

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

By Email and By Hand

October 11, 2021

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

RE: -Notice of Intent under the Massachusetts Wetlands Protection Act and Newton Floodplain Ordinance
 -Proposed Patio Expansion in Buffer Zone; 31 Kessler Way, Newton, Massachusetts
 -Applicant: Jorge Oslan
 -Owners: Srikant and Ramya Rao

To the Commission:

Enclosed please find two (2) copies of the Notice of Intent (NOI) filed under the Massachusetts Wetlands Protection Act and the Newton Floodplain Ordinance. Enclosed please find two checks made payable to the City of Newton: (1) \$67.50 for the City Share of the Act Fee, and (2) \$50.00 for the filing fee under the Ordinance.

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

Submitted Materials:

This submittal consists of the following:

1. This Cover Letter, which includes the
 - a. Wetland Resource Evaluation with
 - 1) City of Newton Locus Map;
 - 2) BVW Field Forms;
 - 3) Flood Insurance Rate Map, Map No. 25017C0566E, Date June 4, 2010;
 - 4) USGS Map, Boston South Quadrangle, 1987;
 - 5) Massachusetts StreamStats Report; and
 - 6) Massachusetts NHESP Atlas (15th Edition), August 1, 2021; and
 - 7) Resume; and
 - b. Project Description and Analysis with

- 1) Site Photographs;
2. City of Newton Cons.Com. Wetland Application Coversheet/Checklist and Copy of Ordinance Filing Fee Check;
3. The Notice of Intent Form, Fee Transmittal Form, and Copy of Act Filing Fee Checks;
4. "Topographic Site Plan, Newton, Massachusetts Showing Proposed Conditions at (Lot 5) #31 Kessler Way," Sheet 1 of 1, Scale: 1" = 20' with Existing and Proposed Work Area Inserts at 1" = 10', prepared by VTP Associates, Inc., dated October 8, 2021 (Stamped by Joseph R. Porter, PLS).

One copy of this filing and payment of \$42.50 have been sent by certified mail, return receipt requested and regular mail, respectively, to the Northeast Regional Office of the Department of Environmental Protection and to the DEP Lockbox, respectively. Documentation of all payments is included in the filing.

In compliance with the Act, all abutters within 100 feet of the site in Newton and Brookline shall be notified of this submittal via certificate of mailing immediately upon receipt of the meeting notice from the Conservation Commission. Proof of timely notice to abutters, including the required abutters lists, maps, notification, and affidavit of service, shall be provided to the Conservation Commission via Email well in advance of the hearing on this matter.

Wetland Resource Evaluation:

On May 19, 2021, EcoTec, 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, 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 25,605±-square-foot parcel located at the southeastern terminus of Kessler Way in Chestnut Hill, Massachusetts (see attached Locus Map). The site is the subject of drainage easements and the extreme southern part of the site is part of Kessler Woods Conservation Restriction #21. The northern part of the site is almost entirely developed with a single-family house, paved driveway, front walk, existing patio, various retaining walls, and associated lawn and landscaping. A part of a stormwater basin occurs in the eastern part of the site; this basin discharges to the south toward Wetland B and Saw Mill Brook. A significant retaining wall separates the developed northern part of the site from the undeveloped southern part of the site. Plant species observed in the upland forest around the periphery of Wetland B include northern red oak (*Quercus rubra*), red maple (*Acer rubrum*), Norway maple (*Acer platanoides*), American sycamore (*Platanus occidentalis*), black cherry (*Prunus serotina*), American plum (*Prunus americana*), white ash (*Fraxinus americana*), shag-bark hickory (*Carya ovata*), and white birch (*Betula papyrifera*) trees, saplings, and/or shrubs; poison ivy (*Toxicodendron radicans*), Virginia

creeper (*Parthenocissus quinquefolia*), and oriental bitter-sweet (*Celastrus orbiculata*) climbing woody vines; and northern spicebush (*Lindera benzoin*), multiflora rose (*Rosa multiflora*), common buckthorn (*Rhamnus cathartica*), and glossy buckthorn (*Rhamnus frangula*) shrubs; and grasses (Gramineae sp.), Pennsylvania sedge (*Carex pennsylvanica*), feather false-Solomon's-seal (*Smilacina racemosa*), and garlic mustard (*Alliaria petiolata*) ground cover. 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. The boundary of Bordering Vegetated Wetlands and the Bank of Saw Mill Brook were delineated in the field per the definitions set forth in the regulations at 310 CMR 10.55(2)(c) and 310 CMR 10.54(2). 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.” Section 10.54(2)(c) states that “The upper boundary of Bank is the first observable break in the slope or the mean annual flood level, whichever is lower.” The method 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 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. One set of DEP Bordering Vegetated Wetland Delineation Field Data Forms completed for observation plots located in the wetlands and uplands near flag B4 is attached. The table below provides the Flag Numbers, Flag Type, and Wetland Types and Locations for the delineated wetland resources.

Flag Numbers	Flag Type	Wetland Types and Locations
Start A1 to A14 Stop	Blue Flags	Upper boundary of northwestern Bank of Saw Mill Brook located off-site to the southeast.
Start B1 to B30 Stop	Blue Flags	Boundary of Bordering Vegetated Wetlands pocket located in the southern part of the site and off-site to the south that is associated with internal swale that ultimately borders on Saw Mill Brook to the southwest of the site.

Findings:

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Wetland B (i.e., B-series flags) consists of a pocket of Bordering Vegetated Wetlands located in the southern part of the site and off-site to the south that is ultimately associated with Saw Mill Brook to the southwest of the site. The upper boundary of Bank of Saw Mill Brook to the south of the site was delineated in the field with A-series flags. Plant species observed in the vegetated wetland include red maple (*Acer rubrum*) trees, saplings, and/or shrubs; poison ivy (*Toxicodendron radicans*) climbing woody vines and ground cover; northern spicebush (*Lindera benzoin*) and glossy buckthorn

(*Rhamnus frangula*) shrubs; and skunk-cabbage (*Symplocarpus foetidus*), sensitive fern (*Onoclea sensibilis*), woodfern (*Dryopteris sp.*), and grasses (Gramineae sp.) ground cover. Evidence of wetland hydrology, including hydric soils, high groundwater, saturated soils, pore linings, evidence of flooding, and drainage patterns, was observed within the delineated wetland. This vegetated wetland ultimately borders Saw Mill Brook, an intermittent stream; accordingly, 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 extends horizontally outward from the edge of Bordering Vegetated Wetlands 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 25017C0566E, Effective Date June 4, 2010 (attached), the site is mapped as Other Areas: Zone X, which is defined as areas located outside of the 0.2% annual chance flood (i.e., outside of 500-year floodplain). 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 Bank boundary. Bordering Land Subject to Flooding does not have a 100-foot Buffer Zone under the Regulations.

Under Section 22-22 of the Ordinance which identifies the Floodplain/Watershed Protection District, under Section (g)3., Saw Mill Brook has a 30-foot offset from the centerline on both sides of the stream. Based upon survey, the Ordinance Floodplain is located well off-site to the south. 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, Boston South Quadrangle, dated 1987 (attached), Saw Mill Brook, which is located off-site to the southeast, is mapped as intermittent. Based upon the Massachusetts StreamStats Report (attached), Saw Mill Brook, to a point downstream of the site, has a watershed area of 0.18 square miles. Given the stream mapping and the watershed area, this stream would be designated as intermittent under the Regulations and would not have an associated 200-foot 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*, 15th edition, valid from August 1, 2021 (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 Project and Analysis:

The subject site consists of a 25,605±-square-foot parcel located at the southeastern terminus of Kessler Way in Chestnut Hill, Massachusetts. The northern part of the site is almost entirely developed with a single-family house, paved driveway, front walk, existing patio, various retaining walls, and associated lawn and landscaping. Photographs of the existing conditions at the proposed patio and walkway are attached to this letter. Existing drainage easements in the northern part of the site significantly constrain additional development in the northern portion of the site. A significant retaining wall separates the developed northern part of the site from the undeveloped southern portion of the site. Wetland resource areas associated with Saw Mill Brook occur both on-site and off-site to the south of the retaining wall; the 100-foot Buffer Zone to Bordering Vegetated Wetlands includes much of the northern part of the site.

The proposed project consists of the removal of the existing patio, safety fence, and granite steps and the construction of a new, expanded patio with safety fence and walkway contained within proposed retaining walls as shown on the Site Plan. The existing patio is 135± square feet and the granite steps cover 40± square feet; the proposed patio is 293± square feet and the proposed walkway is 119± square feet. The increase in impervious surface is minimal (277± square feet); as such, stormwater improvements under the City of Newton standards are not needed or proposed. Outdoor entertaining space is extremely limited on the property; this proposed patio allows the opportunity for expanded outdoor space within a previously developed part of the site while providing the same level of protection to the adjacent wetland resource areas as the existing condition. The size and location of the patio is controlled by the existing drainage easement in this area. The proposed retaining walls are up to seven feet in height at the proposed patio and one to one-and-a-half feet in height along the proposed walkway. The area to the east of the proposed patio and walkway will be graded and vegetated; seven native shrubs are proposed as a hedge along the northern part of the proposed walkway. This work is proposed within the 100' Buffer Zone; no work is proposed within the 25' Buffer Zone although a small portion of lawn within the 25' Buffer Zone will be contained within the proposed erosion control barrier and be used to provide access for the construction of the proposed project. Access for the proposed work will be to the east of the house. Any storage or stockpiling of materials will occur within the Limit of Work; any stockpile will be covered with a tarp with excess material removed from the site. Disturbed lawn areas will be returned to existing grade and seeded or sodded as lawn. The erosion control barrier will remain in place until the site is vegetatively stabilized and permission of the issuing majority has been received.

Narrative Standard for Work in the Buffer Zone:

Section 10.53(1) of the Regulations provides a narrative standard for work in the Buffer Zone and states "...If the issuing authority determines that a resource area is significant to an interest identified in M.G.L. c. 131, § 40 for which no presumption is stated in the Preamble to the applicable section, the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests. For work in the buffer zone subject to review under 310 CMR 10.02(2)(b)3., the issuing authority shall impose conditions to protect the interests of the Act identified for the adjacent resource area. The potential for adverse impacts to resource areas from work in the buffer zone may increase with the extent of the work and the proximity to the resource area. The issuing authority may consider the characteristics of the buffer zone, such as the presence of steep slopes, that may increase the potential for adverse impacts on resource areas. Conditions may include limitations on the scope and location of work in the buffer zone as necessary to avoid alteration of resource areas. The issuing authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the resource area and/or other measures commensurate with the scope and location of the work within the buffer zone to protect the interests of the Act. Where a buffer zone has already been developed, the issuing authority may consider the extent of existing development in its review of subsequent proposed work and, where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a resource area to protect the interest of the Act. The purpose of preconstruction review of work in the buffer zone is to ensure that adjacent resource areas are not adversely affected during or after completion of the work." As indicated in the Preface to the 2005 Revisions to the Regulations, "This standard is intended to provide better guidance to applicants, conservation commissions and DEP by identifying the measures that will ensure that adjacent wetland resource areas are not adversely affected during or after completion of the work."

Prior to the start of earth moving activities, an erosion control barrier consisting of staked compost sock, which will also serve as the Limit of Work, will be located around the work area as shown on the Site Plan. The erosion control barrier has been located within existing lawn and will include a staging area for the proposed work; this area will be restored to lawn upon completion of the project. This erosion control barrier will be maintained until the work area is stabilized by the patio/retaining wall, walkway/retaining wall, or vegetation. Approval of the issuing authority will be received prior to the removal of the erosion control barrier. The work area consists of an existing patio with fence, granite steps, and landscaped or rip-rapped slopes. Under proposed conditions, the southern part of the slope will be eliminated and contained within the proposed retaining wall. The eastern vegetated/rip-rapped slope will be largely retained. The proposed project results in slight increase in impervious surface on the site and in the 100-foot Buffer Zone; however, it does not trigger the need for stormwater controls under City of Newton standards.

City of Newton 25-foot Naturally Vegetated Buffer (NVB) Policy:

This Policy was implemented in June 2019 and is intended to protect the functions of Newton's wetland resource areas by protecting and or re-establishing a naturally vegetated buffer proximate to protected wetland resource areas. The existing resource area is a vegetated wetland located to

the southeast of a substantial retaining wall which was constructed as part of the initial permitting on the site. This wall effectively separates the developed area to the north from the undeveloped forest and wetland resource areas to the south. The proposed project, which consists of a patio expansion and walkway, will not adversely affect the ability of the Buffer Zone to protect the statutory interests. The existing lawn areas to the east and south of the house are necessary to provide safe access and egress from the house. No change of use is proposed within the 25' Buffer Zone; a portion of the existing lawn area, which includes a small area within the 25' Buffer Zone, will be surrounded by an erosion control barrier and used as a staging area for the proposed project. The proposed project will not convert any of this lawn area to a naturalized area. The project does include the establishment of a native hedge with seven plants proximate to the proposed walkway.

Conclusions:

In conclusion, work associated with the proposed project will not occur in wetland resource areas subject to protection under the Act, Regulations, or Floodplain Ordinance. Work is proposed within a previously developed area within the 100-foot Buffer Zone under the Regulations. As described above, the work has been designed to meet the narrative performance standards for work in the 100-foot Buffer Zone. A substantial retaining wall separates the developed and undeveloped portions of the site; although a portion of the 25' Naturally Vegetated Buffer is proposed to be used as a staging area for this work, this area is currently lawn and will be restored as lawn upon completion of the project. No part of the Floodplain Ordinance applies to the site. As such, it is EcoTec's opinion that the proposed project complies with the applicable provisions of the Act and Regulations and will serve to protect the applicable statutory interests.

We look forward to meeting remotely with the Conservation Commission on this matter on October 28, 2021. If you have any questions, please feel free to contact me at any time.

Cordially,
ECOTEC, INC.

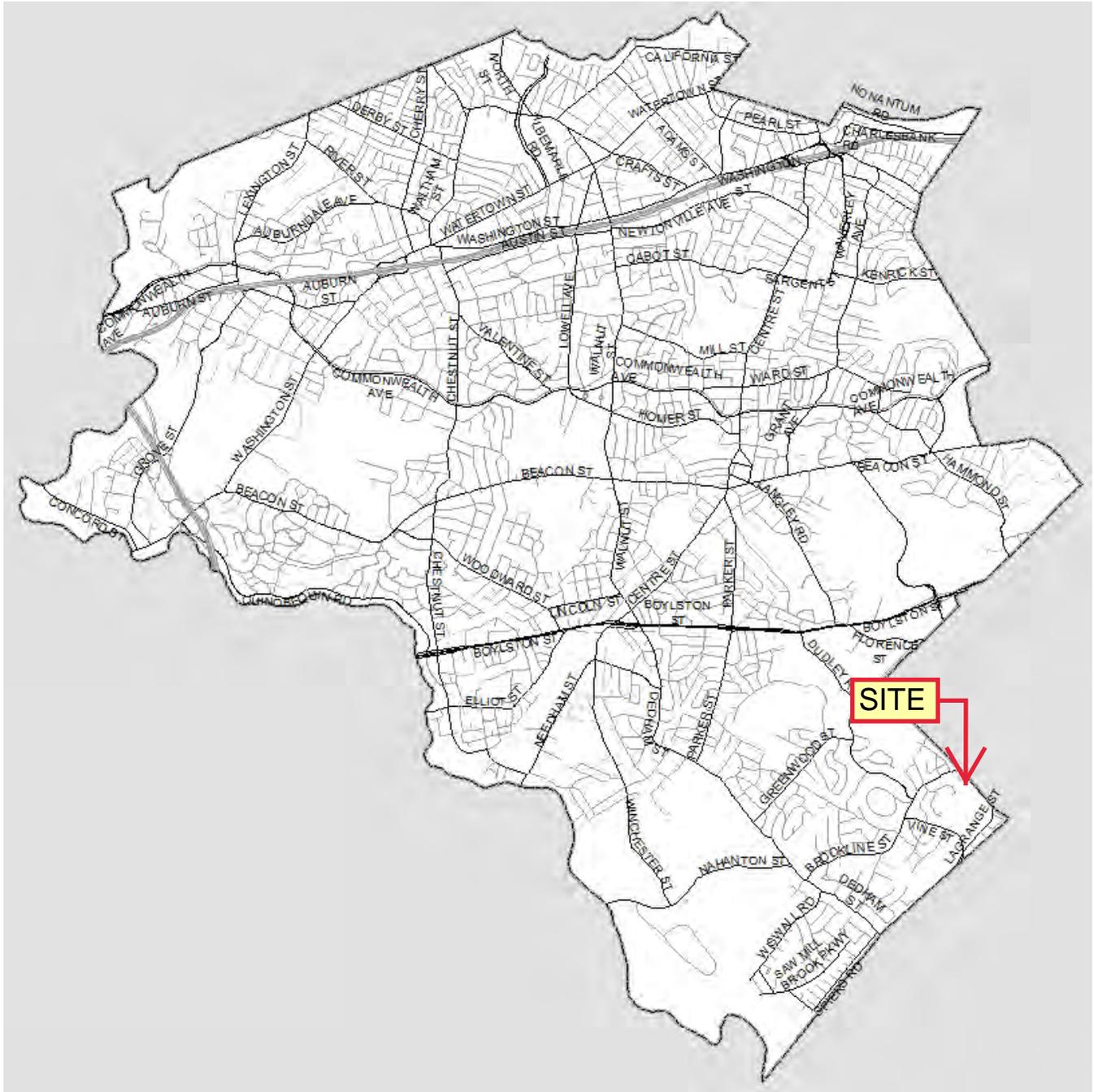


John P. Rockwood, Ph.D., SPWS
Principal Environmental Scientist

Cc: Department of Environmental Protection, Northeast Regional Office (by Certified Mail
/Return Receipt Requested)
Joseph Porter PLS, VTP Associates, Inc. (via Email)
Jorge Oslan, Applicant (via Email)
Srikant and Ramya Rao, Owners (via Email)

18/w/NEWTON31KESSELER NOI CL

Newton Locus Map



DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant:

Prepared by: EcoTec, Inc.

Project location: 31 Kessler Way, Newton

DEP File # :

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indications of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. Vegetation	Observation Plot Number: B4	Transect Number: Up	Date of Delineation: 5/19/2021			
A. Sample Layer and Plant Species # (by common/scientific name)		B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category * #	
Tree	Northern Red Oak	<i>Quercus rubra</i>	15	25	Yes	FACU-
	White Birch	<i>Betula papyrifera</i>	15	25	Yes	FACU
	White Ash	<i>Fraxinus americana</i>	20	33	Yes	FACU
	Shag-bark Hickory	<i>Carya ovata</i>	10	17	No	FACU-
Climbing Woody Vine	Poison Ivy	<i>Toxicodendron radicans</i>	10	100	Yes	FAC*
Sapling	Red Maple	<i>Acer rubrum</i>	10	33	Yes	FAC*
	Northern Red Oak	<i>Quercus rubra</i>	10	33	Yes	FACU-
	American Plum	<i>Prunus americana</i>	10	33	Yes	FACU-
Shrub	Black Cherry	<i>Prunus serotina</i>	20	80	Yes	FACU
	Common Buckthorn	<i>Rhamnus cathartica</i>	5	20	Yes	NL
Ground Cover	Black Cherry	<i>Prunus serotina</i>	10	20	Yes	FACU
	Common Greenbrier	<i>Smilax rotundifolia</i>	5	10	No	FAC*
	Oriental Bitter-sweet	<i>Celastrus orbiculata</i>	15	30	Yes	NL
	Virginia Creeper	<i>Parthenocissus quinquefolia</i>	20	40	Yes	FACU
	Pennsylvania Sedge	<i>Carex pensylvanica</i>	10	20	Yes	NL

Plant Taxonomy and Wetland Indicator Category from "National List of Plant Species that Occur in Wetlands: Massachusetts" (Fish & Wildlife Service, U.S. Department of the Interior, 1988) as required by 310 CMR 10.55(2)(c).

*Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c. 131, s. 40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusions:
 Number of dominant wetland indicator plants: 2 Number of dominant non-wetland indicator plants: 11
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? No

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

TRANSECT B4 UP (CONT.)

Section II. Indicators of Hydrology

1. Soil Survey

Is there a published soil survey for this site? -

title/date: -
 map number: -
 soil type mapped: -
 hydric soil inclusions: -

Are field observations consistent with soil survey? -

Remarks: -

2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottle Color
A	0-6	10 YR 3/2 Loam	-
B	6-20	10 YR 5/6 Sandy Loam	-

Remarks: Terminated at 20 inches; groundwater not encountered.

3. Other: -

Conclusion: Is soil Hydric? No

Other Indications of Hydrology: (check all that apply and describe)

- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: _____
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____

- Other: _____

Vegetation and Hydrology Conclusion		
	yes	no
Number of wetland indicator plants ≥ number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sample location is in a BVW	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant:

Prepared by: EcoTec, Inc.

Project location: 31 Kessler Way, Newton

DEP File # :

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indications of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. Vegetation		Observation Plot Number: B4	Transect Number: Wet	Date of Delineation: 5/19/2021		
A. Sample Layer and Plant Species # (by common/scientific name)			B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category * #
Tree	Red Maple	<i>Acer rubrum</i>	40	47	Yes	FAC*
	American Sycamore	<i>Platanus occidentalis</i>	25	29	Yes	FACW-*
	American Plum	<i>Prunus americana</i>	10	12	No	FACU-
	Shag-bark Hickory	<i>Carya ovata</i>	10	12	No	FACU-
Climbing Woody Vine	Poison Ivy	<i>Toxicodendron radicans</i>	10	100	Yes	FAC*
Sapling	Red Maple	<i>Acer rubrum</i>	10	100	Yes	FAC*
Shrub	Northern Spicebush	<i>Lindera benzoin</i>	40	89	Yes	FACW-*
	Common Buckthorn	<i>Rhamnus cathartica</i>	5	11	No	NL
Ground Cover	Poison Ivy	<i>Toxicodendron radicans</i>	5	33	Yes	FAC*
	Virginia Creeper	<i>Parthenocissus quinquefolia</i>	5	33	Yes	FACU
	Oriental Bitter-sweet	<i>Celastrus orbiculata</i>	5	33	Yes	NL

Plant Taxonomy and Wetland Indicator Category from "National List of Plant Species that Occur in Wetlands: Massachusetts" (Fish & Wildlife Service, U.S. Department of the Interior, 1988) as required by 310 CMR 10.55(2)(c).

*Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c. 131, s. 40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusions:
 Number of dominant wetland indicator plants: 6 Number of dominant non-wetland indicator plants: 2
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Yes

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

TRANSECT B4 WET (CONT.)

Section II. Indicators of Hydrology

1. Soil Survey

Is there a published soil survey for this site? -

title/date: -
 map number: -
 soil type mapped: -
 hydric soil inclusions: -

Are field observations consistent with soil survey? -

Remarks: -

2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottle Color
A	0-24	10 YR 2/1 Mucky Loam	Pore Linings
B	24-26	10 YR 6/1 Sand	7/5 YR 5/6

Remarks: Terminated at 26 inches.

3. Other: -

Conclusion: Is soil Hydric? Yes

Other Indications of Hydrology: (check all that apply and describe)

- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: 8 inches
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____
- Other: _____

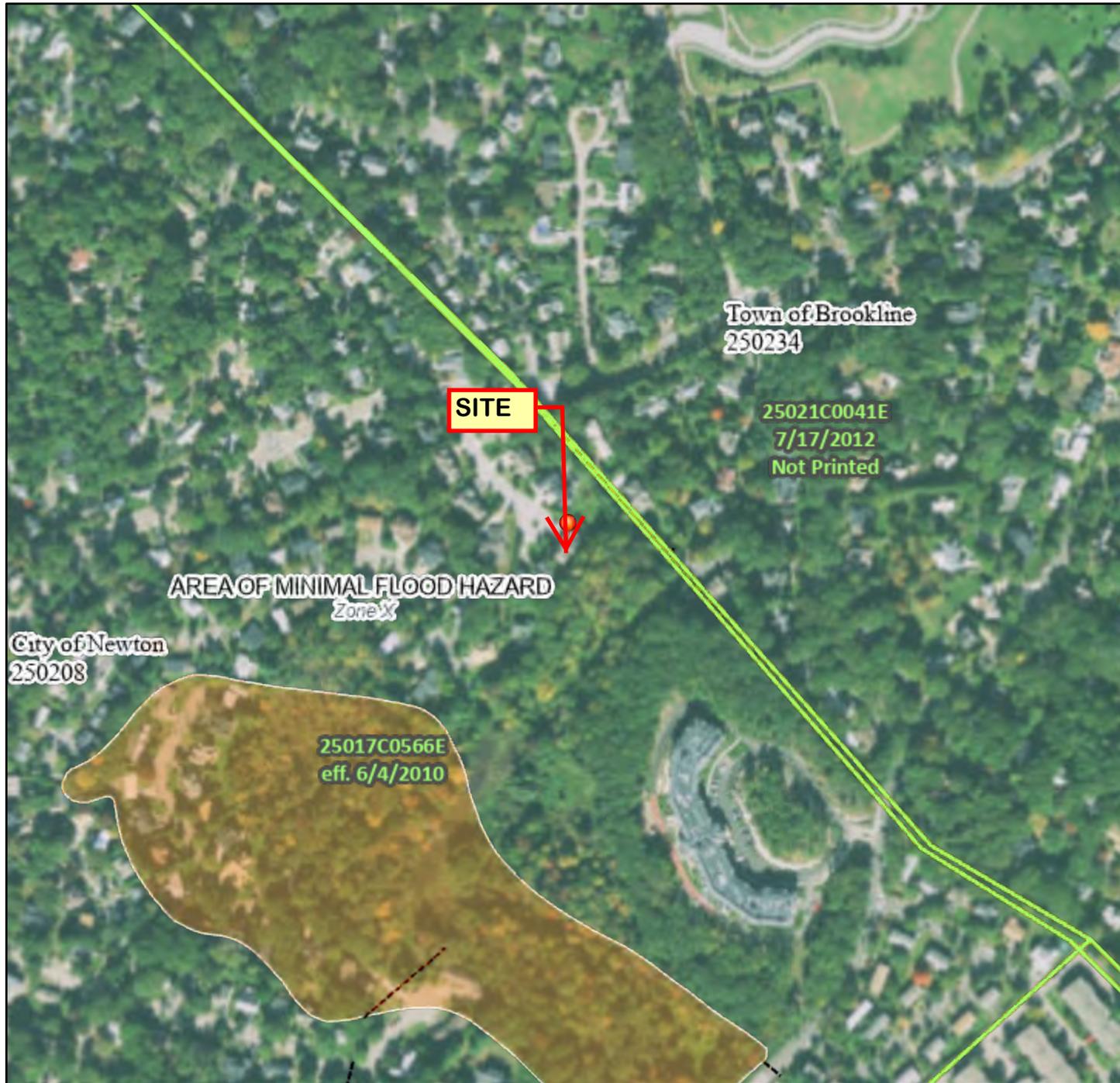
Vegetation and Hydrology Conclusion		
	yes	no
Number of wetland indicator plants ≥ number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sample location is in a BVW	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

National Flood Hazard Layer FIRMMette



71°10'28"W 42°18'37"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
		Area of Undetermined Flood Hazard <i>Zone D</i>
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation 17.5
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

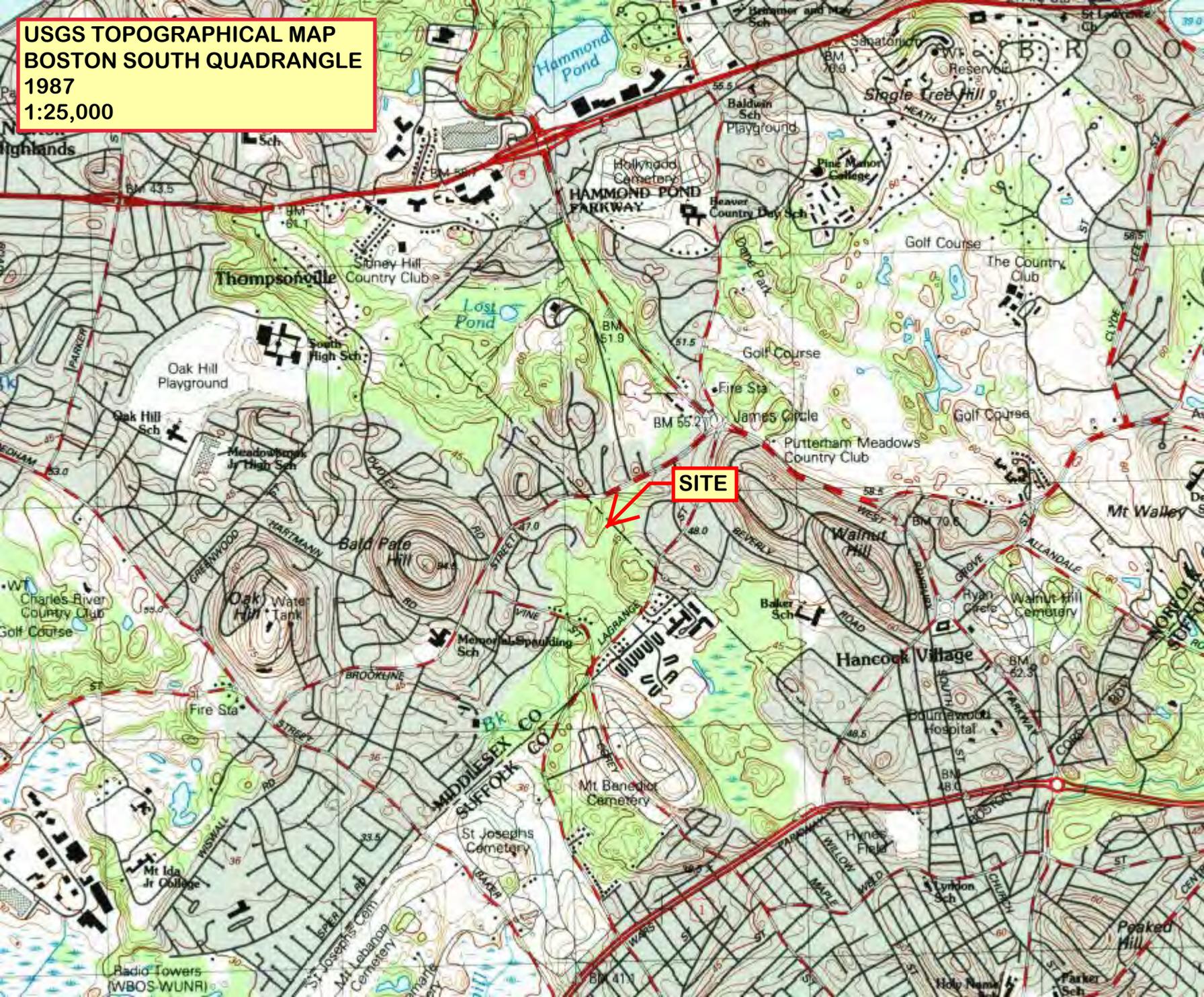
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/19/2021 at 5:28 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

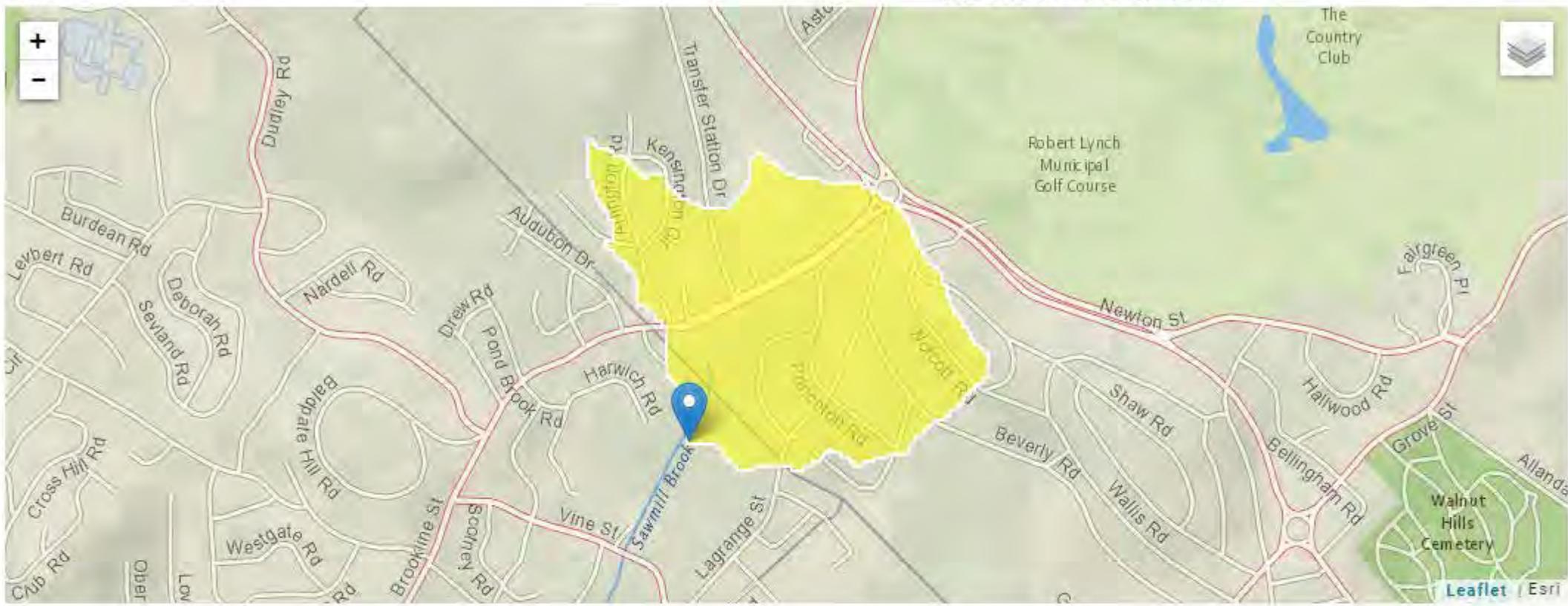
USGS TOPOGRAPHICAL MAP
BOSTON SOUTH QUADRANGLE
1987
1:25,000



StreamStats Report

Region ID:
Workspace ID:
Clicked Point (Latitude, Longitude):
Time:

MA
MA20210519213114989000
42.30515, -71.16907
2021-05-19 17:31:33 -0400

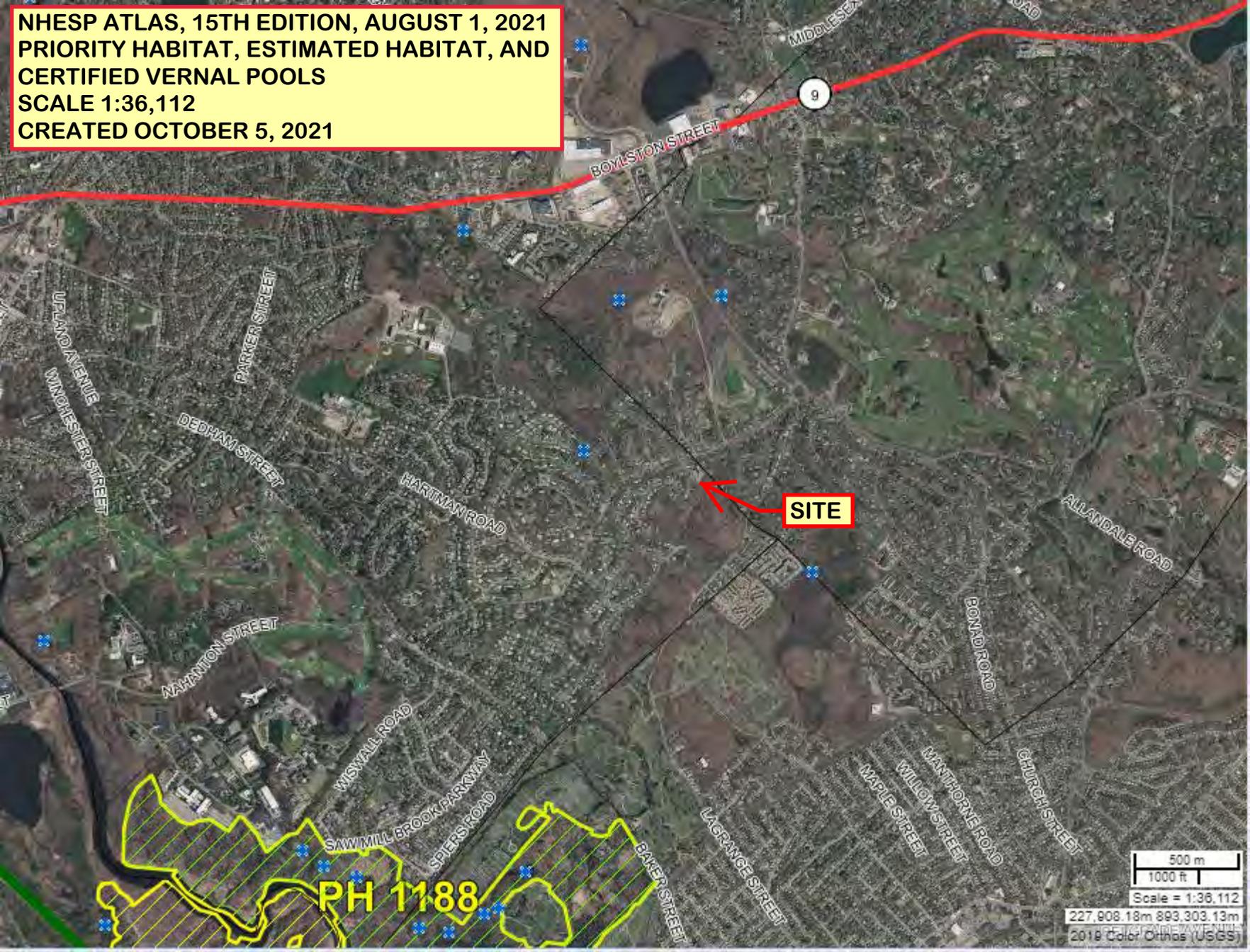


Basin Characteristics			
Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	0.18	square miles

USGS Data Disclaimer: Unless otherwise stated, all data, metadata and related materials are considered to satisfy the quality standards relative to the purpose for which the data were collected. Although these data and associated metadata have been reviewed for accuracy and completeness and approved for release by the U.S. Geological Survey (USGS), no warranty expressed or implied is made regarding the display or utility of the data for other purposes, nor on all computer systems, nor shall the act of distribution constitute any such warranty.

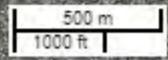
USGS Software Disclaimer: This software has been approved for release by the U.S. Geological Survey (USGS). Although the software has been subjected to rigorous review, the USGS reserves the right to update the software as needed pursuant to further analysis and review. No warranty, expressed or implied, is made by the USGS or the U.S. Government as to the functionality of the software and related material nor shall the fact of release constitute any such warranty. Furthermore, the software is released on condition that neither the USGS nor the U.S. Government shall be held liable for any damages resulting from its authorized or unauthorized use.

NHESP ATLAS, 15TH EDITION, AUGUST 1, 2021
PRIORITY HABITAT, ESTIMATED HABITAT, AND
CERTIFIED VERNAL POOLS
SCALE 1:36,112
CREATED OCTOBER 5, 2021



SITE

PH 1188



Scale = 1:36,112

227,908.18m 893,303.13m

2018 Color Ortho (USGS)

Existing Conditions Photographs:



View to West showing Existing Retaining Walls, Granite Steps with Railings, Landscaping, Fences, and Patio to be Removed and Enlarged; The Granite Steps and Railings will be Removed.



View to Southeast along Driveway and House of Proposed Walkway Location; The Existing Fence will be Retained or Replaced.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

Important:

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



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

A. General Information

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

31 Kessler Way
a. Street Address

Newton
b. City/Town

02467
c. Zip Code

Latitude and Longitude:
42.30663
d. Latitude

-71.16921
e. Longitude

82 037
f. Assessors Map/Plat Number

0093
g. Parcel /Lot Number

2. Applicant:

Jorge
a. First Name

Oslan
b. Last Name

--
c. Organization

61 Central Avenue
d. Street Address

Needham
e. City/Town

MA
f. State

02494
g. Zip Code

978-590-3199
h. Phone Number

--
i. Fax Number

jloslan@verizon.net
j. Email Address

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

Srikant and Ramya
a. First Name

Rao
b. Last Name

--
c. Organization

31 Kessler Way
d. Street Address

Newton
e. City/Town

MA
f. State

02467
g. Zip Code

610-324-2316
h. Phone Number

--
i. Fax Number

srikant.m.rao@gmail.com
j. Email address

4. Representative (if any):

John
a. First Name

Rockwood
b. Last Name

EcoTec, Inc.
c. Company

102 Grove Street
d. Street Address

Worcester
e. City/Town

MA
f. State

01605
g. Zip Code

508-752-9666 x3
h. Phone Number

--
i. Fax Number

jrockwood@ecotecinc.com
j. Email address

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

\$110.00
a. Total Fee Paid

\$ 42.50
b. State Fee Paid

\$ 67.50
c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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

A. General Information (continued)

6. General Project Description:

The project consists of the expansion of an existing patio with associated retaining wall and paver walkway and the removal of existing granite steps with associated grading and landscaping. Erosion controls are proposed. See Cover Letter and Site Plan for additional information.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

--

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Middlesex South	--
a. County	b. Certificate # (if registered land)
69853	585
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	-- 1. linear feet	-- 2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	-- 1. square feet	-- 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	-- 1. square feet	-- 2. square feet
	--	--
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	-- 1. square feet	-- 2. square feet
	--	--
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	-- 1. square feet	--
	--	--
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	--	--
	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project:
 square feet

4. Proposed alteration of the Riverfront Area:

 a. total square feet b. square feet within 100 ft. c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	-- 1. square feet -- 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	-- 1. square feet	-- 2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	-- 1. square feet	-- 2. cubic yards dune nourishment

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	-- 1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	-- 1. square feet	
h. <input type="checkbox"/> Salt Marshes	-- 1. square feet	-- 2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	-- 1. square feet -- 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	-- 1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above -- 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	-- 1. square feet	

4. Restoration/Enhancement
 If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

-- a. square feet of BVW	-- b. square feet of Salt Marsh
-----------------------------	------------------------------------

5. Project Involves Stream Crossings

-- a. number of new stream crossings	-- b. number of replacement stream crossings
---	---



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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

C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

August 1, 2021
b. Date of map

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

c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:

(a) within wetland Resource Area	--

	percentage/acreage
(b) outside Resource Area	--

	percentage/acreage

2. Assessor's Map or right-of-way plan of site

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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

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

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

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

D. Additional Information

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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

D. Additional Information (cont'd)

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

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

A complete list of materials included as part of this NOI is provided in the Cover Letter.

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

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

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

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

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

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

<u>21033</u>	<u>9/28/2021</u>
2. Municipal Check Number	3. Check date
<u>21034</u>	<u>9/28/2021</u>
4. State Check Number	5. Check date
<u>EcoTec, Inc.</u>	<u>--</u>
6. Payor name on check: First Name	7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

F. Signatures and Submittal Requirements

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

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

See Next Page

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

F. Signatures and Submittal Requirements

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

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

J. Oslan
 1. Signature of Applicant

[Signature]
 3. Signature of Property Owner (if different)

 5. Signature of Representative (if any)

10/5/2021

 2. Date

10/5/2021

 4. Date

 6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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