

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

By Email and Certified Mail, Return Receipt Requested

April 2, 2021

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

RE: -Request for Determination of Applicability under the Massachusetts Wetlands Protection Act and Newton Floodplain Ordinance
-Proposed Addition Partially in the Outer 100' Buffer Zone; 26 Alba Circle, Newton, Massachusetts
-Applicant: Amy and Scott Krentzman

To the Commission:

Enclosed please find two (2) copies of the Request for Determination of Applicability (RDA) filed under the Massachusetts Wetlands Protection Act and the Newton Floodplain Ordinance. There is no filing fee for an RDA under the Act; enclosed, please find a check in the amount of \$50.00 made payable to the City of Newton for the filing fee under the Ordinance. There is no requirement for abutter notification for an RDA under the Act or Ordinance.

Please have the legal notice billed to EcoTec, Inc. (508-752-9666 ext. 3).

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

Wetland Resource Evaluation:

On March 23, 2021, EcoTec, Inc. inspected the above-referenced property and the areas within 100 feet of the site for the presence of wetland resources as defined by: (1) the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, S. 40; the "Act") and its implementing regulations (310 CMR 10.00 *et seq.*); and (2) the U.S. Clean Water Act. The City of Newton does not have a Wetlands Protection Ordinance but does have a Floodplain Ordinance (the "Ordinance"; Section 22-22). John P. Rockwood, Ph.D., SPWS conducted the inspection.

The subject site consists of a 13,732± square foot parcel located at the western terminus of Alba Circle in northeastern Newton, Massachusetts (see attached Locus Map and Newton GIS Browser Map). The site is

almost entirely developed with a single-family house with front porches, rear porch and deck, rear basement access, and sunroom; paved driveway; front walkways; rear patio; rear patio with fireplace; rear AC pads; retaining wall; metal fencing; and associated lawn and landscaping (see included Existing Conditions Site Plan). Plant species observed on the slope between the subject site and Hyde Brook to the west include northern red oak (*Quercus rubra*), eastern white pine (*Pinus strobus*), red pine (*Pinus resinosa*), black cherry (*Prunus serotina*), Norway maple (*Acer platanoides*), and American beech (*Fagus grandifolia*) trees, saplings, and/or shrubs; poison ivy (*Toxicodendron radicans*) and English ivy (*Hedera helix*) climbing woody vines; and multiflora rose (*Rosa multiflora*), silky dogwood (*Cornus amomum*), honeysuckle (*Lonicera sp.*), American yew (*Taxus canadensis*), rhododendron (*Rhododendron sp.*), Japanese barberry (*Berberis thunbergii*), and winged euonymus (*Euonymus alata*) shrubs. The wetland resources observed on and near the site are described below.

Methodology:

The subject site and adjacent areas were inspected, and areas suspected to qualify as wetland resources were identified. Bordering Vegetated Wetlands were not observed on the subject site; a small triangle of Bordering Vegetated Wetlands was observed to be associated with Hyde Brook off-site to the west. 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: (1) the BVW Policy “*BVW: Bordering Vegetated Wetlands Delineation Criteria and Methodology*,” issued March 1, 1995; and (2) “*Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act: A Handbook*,” produced by the Massachusetts Department of Environmental Protection, dated March 1995. The Regulations at 310 CMR 10.54(2)(c) states: “The upper boundary of Bank is the first observable break in the slope or the mean annual flood level, whichever is lower.” The plant taxonomy used in this report is based on the *National List of Plant Species that Occur in Wetlands: Massachusetts* (Fish and Wildlife Service, U.S. Department of the Interior, 1988). Federal wetlands were presumed to have boundaries conterminous with the delineated Bordering Vegetated Wetlands and Bank. Given the size, configuration, and off-site location of the Bordering Vegetated Wetlands, DEP Bordering Vegetated Wetland Delineation Field Data Forms were not completed and are not attached to this letter. The table below provides the Flag Numbers, Flag Type, and Wetland Types and Locations for the delineated wetland resources.

Flag Numbers	Flag Type	Wetland Type and Location
Start A1 to A11 Stop	Blue Pin Flags	Upper boundary of Bank of Hyde Brook and a small triangle of Bordering Vegetated Wetlands located along the eastern edge of Hyde Brook which are located off-site to the west.

Findings:

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Wetland A (i.e., flags A1 to A11) consists of an intermittent stream (i.e., Hyde Brook) and a small, narrow triangle of Bordering Vegetated Wetlands associated with Hyde Brook which are located to the west of the subject site. The stream is largely confined within concrete walls or within a rock-lined channel at the bottom of a deep

valley. The vegetated wetlands border an intermittent stream; as such, the vegetated wetlands would be regulated as Bordering Vegetated Wetlands and the intermittent stream would be regulated as Bank and Land Under Water Bodies and Waterways under the Regulations. A 100-foot Buffer Zone, which projects onto the subject site, extends horizontally outward from the edge of Bordering Vegetated Wetlands and Bank under the Regulations.

Bordering Land Subject to Flooding and Section 22-22 Floodplain: Bordering Land Subject to Flooding is an area that floods due to a rise in floodwaters from a bordering waterway or water body. Where flood studies have been completed, the boundary of Bordering Land Subject to Flooding is based upon flood profile data prepared by the National Flood Insurance Program. Based upon a review of the Flood Insurance Rate Map, Map Number 25017C0556E, Effective Date June 4, 2010 (attached), the subject site and surrounding area are mapped as Other Areas: Zone X (i.e., areas located outside of the 0.2% annual chance flood/areas outside of the 500-year floodplain). As such, Bordering Land Subject to Flooding does not occur on the site.

Under Section 22-22 of the Ordinance which identifies the Floodplain/Watershed Protection District, under Section (g)3. Open brooks and their tributaries, (11) Hyde Brook has a protected zone (i.e., Ordinance Floodplain) that extends 30 feet horizontally outward on both sides of the stream from its centerline. Given the location of the stream, this 30-foot off-set would not project onto the subject site. Section 22-22 does not establish any form of buffer zone.

Riverfront Area: The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map (i.e., Boston South Quadrangle, dated 1987, attached) and observations made during the site inspection, a stream (i.e., Hyde Brook) that is not shown on the current USGS Map flows generally to the north to the west of the subject site. Based upon Massachusetts StreamStats, the watershed area for this stream to a point located well downstream of the site is 0.12 square miles (see attached StreamStats Report). Based upon stream mapping and its small drainage area, Hyde Brook at the site would be designated as intermittent and would not have an associated 200' Riverfront Area 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*, 14th edition, valid from August 1, 2017 (NHESP Interactive Viewer Screenshot with Certified and Potential Vernal Pool Layers active; attached), there are no Estimated Habitats [for use with the Act and Regulations (310 CMR 10.00 *et seq.*)], Priority Habitats [for use with Massachusetts Endangered Species Act (M.G.L. Ch. 131A; "MESA") and MESA Regulations (321 CMR 10.00 *et seq.*)], or Certified or Potential Vernal Pools on or in the immediate vicinity of the subject site.

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

Proposed Area and Activity:

The subject site, 26 Alba Circle, Newton, consists of a 13,732± square foot developed parcel located at the western terminus of Alba Circle. The site is almost entirely previously developed with a single-family house with front porches, rear porch and deck, rear basement access, and sunroom; paved driveway; front walkways; rear patio; rear patio with fireplace; rear AC pads; retaining wall; metal fencing; and associated lawn and landscaping (see included Existing Conditions Site Plan). No wetland resource areas occur on the subject site; the 100-foot Buffer Zone to an off-site intermittent stream and small triangle of Bordering Vegetated Wetlands projects into the western portion of the subject site. The Ordinance Floodplain associated with Hyde Brook is located well off-site to the west.

The proposed project consists of the demolition of the existing sunroom at the southern end of the existing single-family house and the construction of a proposed one-story addition at the southern end of the existing single-family house within the footprint of the former sunroom, an existing patio, and adjacent lawn. The balance of the existing patio will also be removed and converted to lawn. A set of proposed wooden steps to the rear deck is also proposed under this submittal. A portion of the above-described work will occur within the outermost portion of the 100' Buffer Zone (see Proposed Conditions Plan). An erosion control barrier will be installed within the level lawn area around the proposed addition. The work area will be accessed from Alba Circle via a proposed temporary construction entrance. Excavated soil will be stockpiled outside of the 100' Buffer Zone; once the foundation has been backfilled, extra soil will be removed from the site. Disturbed lawn areas will be returned to the existing grade and seeded or sodded as lawn.

The majority of the proposed addition is located within existing building and lawn outside of the 100' Buffer Zone. A small portion (i.e., about 165± square feet) of the proposed addition is located within existing patio and lawn within the outermost portion of the 100' Buffer Zone to an off-site intermittent stream. The proposed wooden deck steps and the balance of the patio to be removed and converted to lawn are also in the outermost portion of the 100' Buffer Zone. The deck steps and the patio removal and conversion are minor exempt activities under the Regulations. An erosion control barrier is proposed within the level lawn area around the proposed addition. Construction access will be provided from outside the 100' Buffer Zone from Alba Circle via a temporary construction entrance. Excavated soil will be stockpiled outside of the 100' Buffer Zone; after the foundation is backfilled, extra soils will be removed from the site. Areas disturbed as part of the project will be returned to the existing grade and seeded or sodded as lawn. The erosion control barrier will remain in place until the site is vegetatively stabilized.

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

Submitted Materials:

This submittal consists of the following:

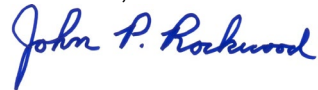
1. This Cover Letter;

2. City of Newton Cons.Com. Wetland Application Coversheet/Checklist and a copy of the Ordinance Filing Fee Check;
3. The Request for Determination of Applicability Form;
4. City of Newton Locus Map with site indicated;
5. City of Newton GIS Browser Map with site indicated;
6. USGS Topographic Map, Boston South Quadrangle, dated 1987 with the site indicated;
7. StreamStats Report with the site indicated;
8. Flood Insurance Rate Map, Map Number 25017C0556E, Effective Date June 4, 2010, with the site indicated;
9. Massachusetts NHESP Atlas, 14th Edition, effective August 1, 2017, with the site indicated;
10. Site Plan:
 - a. "Topographic Site Plan, Newton, Massachusetts, Showing Existing Conditions at #26 Alba Circle," Scale 1" = 10', prepared by VTP Associates, Inc., dated March 31, 2021, Signed and Stamped by Joseph T. Porter, PLS; and
 - b. "Topographic Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #26 Alba Circle," Scale 1" = 10', prepared by VTP Associates, Inc., dated March 31, 2021, Signed and Stamped by Joseph T. Porter, PLS.

One copy of this submittal will be sent by certified mail, return receipt requested to MassDEP-NERO. Again, there is no filing fee for an RDA under the Act.

We look forward to meeting remotely with the Conservation Commission on this matter on April 22, 2021. If you have any questions, please feel free to contact me at any time.

Cordially,
ECOTEC, INC.



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

Cc: Department of Environmental Protection, Northeast Regional Office (by Certified Mail
/Return Receipt Requested)
Joseph Porter PLS, VTP Associates, Inc. (via Email)
Amy and Scott Krentzman (via Email)

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