

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

Submitted Electronically via NewGov

May 20, 2024

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

RE: **-Request for Amended Order of Conditions** under the Massachusetts Wetlands Protection Act and City of Newton Floodplain Ordinance
 -Demolition of Existing Single-Family House and Associated Site Features and Construction of New Single-Family House and Associated Site Features, 40 Albemarle Road, Newton, Massachusetts
 -Applicant: Jeremy Osinski and Megan McHugh
 -DEP File No.: 239-0880

To the Commission:

This Request for an Amended Order of Conditions under the Act and Ordinance for the above-referenced site has been submitted electronically via New Gov. There is no filing fee under the Act for a Request for Amended Order of Conditions. Abutter notices have been sent by Certificate of Mailing as required under the Act; proof of mailing will be provided prior to the hearing via New Gov.

EcoTec, Inc. (jrockwood@ecotecinc.com; 508-752-9666; 508-294-2548) will pay the Legal Notice fee promptly upon notification of the cost of the Notice from the newspaper.

Pertinent legal information regarding the property and project are as follows:

- Deed, recorded August 12, 2016 at Book 67801, Page 255;
- Order of Conditions, recorded January 11, 2021 at Book 76655, Page 120; and
- Extension Permit, recorded December 19, 2023 at Book 82323, Page 191.

Per the Extension Permit, the Order/Permit remains valid until January 7, 2027.

This Request comprises:

1. This Cover Letter;
2. Abutter Notification Materials, including Abutter Request, List, Map, Abutter Notification Form, and Affidavit of Service;
3. Landscape Plans:
 - a. Layout Plan, Osinski Residence, 40 Albemarle Road, Newton, MA 02460, Sheet L-1, prepared by Christine Dustman & Company, dated May 3, 2024; and
 - b. Planting Plan Mitigation Area, 40 Albemarle Road, Newton, MA 02460, Sheet P-2, prepared by Christine Dustman & Company, dated May 13, 2024;
4. Revised Civil Proposed Plan Sheet Only:
 - a. Proposed Civil Plan, 40 Albemarle Road, Newton, Massachusetts, Sheet 2 of 5 only, Scale 1" = 10', prepared by Spruhan Engineering, P.C., dated November 13, 2020, revised through May 14, 2024, Stamped and Signed on May 17, 2024 by Christopher C. Charlton, PLS and Edmond T. Spruhan, P.E.

To facilitate review by Staff and the Commission, a copy of the approved Proposed Civil Plan, Sheet 2 of 5 only, Scale 1" = 10', prepared by Spruhan Engineering, P.C., dated November 13, 2020, revised through December 8, 2020, Stamped and Signed by Christopher C. Charlton, PLS and Edmond T. Spruhan, P.E. has been included as part of this submittal.

On or about January 8, 2021, the Newton Conservation Commission issued an Order of Conditions ("Order") for the above-referenced site. The Order approved the demolition of the existing single-family house with one car garage and bulkhead and associated site features including paved driveway, and front and side/rear walkways and stairs and the construction of a larger single-family house with a two-car garage, front porch, and bulkhead; paved driveway; and front walkway and stairs with associated grading, lawn, and landscaping. The existing patio with pergola, shed, and stockade fence were approved to be reinstalled as part of the project. The project includes the installation of new underground utilities and project associated grading, lawn, and landscaping. Three trees were approved to be removed under the Order. The project also included a proposed trench drain, manhole sump, and two infiltration systems to address driveway and roof runoff and two enhancement planting areas totaling 1,890± square feet in the Riverfront Area on the site to mitigate for the proposed 901± square foot increase in permitted degraded surfaces on the site. Any disturbed lawn and landscaped areas were proposed to be returned to approximately the existing grade with loam and seeded with a grass seed mixture or sodded to provide permanent cover or will be landscaped.

The project proposed under this Request is very similar to that which was approved. The house and stormwater systems were constructed in accordance with the approved plan. The changes proposed under this Request are mainly related to associated site features. The proposed revisions result in a slight reduction in proposed permitted degraded surfaces compared to the

approved project; the project proposed under this Request will result in a 772± square foot increase in permitted degraded surfaces within the Riverfront Area compared to the pre-existing condition which would require 1,544± square feet of mitigation; two mitigation planting areas totaling 1,628± square feet are proposed. As the Commission is aware, the Applicant took considerable time and effort to attempt to negotiate mitigation plantings directly adjacent to Cheese Cake Brook across Albemarle Road from the site; this effort was ultimately withdrawn due to a lack of support from other City entities. The proposed changes are listed below:

1. Addition of swale for consistency with OOC condition #34 (*"A swale of at least 6 inches in depth and 1-2' in width must be installed all along the northern property boundary to direct runoff to the smaller mitigation area fronting on Albemarle Road..."*);
2. Depress mitigation areas for consistency with OOC condition #37 (*"The top of mulch within the permanent mitigation landscape planting areas must be and remain in perpetuity at least 6" below the top of the adjacent lawn and sidewalk..."*);
3. Preservation of the mature 14" fruit tree, originally approved to be removed;
4. Addition of stone wall/retaining wall, comprised of two stone steps, to level a portion of the upper lawn area;
5. Reduction and reorientation of front walkway;
6. Elimination of proposed shed;
7. Relocation of bulkhead;
8. Relocation and reshaping of bounded mitigation areas with new proposed planting plan;
9. Introduction of additional native planting areas outside of bounded mitigation areas, as referenced within planting plan, in place of proposed lawn;
10. Addition of three (3) sets of wooden composite egress steps, over ground;
11. Relocation and expansion of patio, to be located on a fully pervious bed with spacing between pavers for consistency with OOC condition #35 (*"The patio, shown as to be replaced, must be installed on a fully previous bed of pea stone with similar (1-2") spacing between the stones to maximize infiltration."*);
12. Addition of gravel walkway;
13. Relocation of proposed fence; addition of proposed fence to screen trash storage;
14. Adjusted location of utilities as placed by utility companies;
15. In addition, the Applicant would like to voluntarily plant two street trees along Nevada Street, to take the place of two street trees removed by the City in August 2023 and January 2024, due to disease and windstorm damage, respectively. The Applicant will seek approval and coordinate this activity with the City Forester.

These revisions are shown on the revised civil Proposed Conditions Plan (Sheet 2 of 5) and on the Landscape Plans (Sheets L-1 and P-2). The plantings within the Mitigation Areas are native and are detailed on Sheet P-2.

Newton Conservation Commission

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It is EcoTec's opinion that the project, including the revisions proposed in this Request, complies with the applicable performance standards under the Regulations and Ordinance. As such, the proposed project will continue to serve to protect statutory and Ordinance interests.

We look forward to meeting with the Commission on June 13, 2024 regarding this matter. 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: DEP-NERO (via Certified Mail, Return Receipt Requested)
Jeremy Osinski and Megan McHugh (via email)
Alan Cruz, Spruhan Engineering, P.C. (via email)

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)

- 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: 40 Albemarle Road (SBL 21 009 0005)

Abutters list requires owner names and addresses of: (check all that apply)

- Abutters to subject property and abutters to abutters
- 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 rockwood@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:** 5/14/2024

**Assessing Department, 1000 Commonwealth Ave, Newton, MA 02459
Main Office: 617-796-1160 FAX No: 617-796-1179**

Abutters List[print this list](#)

Date: May 14, 2024

Subject Property Address: 40 ALBEMARLE RD Newton, MA
Subject Property ID: 21-009-0005

Search Distance: 100 Feet

Owner: PAGLIA RICHARD L & GAIL M
Prop ID: 21-009-0002
Prop Location: 20 VILLAGE RD Newton, MA
Mailing Address:

20 VILLAGE RD
NEWTON, MA 02460

Owner: FANG BING
Co-Owner: ZHANG HAIYAN
Prop ID: 21-009-0003
Prop Location: 12 VILLAGE RD Newton, MA
Mailing Address:

12 VILLAGE RD
NEWTON, MA 02460

Owner: MCGANN SHARON FORRESTER
Prop ID: 21-009-0004
Prop Location: 96 NEVADA ST Newton, MA
Mailing Address:

96 NEVADA ST
NEWTON, MA 02460

Owner: MORUZZI ROBERT
Prop ID: 21-009-0006
Prop Location: 28 ALBEMARLE RD Newton, MA
Mailing Address:

28 ALBEMARLE RD
NEWTON, MA 02459

Owner: MINKIN JULIE O & SCOTT J

Prop ID: 21-009-0007

Prop Location: 22 ALBEMARLE RD Newton, MA

Mailing Address:

22 ALBEMARLE RD
NEWTON, MA 02460

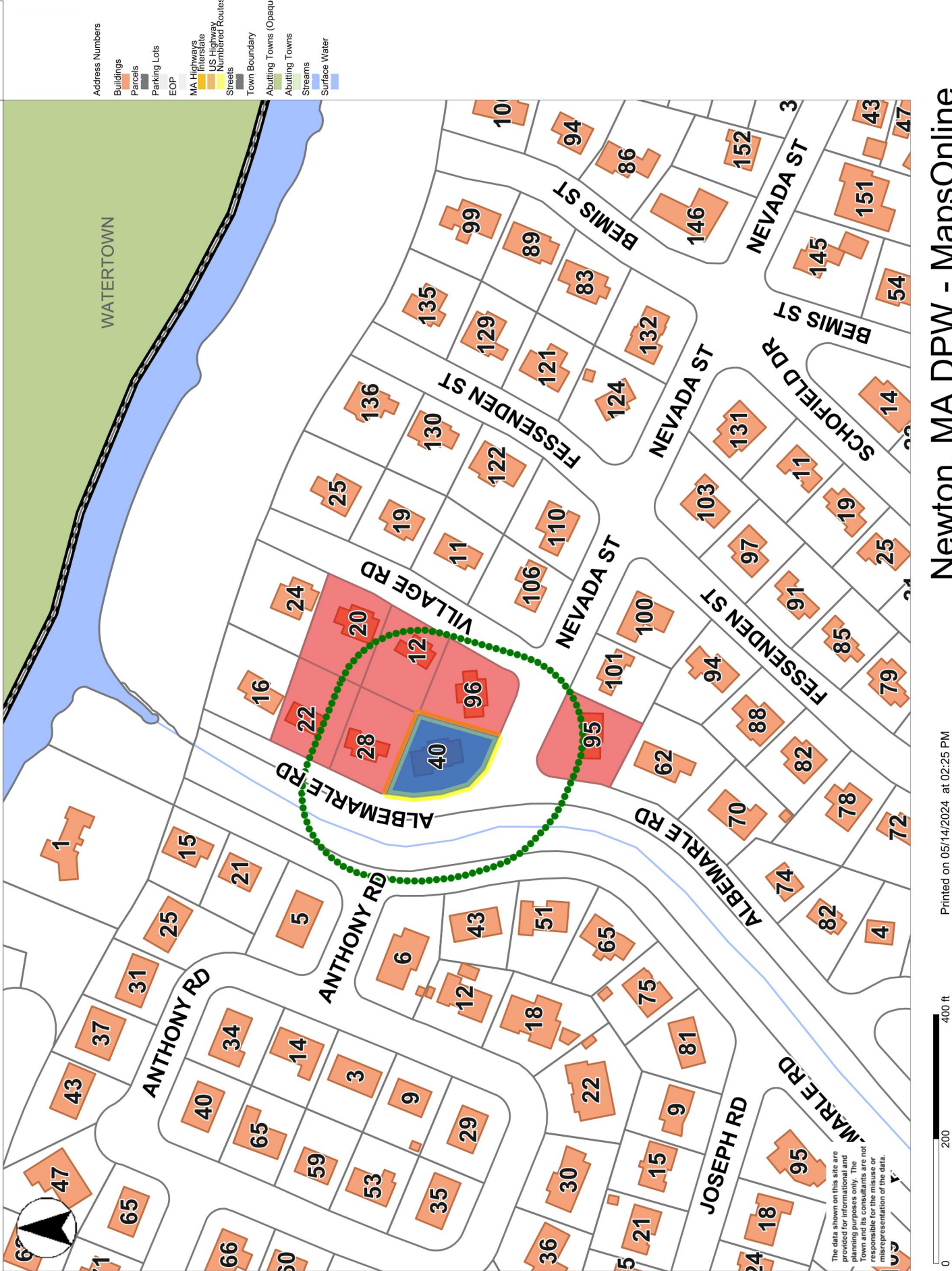
Owner: GUZMAN AMY

Prop ID: 21-016-0033

Prop Location: 95 NEVADA ST Newton, MA

Mailing Address:

95 NEVADA ST
NEWTON, MA 02460



WATERTOWN

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

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

0 200 400 ft

Printed on 05/14/2024 at 02:25 PM

Notification to Abutters under the Massachusetts Wetlands Protection Act and Newton Floodplain Ordinance

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

The Applicant has filed a Request for Amended Order of Conditions under the Massachusetts Wetlands Protection Act and Newton Floodplain Ordinance with the Newton Conservation Commission.

Applicant: Jeremy Osinski and Megan McHugh.

Project Location: 40 Albemarle Road.

Project Site Section-Block-Lot: 21 / 009 / 0005.

Project Description: The Request addresses proposed revisions/modifications to the proposed site plan regarding site features associated with the approved and constructed single-family house. The project includes erosion controls, stormwater management, and mitigation plantings.

The 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):

June 13, 2024 at 7:00 pm.

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

To get the Zoom link, or to see a copy of the Notice of Intent, visit this web page:

<https://www.newtonma.gov/government/planning/conservation-office/meeting-info-documents>

(The Zoom link is at the top of the agenda.)

NOI Copies can also be requested from the Northeast Regional Office of the Massachusetts 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.

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 May 20, 2024, 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 Request for Amended Order of Conditions filed under the Massachusetts Wetlands Protection Act and Newton Floodplain Ordinance by Jeremy Osinski and Megan McHugh with the Newton Conservation Commission on May 20, 2024 for property located at 40 Albemarle Road, 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, Ph.D., SPWS

May 20, 2024

Date