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April 21, 2021

Mr. Michael Saris  
Albemarle Road Realty LLC  
125 Guest Street, U634  
Brighton, MA 02135

RE: Wetland Resource Evaluation and NOI Site Report for 453-455 Albemarle Road, Newton, Massachusetts

Dear Mr. Saris:

On December 15, 2020, 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 (i.e., Section 404 and 401 wetlands). 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 0.194± acres or 8,437± square feet of land located to the north of Albemarle Road in Newton, Massachusetts. The site is previously developed and partially degraded with a two-family house with front steps and rear bulkhead and associated site features including a significant 1,421± square foot paved driveway, front walkway, side and rear concrete and pavement walkways and patio, and rear concrete stairs, and associated lawn, overgrown landscaping, and wooded area. Existing roof runoff is largely to the ground surface and driveway runoff is not treated or controlled. A concrete sidewalk and a strip of lawn with a recently planted street tree occur between the between the site and Albemarle Road. The wetland resources observed on or near the site are described below.

**Wetland Resource Evaluation - Methodology**

The subject site and the land directly across Albemarle Road were inspected, and areas suspected to qualify as wetland resources were identified. Bordering Vegetated Wetlands were not observed on the subject site or along the subject reach of Cheese Cake Brook. The upper boundary of Bank and the Mean Annual High-water Line of Cheese Cake Brook were identified in the field as the inner face of the vertical wall that contains Cheese Cake Brook. As such, no flags were placed in the field to delineate these resources. 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 identified Bank. As Bordering

Vegetated Wetlands were not observed or delineated on the site or along the subject stream reach, DEP Bordering Vegetated Wetland Delineation Field Data Forms were not completed and are not attached to this report.

### **Wetland Resource Evaluation - Findings**

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Land Under Water Bodies, Bank, and Bordering Vegetated Wetlands were not observed on the site. Cheese Cake Brook, a perennially mapped stream, is located across Albemarle Road to the south of the site and flows generally to the east proximate to the site. The subject reach of Cheese Cake Brook is contained within vertical concrete walls. The area within the Greenway along Cheese Cake Brook at the site consists of lawn with several scattered trees and shrubs and black metal fencing. Bordering Vegetated Wetlands were not observed along the subject reach of Cheese Cake Brook. Cheese Cake Brook 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 Bank under the Regulations; the 100' Buffer Zone extends into the southern portion of the site.

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 25017C0552E, Effective Date June 4, 2010 (attached), the entire site is mapped as Other Areas: Zone X, which is defined as areas located outside the 0.2% annual chance flood (i.e., outside the 500-year floodplain). As such, Bordering Land Subject to Flooding does not occur on the site. 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 or, in the absence of Bordering Vegetated Wetlands, Bank boundary. Bordering Land Subject to Flooding does not have a 100' Buffer Zone under the Regulations.

Section 22-22 of the Ordinance identifies the Floodplain/Watershed Protection District. Under Section (g)3. *Open brooks and their tributaries*, the area within 30 feet of the centerline on both sides of (2) Cheese Cake Brook, would be subject to the Ordinance. Ordinance Floodplain does not occur on the site; the 30-foot zone is located off-site within the Cheese Cake Brook Greenway and Albemarle Road. Section 22-22 does not establish any form of buffer zone from the identified area.

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), Cheese Cake Brook, a stream that is mapped as perennial at the site, is located across Albemarle Road to the south of the site. As such, Cheese Cake Brook

would be designated as perennial under the Regulations and would have an associated 200' Riverfront Area. The Mean Annual High-water Line of Cheese Cake Brook is the inner face of the vertical wall that confines the stream. Riverfront Area does not have a Buffer Zone under the Act and Regulations but may overlap other wetland resources and their Buffer Zones. Based upon the above, the entire site is located within the Riverfront Area of Cheese Cake Brook.

Estimated Habitat and Certified 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*, 14<sup>th</sup> edition, valid from August 1, 2017 and the Certified Vernal Pool data layer from MassGIS (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 Vernal Pools on or in the immediate vicinity of the subject site.

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

### **Project Description and Analysis**

The subject site is 8,437± square feet in size and is located entirely within 200 feet of Cheese Cake Brook. Albemarle Road is located between the site and Cheese Cake Brook. Approximately 3,912± square feet and 4,525± square feet of the site are located within 100 feet and between 100 and 200 feet of Cheese Cake Brook, respectively. Accordingly, any work proposed on the site must occur within the Riverfront Area to Cheese Cake Brook.

The proposed project consists of the demolition of the existing two-family house with front steps and a rear bulkhead and associated site features including a significant paved driveway, front walkway, side and rear concrete and pavement walkways and patios, and rear concrete stairs and the construction of a new two-family house with a one car garage, front porch, side egress window, rear bulkhead, and two AC pads for each unit; a paved driveway, front walkway, and rear patio for each unit; new underground utilities; removal of an existing concrete pad and two segments of retaining wall; the installation of 6' vinyl stockade fence; and associated grading, lawn, and landscaping. The project also includes a proposed trench drain, manhole sump, and infiltration system to address driveway and roof runoff to City of Newton standards for each unit. Three trees totaling 57 caliper inches are proposed to be removed; ten saplings including eight 5 to 6" caliper eastern white pines and two multi-stem river birch are proposed. Tree removal and replacement will be addressed with the Tree Warden pursuant to the Tree Ordinance. Due to the proposed driveway location, an existing recently planted street tree will be relocated to the west of the proposed western driveway and a new 2" caliper street tree will be planted between the site and street to the east of the eastern driveway. The proposed project results in a reduction in total impervious surfaces on the site of 209± square feet including an 857± square foot reduction in paved driveway

Mr. Michael Saris

April 21, 2021

Page 4.

area on the site. Given the reduction in impervious/degraded surfaces, an enhancement planting area is not required or proposed to meet performance standards. Any disturbed lawn and landscaped areas will be brought to grade with loam and seeded with a grass seed mixture to provide permanent cover or will be landscaped. Alternatively, sod may be used to vegetated proposed lawn areas. The proposed limit of work will be demarcated in the field by the erosion control barrier. A silt sack is proposed within the catch basin in Albemarle Road at the site. Soil will be temporarily stockpiled on the site in covered stockpiles; all excess soil will be trucked from the site as soon as possible after the foundation is backfilled.

Under existing conditions, the site is developed with a 1,417± square foot two-family house with front steps and rear bulkhead and associated site features including a significant 1,421± square foot paved driveway, front walkway, side and rear concrete and pavement walkways and patio, and rear concrete stairs. A total of 3,583± square feet of impervious/degraded surfaces associated with the house with front steps and rear bulkhead, paved driveway, side and rear pavement and concrete walkways and patios, and rear concrete stairs occur on the site. The existing house is located 67± feet, existing front walkway is located 47± feet, and the existing paved driveway is located 47± feet from Cheese Cake Brook. It must be noted that Albemarle Road is located between the site and Cheese Cake Brook. With the exception of the wooded area in the northern portion of the site, which is proposed to be retained and augmented with eight eastern white pine saplings, the site is otherwise previously developed with significant degraded areas located in the south-central and southern portions of the site. Existing roof runoff is largely to the ground surface and driveway runoff is not treated or controlled.

Under proposed conditions, the site will be redeveloped with a new 2,308± square foot two-family house with a one car garage, front porch, side egress window, rear bulkhead, and two AC pads for each unit; and a paved driveway, front walkway, and rear patio for each unit. A total of 3,374± square feet of impervious surfaces associated with the house with porches, bulkheads, and egress windows; paved driveways; front walkways and stairs; rear patios; and AC pads is proposed. Again, this represents a 209± square foot reduction in impervious/degraded surfaces compared to the existing condition, including an 857± square foot reduction in driveway pavement area on the site. The proposed two-family house has a footprint that is similar to or smaller in size than many single-family houses that exist or are proposed in Newton. The project includes the installation of new underground utilities and project associated grading, lawn, and landscaping. The proposed house is located 67± feet, the proposed front walkways are located 62± feet, and the proposed driveways are located 47± feet from Cheese Cake Brook. Proposed driveway runoff which is collected and pretreated through a trench drain and a manhole and roof runoff will be routed to the proposed infiltration systems located beneath each driveway. The Site Plan also includes protection for one site tree and relocation of one recently planted street tree and installation of an additional street tree along Albemarle Road. Due to an overall reduction in impervious/degraded surfaces on the site, an enhancement planting area is not required and is not proposed to meet performance standards. Compliance with the applicable performance standards for work in the Riverfront Area is discussed in the next section of this letter.

### **Compliance Evaluation under the Regulations**

The proposed project is a mixture of new and redevelopment activities within the Riverfront Area to Cheese Cake Brook, which is located across Albemarle Road to the south of the site. Certain activities which are proposed within previously developed but not degraded areas of the site, are required to meet the general performance standards for Riverfront Area found at 310 CMR 10.58(4). Activities proposed within previously developed and degraded areas of the site are required to meet applicable standards at 310 CMR 10.58(4) and all the performance standards for a redevelopment project set forth at 310 CMR 10.58(5). The proposed project has been designed as shown on the Site Plan and described within this letter to meet applicable general performance standards for Riverfront Area found at 310 CMR 10.58(4) and the performance standards for redevelopment of the Riverfront Area at 310 CMR 10.58(5), as applicable. A discussion of compliance with these standards is as follows:

**Riverfront Area:** Section 10.58(4) of the Regulations provides the general performance standards for work within the Riverfront Area, which states:

*(4) General Performance Standard. Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c.131 § 40 and that the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. In the event that the presumption is partially overcome, the issuing authority shall make a written determination setting forth its grounds in the Order of Conditions and the partial rebuttal shall be taken into account in the application of 310 CMR 10.58 (4)(d)1.a. and c.; the issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.*

*(a) Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (coastal bank), 10.32 (salt marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.*

Work is proposed within the Riverfront Area to Cheese Cake Brook, which is located across Albemarle Road to the south of the site. No other wetland resource areas occur on the site. As such, no work is proposed within Land Under Water Bodies and Waterways, Bank, Bordering Vegetated Wetlands, or Bordering or Isolated Land Subject to Flooding (or Ordinance Floodplain). Work is

Mr. Michael Saris  
April 21, 2021  
Page 6.

proposed within the 100' Buffer Zone to Bank; the 100' Buffer Zone is not a wetland resource area under the Regulations.

Since the proposed project complies with the general performance standards for work in the Riverfront Area, the compliance with said standards shall contribute to the protection of the statutory interests in lieu of any additional requirements that might otherwise be imposed on work in the 100' Buffer Zone within the Riverfront Area. In any event, the proposed limit of work, erosion controls, and stormwater improvements all serve to contribute to the protection of the statutory interests for the adjacent resource areas protected by the Buffer Zone.

*(b) Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.*

Based upon the NHESP Atlas, 14<sup>th</sup> Edition, dated August 1, 2017, the site is not located within a mapped Estimated Habitat or Priority Habitat and no mapped Certified Vernal Pools occur on or near the site. As such, the proposed project will not have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, and will not have any adverse effect on vernal pool habitat.

*(c) Practicable and Substantially Equivalent Economic Alternatives. There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40...."*

The lot was created in 1902 and was developed prior to 1936. The current owner acquired the site on January 5, 2021 and has no interest or control over adjacent or abutting properties. The project purpose is to demolish the existing two-family house and associated site features and construct a new, larger two-family house with associated site features on the site. The proposed two-family house has a footprint that is similar to or smaller in size than many single-family houses that exist or are proposed in Newton. The work proposed within existing degraded areas is exempt from the requirements for an alternatives analysis and will be addressed under the Redevelopment Standards in a subsequent section of this letter.

The subject site is 8,437± square feet in size and is located entirely within 200 feet of Cheese Cake Brook. Albemarle Road is located between the site and Cheese Cake Brook. Approximately 3,912± square feet and 4,525± square feet of the site are located within 100 feet and between 100 and 200 feet of Cheese Cake Brook, respectively. Accordingly, any work proposed on the site must occur within the Riverfront Area to Cheese Cake Brook. The existing single-family house and associated site features are proposed to be removed and a new, larger two-family house with associated site features is proposed to be constructed. The proposed project results in a reduction in total impervious/degraded surfaces of 209± square feet on the site, including an 857± square foot

reduction in driveway pavement. Mitigation for the proposed work includes stormwater improvements for roof runoff and driveway runoff that meet City of Newton standards.

The proposed house has a footprint that has been increased to 2,308± square feet from the existing 1,417± square foot footprint. The location of a proposed house on the site is limited by the front and side-yard setbacks. The proposed house has been set at the same point as the existing house, 67 feet from Cheese Cake Brook. Two parking spaces have been provided per unit, one in the driveway and one in a garage. Given the site configuration, reducing the house footprint and moving the house further from Cheese Cake Brook in a manner that does not affect the project economics does not reduce the impacts on the statutory interests. In other words, given the nature of construction costs and property valuation, a proposed project with a somewhat smaller footprint would not represent an economically equivalent project but would have similar adverse effects on the statutory interests. This project results in an overall reduction in impervious surfaces including a significant reduction in driveway pavement, provides mitigation for roof and driveway runoff in accordance with City of Newton Standards, and, as such, represents an improvement over existing conditions relative to the protection of the statutory interests.

*(d) No Significant Adverse Impact. The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40....”*

As discussed above, the site is largely previously developed and includes degraded areas associated with the existing two-family house with front steps and rear bulkhead and associated site features including a significant paved driveway, front walkway, side and rear concrete and pavement walkways and patio, and rear concrete stairs and previously developed areas that are not degraded such as the associated lawn and landscaping. The northern portion of the site is wooded. Cheese Cake Brook is located across Albemarle Road to the south of the site.

Redevelopment activities associated with the proposed project are located within the limit of the existing degraded areas. The total existing degraded area on the site is 3,583± square feet; the total proposed degraded area is 3,374± square feet. A total of 1,730± square feet of the proposed house and site features are located within existing degraded areas: a significant portion of the proposed house, part of the porch, all four AC pads, the western bulkhead and egress window, and parts of the western driveway and patio are proposed within the Riverfront Area within the existing degraded area associated with the house, driveway, rear and side walkways, and front stairs. As such, the redevelopment standards apply to these project components. Other project components, such as the balance of the proposed house and porch with stairs, the balance of the western driveway and the eastern driveway, front walkways, the eastern bulkhead and egress window, and the balance of the western patio and the eastern patio are subject to the general performance standards for work in the Riverfront Area. The remaining existing degraded areas that are not redeveloped will be converted to lawn or landscaping. As noted above, the proposed project results in a reduction in impervious surfaces on the site of 209± square feet including a reduction in driveway pavement of 857± square feet compared to the existing condition; stormwater improvements to address roof

runoff and driveway runoff in accordance with City of Newton standards are proposed. As such, the proposed project has been designed to and will result in an improvement over the existing condition.

The total area of Riverfront Area proposed to be developed, excluding proposed mitigation, is 4,250± square feet, including both new development and redevelopment activities. Given the age of the lot, the overall proposed Riverfront Area alteration is below the threshold of 5,000 square foot or 10%, whichever is greater. The proposed project is exempt from stormwater management standards under the Regulations; the proposed project includes stormwater management features to address roof and driveway runoff under the City of Newton standards. The proposed project will remove three trees and proposes planting ten saplings of two species on the site; one recently planted street tree will be relocated and an additional street tree will be established along the site frontage. Given the previously developed nature of the Riverfront Area on and near the site and the presence of Albemarle Road and fencing between the site and Cheese Cake Brook, the proposed project will not impair the capacity of the Riverfront Area to provide important wildlife habitat functions. The proposed project incorporates an erosion control barrier at the limit of work. This barrier will serve as a limit of work and will serve to protect groundwater and surface water quality from non-point source pollution.

Section 10.58(5) of the Regulations provides the performance standards for redevelopment within previously developed and degraded Riverfront Area, which states:

*Redevelopment Within Previously Developed Riverfront Areas; Restoration and Mitigation. Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:*

*(a) At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.*

As discussed above, the site is largely previously developed and includes degraded areas associated with the existing two-family house with front steps and rear bulkhead and associated site features including a significant paved driveway, front walkway, side and rear concrete and pavement walkways and patio, and rear concrete stairs and previously developed areas that are not degraded such as the associated lawn and landscaping. Cheese Cake Brook is located across Albemarle Road to the south of the site. Certain aspects of the proposed project, including a significant portion of the proposed house, part of the porch, all four AC pads, the western bulkhead and egress window, and



parts of the western driveway and patio are proposed within the Riverfront Area within the existing degraded area associated with the house, driveway, rear and side walkways, and front stairs. As such, the redevelopment standards apply to these project components. As detailed above, the balance of the proposed house and porch with stairs, the balance of the western driveway and the eastern driveway, front walkways, the eastern bulkhead and egress window, and the balance of the western patio and the eastern patio are subject to the general performance standards for work in the Riverfront Area. The remaining existing degraded areas that are not redeveloped will be converted to lawn or landscaping. Three site trees are proposed to be removed; ten saplings of two species are proposed to be planted on the site as part of the project. The proposed project has been designed to and will result in an improvement over the existing condition. The proposed project includes stormwater management features not required under the Regulations to address both roof and driveway runoff which will serve to improve the capacity of the Riverfront Area on the site to protect the statutory interests presumed to be significant within the Riverfront Area.

*(b) Stormwater management is provided according to standards established by the Department.*

The proposed project is exempt from stormwater management standards under the Regulations. The proposed project includes trench drains, manhole sumps, and infiltration systems to address driveway runoff and a gutter/roof leader system to direct roof runoff to the proposed infiltration systems which address stormwater runoff under the City of Newton standards.

*(c) Within 200-foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25-foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The proposed work is no closer to Cheese Cake Brook than the existing condition. The proposed house and existing house are both 67± feet from Cheese Cake Brook. The proposed driveways and the existing driveway are 47± feet from Cheese Cake Brook. The proposed front walkways and existing front walkway are 62± feet and 47± feet, respectively, from Cheese Cake Brook. The balance of the proposed work meets the general performance standards at 310 CMR 10.58(4).

*(d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).*

The proposed work is no closer to Cheese Cake Brook than the existing condition. The proposed house and existing house are both 67± feet from Cheese Cake Brook. The proposed driveways and the existing driveway are 47± feet from Cheese Cake Brook. The proposed front walkways and existing front walkway are 62± feet and 47± feet, respectively, from Cheese Cake Brook. The proposed house expansion is to the north away from Cheesecake Brook. Redevelopment activities associated with the proposed project are located within the limit of the existing degraded areas. The balance of the proposed work meets the general performance standards at 310 CMR 10.58(4).

*(e) The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).*

Redevelopment activities associated with the proposed project do not exceed the amount of existing degraded area on the site. The balance of the proposed work meets the general performance standards at 310 CMR 10.58(4).

*(f) When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:*

- 1. removal of all debris, but retaining any trees or other mature vegetation;*
- 2. grading to a topography which reduces runoff and increases infiltration;*
- 3. coverage by topsoil at a depth consistent with natural conditions at the site; and*
- 4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site.*

Restoration of degraded Riverfront Area on the site is not proposed as part of this project.

*(g) When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 to 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Environmental Affairs.*

Enhancement of previously developed Riverfront Area on the site is not proposed as part of this project.

*(h) The issuing authority shall include a continuing condition in the Certificate of Compliance for projects under 310 CMR 10.58(5)(f) or (g) prohibiting further alteration within the*

Mr. Michael Saris  
April 21, 2021  
Page 11.

*restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition. Prior to requesting the issuance of the Certificate of Compliance, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.*

Restoration or enhancement of Riverfront Area is not proposed as part of the project. As such, this standard does not apply to the proposed project.

### **Conclusion**

In conclusion, it is EcoTec's opinion, based upon the information provided on the Site Plan and in this letter, that the proposed project meets the applicable performance standards for work within the Riverfront Area and the 100' Buffer Zone under the Regulations. The proposed project results in reduction in impervious surfaces on the site, including a significant reduction in driveway pavement on the site. Three existing trees are proposed to be removed; ten saplings are proposed to be planted on the site. The existing new street tree will be relocated and an additional street tree will be established under the plan. The project proposed significant stormwater improvements as part of the project. This plan as proposed meets the applicable performance standards and by regulation serves to protect the statutory interests.

EcoTec hopes that you find this information helpful. 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

Attachments (3; 3 pages)

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