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May 7, 2021

Mr. Andrey Agamov
240 Old Farm Road LLC
267 Hartman Road
Newton, MA 02459

RE: NOI Site Report for 240 Old Farm Road, Newton, Massachusetts

Dear Mr. Agamov:

This Notice of Intent has been filed under 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 the Newton Floodplain Ordinance (Section 22-22; the “Ordinance”). The City of Newton does not have a wetlands protection ordinance.

The subject site consists of a 0.404±-acre or 17,587± square foot parcel located to the east of Old Farm Road in Newton, Massachusetts near the municipal boundary with Boston. Three easements occur on the site: (1) a 30’ City of Newton Drain Easement generally along Saw Mill Brook; (2) a 20’ Metropolitan Sewer Easement in the eastern portion of the site; and (3) a 20’ Drain Easement in the southwestern corner of the site. The site is bisected by Saw Mill Brook, which flows generally to the south through the east-central portion of the site. With the exception of thin bands of urban forest on either side of the brook, the site is largely previously developed and a significant portion of the site west of Saw Mill Brook is degraded with a single-family house with a two-car garage; paved driveway; concrete and stone front landing, stairs, and walkway; a rear wooden deck with wooden stairs and concrete landing; a fenced crushed stone, paver, and stone patio; various fences; and associated lawn and landscaping with several trees and saplings. A portion of the site located to the east of Saw Mill Brook also consists of lawn. Plant species observed within the vegetated areas along Saw Mill Brook and in the southeastern portion of the site include northern red oak (*Quercus rubra*), eastern white pine (*Pinus strobus*), red maple (*Acer rubrum*), Norway maple (*Acer platanoides*), black cherry (*Prunus serotina*), American plum (*Prunus americana*), American beech (*Fagus grandifolia*), American elm (*Ulmus americana*), and big-tooth aspen (*Populus grandidentata*) trees, saplings, and/or shrubs; Virginia creeper (*Parthenocissus quinquefolia*), poison ivy (*Toxicodendron radicans*), oriental bitter-sweet (*Celastrus orbiculata*), and English ivy (*Hedera helix*) climbing woody vines and/or ground cover; and common buckthorn (*Rhamnus cathartica*), winged euonymus (*Euonymus alata*), and honeysuckle (*Lonicera sp.*) shrubs. Roof runoff is discharged to the ground surface via several downspouts. Driveway runoff is not collected or treated. A bituminous sidewalk and a strip of lawn with two small street trees occurs between the site and the pavement of Old Farm Road. The wetland resources observed on and near the subject site are described in a separate Wetland Resource Evaluation which is included as part of the Notice of Intent filing.

Project Description and Analysis

The subject site is 17,587± square feet in size. Saw Mill Brook flows generally to the south through the east-central portion of the site and comprises 2,650± square feet of the site. The remainder of the site or 14,937± square feet comprise Riverfront Area. Approximately 13,389± square feet and 1,548± square feet of the site are located within 100 feet and between 100 and 200 feet of Saw Mill Brook, respectively. Accordingly, any work proposed on the site must occur within the Riverfront Area. The area located within 30 feet of the centerline of Saw Mill Brook is subject to protection under the Ordinance; including Saw Mill Brook, 6,549± square feet of the site is protected under the Ordinance.

The proposed project consists of the demolition of the existing single-family house with two-car garage and associated site features including the paved driveway; front stairs with landing and walkway; rear wooden deck with stairs; the rear crushed stone, pavers, and stone patio; and the chain link and vinyl fence on the site and the construction of a new single-family house with a two-car garage; paved driveway; front stairs with landing and walkway; rear wooden deck with step; wildlife-friendly fencing; and associated grading, lawn, and landscaping. The existing street trees and trees within the lawn are proposed to be protected and saved as part of the project. The spruce tree to be saved to the northwest of the proposed house will require pruning, wrapping with fabric and boards, and the placement of loam, woodchips, and plywood over the roots to protect this tree during construction. The project includes a proposed trench drain, manhole sump, and two infiltration systems to address driveway and roof runoff in accordance with City of Newton standards. Lastly, the project includes two enhancement planting areas totaling 2,440± square feet to mitigate for the proposed 1,190± square foot increase in proposed impervious/degraded surfaces on the site. Proposed lawn areas will be brought to grade and will be seeded or sodded as lawn. The proposed limit of work will be demarcated in the field by the erosion control barrier consisting of entrenched siltation fence fronted by a compost sock as shown on the Site Plan. Excavated soil will be temporarily stored on-site in covered stockpiles within the limit of work on the site with excess soil trucked from the site as soon as the foundation has been backfilled.

Under existing conditions, the site is developed with a 1,240± square foot single-family house with two-car garage; paved driveway; front stairs with landing and walkway; rear wooden deck with stairs; the rear crushed stone, pavers, and stone patio; the chain link and vinyl fence on the site; and associated grading, lawn, and landscaping. A total of 2,411± square feet of impervious/degraded surfaces associated with the house, driveway, front stairs and walkway, and wooden deck with stairs occurs on the site. The existing rear crushed stone and paver/stone patio were not included in the existing impervious area calculation. The existing house is located 43± feet, the existing driveway 69± feet, and the existing wooden deck is located 35 feet from Saw Mill Brook. With the exception of thin bands of urban forest on either side of the brook, the site is largely previously developed and a significant portion of the site west of Saw Mill Brook is degraded. Existing driveway and roof runoff discharge unchecked to the ground surface.

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Under proposed conditions, the site will be redeveloped with a 2,348± square foot single-family house with a two-car garage; paved driveway; front stairs, landing, and walkway; rear wooden deck with step; removal of existing fencing and installation of a segment of wildlife-friendly fencing; and associated grading, lawn, and landscaping. A total of 3,601± square feet of impervious/degraded surfaces associated with the house; driveway; front stairs, landing, and walkway; and wooden deck with step is proposed. As such, the proposed project results in a 1,190± square foot increase in impervious surfaces which requires 2,380± square feet of enhancement plantings; two enhancement planting areas totaling 2,440± square feet have been proposed. The project includes the installation of new underground utilities, fencing, and project associated grading, lawn, and landscaping. The proposed house is located 38± feet (generally 43 feet with small bump-out to 38 feet), the paved driveway is 83± feet, and the wooden deck with step is 32 feet from Saw Mill Brook. Proposed driveway runoff which is collected and pretreated through a trench drain and manhole and roof runoff will be routed to proposed infiltration systems located beneath the driveway. Compliance with the applicable performance standards for work in the Riverfront Area is discussed in a subsequent section of this letter.

Enhancement Planting Area Plan

Two enhancement planting areas totaling 2,440± square feet (or 13.9% of the lot) will be established within existing lawn/landscaped areas the inner Riverfront Area to the west and east of Saw Mill Brook. An 840± square foot area is proposed between the development and Saw Mill Brook and will include four saplings of four species, twenty-four shrubs of eight species, and twenty-four small shrubs/ground cover of six species. A 1,600± square foot area to the east of Saw Mill Brook will include three saplings of two species, forty-four shrubs of eight species, and forty-four small shrubs/ground cover of six species. The number of saplings proposed in this area was limited due to the presence of an easement. The proposed plantings will serve to stabilize this area, reduce stormwater runoff, and provide enhanced wildlife habitat, including cover, perching, and foraging habitat, compared to the existing condition in these areas. The existing grass in the area will be cut very short/scalped prior to planting. The enhancement planting areas include 1,238± square feet of Ordinance Floodplain; the work proposed in the Ordinance Floodplain is limited to removal of existing fences, replacement with a short segment of wildlife-friendly fence, and the establishment of native plantings along the brook. Access to the eastern portion of the site to remove the existing fence, install the plantings and mulch, and install the new fence along the eastern property line will be provided over the east abutting property; such materials will not be moved across Saw Mill Brook. The proposed sapling and shrub/ground cover plantings will be spaced under the supervision of a qualified wetland scientist and planted in accordance with current landscaping practices (i.e., hole twice as wide and as deep as the root ball with the area around the root ball backfilled with high quality loamy top soil). The proposed plant species listing is provided on Sheet 3 of the Plan Set; the selected species are native and have been selected based upon the conditions of the proposed planting areas. If a species is not available, a substitution will be recommended by the wetland scientist and approved by Conservation Staff. The excess soil will be removed from the site. Following installation, the plants will be mulched with salt marsh hay and will be watered in well. The area

should then be covered with a 3- to 4-inch-thick layer of partially decomposed leaf litter with 20% natural bark mulch as a stabilizer. This will aid in keeping the plantings moist and will provide temporary cover and habitat value until leaves begin to accumulate in the areas. The woody materials will be watered regularly for a period of four weeks, and will be watered, as necessary, if evidence of stress is observed. As shown on the Site Plan, the western boundary of the western enhancement planting area will be demarcated in the field with four stone bounds; the eastern boundary of the eastern enhancement planting area will be demarcated with a proposed fence to prevent future encroachment.

Mitigation Planting Area Monitoring: The enhancement planting areas will be monitored near the end of the growing season for two years after they are established. During each inspection, which will be conducted by a qualified wetland scientist, the condition of the areas and the number and species of shrubs and their condition will be documented. Photographs of the areas shall be taken, and representative photographs shall be included in the report. To be considered a success, the sapling and shrub plantings shall have a 75% survival rate (or the survival rate by strata specified in the Order) at the end of the second growing season after establishment. The findings of each inspection will be documented in a report that will be submitted in a timely manner to the Commission. Each report will include any necessary recommendations to bring the areas into compliance.

Compliance Evaluation under the Regulations

The proposed project is a mixture of new and redevelopment activities within the Riverfront Area to Saw Mill Brook, which flows generally to the south in the east-central portion of the site. No activities are proposed within the Bank and Land Under Water Bodies and Waterways of Saw Mill Brook, and Bordering Vegetated Wetlands and Bordering Land Subject to Flooding associated with Saw Mill Brook do not occur on 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 Riverfront Area on 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 in the Plan Set 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

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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 Saw Mill Brook which flows generally to the south in the east-central portion of the site. Bordering Vegetated Wetlands and Bordering Land Subject to Flooding do not occur on the site; no activities are proposed within the Bank and Land Under Water Bodies and Waterways of Saw Mill Brook. Work is proposed within the 100' Buffer Zone to Bank; the 100' Buffer Zone is not a wetland resource area under the Regulations. As discussed above, fence removal, the installation of a short segment of wildlife-friendly fencing, and enhancement planting with native saplings and shrubs are proposed within the Ordinance Floodplain located on both sides of Saw Mill Brook.

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, stormwater improvements, and enhancement plantings 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, 14th 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 1962. The applicant has not yet acquired the site from the current owner, who has owned the property since 1966. The current owner and the applicant have no interest or control over adjacent or abutting properties. The project purpose is to demolish the existing single-family house and associated site features and construct a new single-family house with associated site features. The work proposed within degraded areas totals 2,122± square feet, including almost three-quarters of the proposed house, almost one-half of the proposed driveway, and a portion of the proposed front stairs, landing, and walkway occur within the footprint of the existing house, driveway, and front stairs, landing, and walkway, 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 17,587± square feet in size. Saw Mill Brook flows generally to the south through the east-central portion of the site and covers 2,650± square feet of the site. The remainder of the site or 14,937± square feet comprise Riverfront Area. Approximately 13,389± square feet and 1,548± square feet of the site are located within 100 feet and between 100 and 200 feet of Saw Mill Brook, respectively. Accordingly, any work proposed on the site must occur within the Riverfront Area. The existing single-family house and associated site features are proposed to be removed and a new single-family house with associated site features is proposed to be constructed. Mitigation for the proposed work includes driveway and roof runoff infiltration and the construction of two enhancement planting areas.

The proposed house has a footprint that has been increased to 2,348± square feet from the existing house with a 1,240± square foot footprint. The location of a proposed house on the site is limited by the front and side-yard setbacks. The house has been set near the front yard setback and is about one foot closer to Saw Mill Brook than the existing house. The proposed driveway is of similar size to the existing driveway but has been moved about 14 feet further from the brook. As the entire site is either brook or Riverfront Area and the house is set near the front yard setback, the house cannot be moved further from the brook. Reducing the house footprint 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 proposed project, including mitigation measures for stormwater and enhancement plantings, represents an improvement over existing conditions relative to the protection of the statutory interests.

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(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 bisected by Saw Mill Brook, which flows generally to the south through the east-central portion of the site. With the exception of thin bands of urban forest on either side of the brook, the site is largely previously developed and a significant portion of the site west of Saw Mill Brook is degraded with a single-family house with a two-car garage; paved driveway; concrete and stone front landing, stairs, and walkway; and a rear wooden deck with wooden stairs and concrete landing. Much of the remaining land to the west of Saw Mill Brook is previously developed but not degraded and consists of a crushed stone patio and lawn and landscaping; a portion of the site located to the east of Saw Mill Brook also consists of lawn.

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 2,411± square feet; the total proposed degraded area is 3,601± square feet. A total of 2,122± square feet of the proposed house and associated site features are located within existing degraded areas: almost three-quarters of the proposed house, almost one-half of the proposed driveway, and a portion of the proposed front stairs, landing, and walkway occur within the footprint of the existing house, driveway, and front stairs, landing, and walkway. As such, the redevelopment standards apply to these project components. Other project components, such as the balance of the proposed house, paved driveway, and front walkway and the proposed wooden deck with step 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 and landscaping. As noted above, the proposed project results in an increase in impervious surfaces on the site of 1,190± square feet compared to the existing condition; stormwater improvements to address driveway and roof runoff and a total of 2,440± square feet (13.9% of the site) of enhancement plantings located to protect and buffer Saw Mill Brook are proposed as mitigation. These features represent an improvement over the existing condition and 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.

The total area of Riverfront Area proposed to be developed, excluding proposed mitigation and stormwater improvements, is 4,690± 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 driveway and roof runoff under City of Newton standards. Given the previously developed nature of the Riverfront Area on and near the site, the proposed project will not impair the capacity of the Riverfront Area to provide important wildlife habitat functions. A total of 2,440± square feet of enhancement plantings in the inner Riverfront Area on both sides of the brook will serve to augment the wildlife habitat characteristics of the Riverfront Area on the site through proposed native sapling and shrub/ground cover plantings. 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.

Saw Mill Brook flows generally to the south through the east-central portion of the site. With the exception of thin bands of urban forest on either side of the brook, the site is largely previously developed and a significant portion of the site west of Saw Mill Brook is degraded with a single-family house with a two-car garage; paved driveway; concrete and stone front landing, stairs, and walkway; and a rear wooden deck with wooden stairs and concrete landing. Much of the remaining land to the west of Saw Mill Brook is previously developed but not degraded and consists of a crushed stone patio and lawn and landscaping; a portion of the site located to the east of Saw Mill Brook also consists of lawn.

The total existing degraded area on the site is 2,411± square feet; the total proposed degraded area is 3,601± square feet. A total of 2,122± square feet of the proposed house and associated site features are located within existing degraded areas: almost three-quarters of the proposed house, almost one-half of the proposed driveway, and a portion of the proposed front stairs, landing, and walkway occur within the footprint of the existing house, driveway, and front stairs, landing, and walkway. As such, the redevelopment standards apply to these project components. Other project components, such as the balance of the proposed house, paved driveway, and front walkway and the proposed wooden deck with step 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 and landscaping.

As noted above, the proposed project results in an increase in impervious surfaces on the site of 1,190± square feet compared to the existing condition; stormwater improvements to address driveway and roof runoff and a total of 2,440± square feet (13.9% of the site) of enhancement

plantings located to protect and buffer Saw Mill Brook are proposed as mitigation. These features represent an improvement over the existing condition and 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 a trench drain, manhole sump, 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 requirements. A Storm Water Management Analysis and an Operations and Maintenance Plan have been included as part of the Notice of Intent.

(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 existing house, driveway, and deck are 43, 69, and 35 feet from Saw Mill Brook, respectively; the proposed house, paved driveway, and gravel driveway are generally 42, 83, and 32 feet from Saw Mill Brook, respectively. As such, enhancement planting areas are proposed as part of this project. 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).

(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).

As detailed above, the proposed house with two-car garage, paved driveway, front stairs and walkway, and wooden deck have been relocated compared to existing conditions. The proposed house has been enlarged and shifted generally to the east compared to the existing house; the proposed house is slightly closer to Saw Mill Brook than the existing house at its closest, but the expansion has largely occurred away from Saw Mill Brook. The proposed driveway has been relocated further from Saw Mill Brook compared to the existing driveway. The proposed deck with step is slightly closer to the brook than the existing deck. As such, enhancement planting areas are proposed as part of this project. 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.

Two enhancement planting areas with a total of seven saplings of four species, sixty-eight shrubs of eight species, and sixty-eight small shrubs/ground cover of six species are proposed within the inner Riverfront Area in the east-central and eastern portions of the site on both sides of Saw Mill Brook. These plantings will serve to stabilize these areas, reduce stormwater runoff, and provide enhanced wildlife habitat, including cover, perching, and foraging habitat, compared to the existing conditions. As shown on the Site Plan, the western boundary of the western area will

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be demarcated in the field with four stone bounds. The eastern boundary of the eastern area will be fenced to prevent future encroachment. The enhancement planting areas will be monitored near the end of the growing season for two years after they are established with 75% survival (or the survival rate by strata specified in the Order) after two growing seasons the threshold for success.

(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 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.

Enhancement of Riverfront Area is proposed as part of this project in the form of two enhancement planting areas totaling 2,440± square feet as shown on the Site Plan. The western edge of the western area is proposed to be bounded with four stone bounds. The eastern boundary of the eastern area is proposed to be fenced to prevent future encroachment. As such, the applicant is not averse to the above-referenced continuing condition on the enhancement area.

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 subject to regulation results in an increase in impervious area on the site; mitigation in the form of significant stormwater improvements and enhancement plantings have been provided 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

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