposes only. The town and its consultants are not responsible for the fitness or misrepresentation of the data.



Printed on 09/27/2023 at 09:56 AM

- Address Numbers
- Buildings
- Panels
- Parking Lots
- EOP
- MA Highway
- Interstate
- US Highway
- Numbered Routes
- Streets
- Town Boundary
- Abutting Towns (Opaque)
- Abutting Towns
- Streams
- Surface Water



BOUND BROOK ROAD

ZONING SETBACKS: SR2 (OLD LOT)

FRONT YARD 25'
SIDE YARD 7.5'
REAR YARD 15'

RECORD OWNER:

MARTIN SON & JEESOO LEE
BOOK 1411 PAGE 89

PLAN REFERENCE:

LOT 305 ON L.C. PLAN 14628.40

BENCHMARK (NAVD88)		
NO.	DESCRIPTION	ELEVATION
BM#1	CENTER STONE BOUND	118.43

PLAN

GRAPHIC SCALE



1" = 20'



I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL INSTRUMENT SURVEY MADE ON THE GROUND IN FEBRUARY 2023 AND THE STRUCTURE DEPICTED HEREON IS LOCATED AS SHOWN.

2-21-23 *Scott M. Cerrato*
DATE SIGNATURE

SCOTT M. CERRATO
Professional Land Surveyor

51 Wareham Street - Medford, Ma 02155 - 781-775-3724

PLOT PLAN

**5 BOUND BROOK ROAD
NEWTON, MASSACHUSETTS
PARCEL ID: 83006 008**

FEBRUARY 19, 2023