

# Notice of Intent Application and Wetland Resource Area Analysis



November 2, 2021

Subject Property

100 Boulder Road  
Parcel ID: 81019 0001  
Newton, Massachusetts

Applicant and Property Owner

Amir Nashat  
100 Boulder Road  
Newton, MA 02459

**LEC Environmental Consultants, Inc.**

380 Lowell Street, Suite 101  
Wakefield, MA 01880  
781-245-2500

*[www.lecenvironmental.com](http://www.lecenvironmental.com)*



November 2, 2021

**Hand Delivery**

Newton Conservation Commission  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

**Re: Notice of Intent Application and  
Wetland Resource Area Analysis  
100 Boulder Road  
Parcel ID: 81019 0001  
Newton, Massachusetts**

[LEC File #: RJOA\20-423.02]

Dear Members of the Conservation Commission:

On behalf of the Applicant and Property Owner, Amir Nashat, LEC Environmental Consultants, Inc., (LEC) is filing the enclosed Notice of Intent (NOI) Application and *Wetland Resource Area Analysis* with the Newton Conservation Commission to raze and rebuild a single-family dwelling and associated site appurtenances at the above-referenced property. The proposed activities will occur within the 200-foot Riverfront Area, Bordering Land Subject to Flooding (BLSF), and the 100-foot Buffer Zone to Bank associated with South Meadow Brook. A non-jurisdictional Isolated Vegetated Wetland (IVW) also occurs on the property. The Applicant proposes to implement erosion controls, Riverfront Area/Bordering Land Subject to Flooding (BLSF) restoration/enhancement, and compensatory flood storage to minimize the potential for impacts to resource areas and to improve existing site conditions. The project also results in a reduction of impervious surface.

LEC was retained to identify Wetland Resource Areas protectable under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*), its implementing Regulations (310 CMR 10.00, the *Regulations*), and the *City of Newton Floodplain Ordinance* (Section 22-22) and to prepare this NOI Application. RJ O’Connell & Associates, Inc., has prepared the enclosed *Layout Demo and Erosion Control Plan* (Sheet DEMO-1) and the Grading, Drainage, and Utility Plan (Sheet C-1), both dated November 1, 2021 (Appendix D).

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LEC Environmental Consultants, Inc.		<a href="http://www.lecenvironmental.com">www.lecenvironmental.com</a>		
12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491	380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500	100 Grove Street Suite 302 Worcester, MA 01605 508.753.3077	P.O. Box 590 Rindge, NH 03461 603.899.6726	680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109
PLYMOUTH, MA	WAKEFIELD, MA	WORCESTER, MA	RINDGE, NH	EAST PROVIDENCE, RI



Enclosed please find two checks made payable to the City of Newton in the amounts of Three Hundred and Sixty-Two Dollars and Fifty Cents (\$362.50) and Fifty Dollars (\$50.00) for the purpose of filing this Application under State and Local guidelines, respectively. A check payable to the Commonwealth of Massachusetts in the amount of Three Hundred and Eighty-Seven Dollars and Fifty Cents (\$387.50) has been sent to the DEP Lockbox with the Wetland Fee Transmittal Form.

Thank you for your consideration of this Application. We look forward to meeting with you at the November 18, 2021 Public Hearing. Should you have any questions, please do not hesitate to contact me in our Wakefield office at 781-245-2500 or at [rkirby@lecenvironmental.com](mailto:rkirby@lecenvironmental.com).

Sincerely,

**LEC Environmental Consultants, Inc.**

A handwritten signature in black ink, appearing to read "Richard A. Kirby", with a long horizontal flourish extending to the right.

Richard A. Kirby  
Senior Wetland Scientist

cc: DEP, Northeast Region  
Amir Nashat  
RJ O'Connell & Associates, Inc.

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rak: projects\20-423.02NOI Report.docx

- i. WPA Form 3 – Notice of Intent
- ii. WPA Appendix B – Wetland Fee Transmittal Form
- iii. Affidavit of Service
- iv. Letter to Abutters
- v. Abutter Notification Form
- vi. Certified List of Abutters

**Wetland Resource Area Analysis and Report**

<b>1.</b>	<b>Introduction</b>	<b>1</b>
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**Literature Cited****Appendices**

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**Appendix A**

Locus Maps

Figure 1: USGS Topographic Quadrangle

Figure 2: FEMA Flood Insurance Rate Map

Figure 3: MassGIS Orthophoto & NHESP Estimated Habitat Map

**Appendix B**

Figure 1: Total Riverfront Area on the Site

Figure 2: Onsite Coverage Areas (Existing) within Riverfront Area

Figure 3: Onsite Coverage Areas (Proposed) within Riverfront Area

Figure 4: Onsite Areas (Existing) within 25-foot Buffer from Top of Bank

Figure 5: Onsite Areas (Proposed) within 25-foot Buffer from Top of Bank

**Appendix C**

Riverfront Area Mitigation Planting Plan dated October 11, 2021

prepared by LEC

**Appendix D**

*Layout Demo and Erosion Control Plan* (Sheet DEMO-1), dated November 1, 2021

prepared by RJ O'Connell & Associates, Inc.

*Grading, Drainage, and Utility Plan*, dated November 1, 2021, prepared by RJ O'Connell & Associates, Inc.

**Appendix E**

RJ O'Connell & Associates, Inc., Letter re: Stormwater dated November 1, 2021



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  
City of Newton Floodplain Ordinance 22-22

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):

100 Boulder Road

a. Street Address

Newton

b. City/Town

02459

c. Zip Code

Latitude and Longitude:

42.3122415818664 N

d. Latitude

-71.199963704618 W

e. Longitude

Parcel ID: 81019 0001

f. Assessors Map/Plat Number

g. Parcel /Lot Number

2. Applicant:

Amir

a. First Name

Nashat

b. Last Name

N/A

c. Organization

100 Boulder Road

d. Street Address

Newton

e. City/Town

MA

f. State

02159

g. Zip Code

781-640-5148

h. Phone Number

N/A

i. Fax Number

nashat05@gmail.com

j. Email Address

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

Same as Applicant

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Richard A.

a. First Name

Kirby

b. Last Name

LEC Environmental Consultants, Inc.

c. Company

380 Lowell Street, Suite 101

d. Street Address

Wakefield

e. City/Town

MA

f. State

01880

g. Zip Code

781-245-2500

h. Phone Number

781-245-6677

i. Fax Number

rkirby@lecenvironmental.com

j. Email address

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

\$750.00

a. Total Fee Paid

\$362.50

b. State Fee Paid

\$387.50

c. City/Town Fee Paid



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**A. General Information (continued)**

6. General Project Description:

The Applicant proposes to raze and rebuild a single-family dwelling and associated site appurtenances (retaining the existing foundation and adding an addition, deck, and patio). Portions of the proposed activities are located within Riverfront Area and Bordering Land Subject to Flooding associated with Meadow Brook. Erosion controls, a reduction in impervious surface, and Riverfront Area restoration and enhancement are proposed.

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:

Southern Middlesex

N/A

a. County

b. Certificate # (if registered land)

43058

29

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  
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**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 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	110± 1. square feet 158± 3. cubic feet of flood storage lost	7,360± 2. square feet 795± 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 checked="" type="checkbox"/> Riverfront Area	Meadow Brook 1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

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: 11,570  
square feet

4. Proposed alteration of the Riverfront Area:

<u>3,630±</u>	<u>3,630±</u>	<u>0</u>
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.





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**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. <input type="checkbox"/> 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. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



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### 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

1. 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](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**

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\*

1.  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
2.  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 \*\*
- (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
- (b)  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  
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**C. Other Applicable Standards and Requirements (cont'd)**

(c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).  
 Make check payable to “Commonwealth of Massachusetts - NHESP” and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d)  Vegetation cover type map of site
- (e)  Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1.  Project is exempt from MESA review.  
 Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2.  Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_

3.  Separate MESA review completed.  
 Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a.  Not applicable – project is in inland resource area only      b.  Yes     No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
 Southeast Marine Fisheries Station  
 Attn: Environmental Reviewer  
 836 South Rodney French Blvd.  
 New Bedford, MA 02744  
 Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
 North Shore Office  
 Attn: Environmental Reviewer  
 30 Emerson Avenue  
 Gloucester, MA 01930  
 Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP’s Boston Office. For coastal towns in the Southeast Region, please contact MassDEP’s Southeast Regional Office.

- c.  Is this an aquaculture project?      d.  Yes     No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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**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

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- 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  
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#### 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.
 

<u>Existing Conditions Plan; Layout, Demo, and Erosion Control Plan; and Grading, Drainage And Utility Plan</u>	
a. Plan Title	
<u>RJ O'Connell &amp; Associates, Inc.</u>	<u>Brian Timm</u>
b. Prepared By	c. Signed and Stamped by
<u>Dated November 1, 2021</u>	<u>1" = 20'</u>
d. Final Revision Date	e. Scale
<u>Riverfront Area Restoration and Enhancement Planting Plan prepared by LEC Environmental Consultants, Inc.</u>	<u>October 11, 2021</u>
f. Additional Plan or Document Title	g. Date
- 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>287</u>	<u>9/29/2021</u>
2. Municipal Check Number	3. Check date
<u>286</u>	<u>9/29/2021</u>
4. State Check Number	5. Check date
<u>The Amir Hossein Nashat Trust 2007</u>	<u>Amir Hossein Nashat Trustee</u>
6. Payor name on check: First Name	7. Payor name on check: Last Name



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**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.



1. Signature of Applicant



2. Date

3. Signature of Property Owner (if different)



4. Date

9/28/2021

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:**

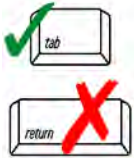
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 City of Newton Floodplain Ordinance 22-22

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



**A. Applicant Information**

1. Location of Project:

100 Boulder Road	Newton
a. Street Address	b. City/Town
286	\$362.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Amir	Nashat	
a. First Name	b. Last Name	
Home Owner		
c. Organization		
100 Boulder Road		
d. Mailing Address		
Newton	MA	02159
e. City/Town	f. State	g. Zip Code
781-640-5148	N/A	nashat052gmail.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

Same as Applicant		
a. First Name	b. Last Name	
c. Organization		
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 City of Newton Floodplain Ordinance 22-22

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
2a.) construction of a single-family home	1.5 (RF Area)	\$500.00	\$750.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Step 5/Total Project Fee:</b>			\$750.00
<b>Step 6/Fee Payments:</b>			
Total Project Fee:			\$750.00
State share of filing Fee:			\$362.50
City/Town share of filing Fee:			\$387.50
			a. Total Fee from Step 5
			b. 1/2 Total Fee <b>less</b> \$12.50
			c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



## AFFIDAVIT OF SERVICE

Under the *Massachusetts Wetlands Protection Act*

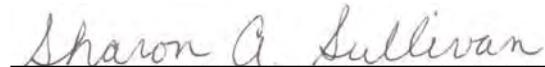
and the

*City of Newton Floodplain Ordinance*

I, Sharon A. Sullivan, on behalf of Amir Nashat, hereby certify under the pains and penalties of perjury that on November XX, 2021, I gave notification to abutters in compliance with the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *City of Newton Floodplain Ordinance*, in connection with the following matter:

A Notice of Intent filed under the *Massachusetts Wetlands Protection Act* and the *City of Newton Floodplain Ordinance* by LEC Environmental Consultants, Inc. on behalf of the Applicant, Amir Nashat, with the City of Newton Conservation Commission on November 2, 2021 for property located at 100 Boulder Road (Assessor's Parcel ID 81019 0001) in Newton, Massachusetts.

The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

  
\_\_\_\_\_

Sharon A. Sullivan  
Permitting Technician

11/XX/2021

Date



November XX, 2021

**Certified Mail**

«Name»  
«Name2»  
«Address»  
«City», «State» «Zip»

**Re: Notice of Intent Application  
100 Boulder Road  
Assessor’s Parcel ID: 81019-0001  
Newton, Massachusetts**

[LEC File #: RJOA\20-423.04]

Dear Abutter:

On behalf of the Applicant, Amir Nashat, LEC Environmental Consultants, Inc., (LEC) has filed a Notice of Intent (NOI) Application with the Newton Conservation Commission to raze and rebuild a single-family dwelling and associated site appurtenances. Erosion controls and native restoration/enhancement plantings are proposed. Work will occur within Riverfront Area, Bordering Land Subject to Flooding (BLSF), and the 100-foot Buffer Zone to Bank associated with South Meadow Brook, as protected by the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40) and its implementing *Regulations* (310 CMR 10.00), and the *City of Newton Floodplain Ordinance*.

The *Notice of Intent Application* and accompanying site plans are available for review by the public by contacting the Newton Conservation Commission. The remote Public Hearing will be held on November 18, 2021, starting at 7:00 p.m., in accordance with the provisions of M.G.L. Ch. 131, s. 40 and its implementing *Regulations* (310 CMR 10.00). Further information regarding this application will be published at least five (5) days in advance in the *Newton TAB*. Notice of the Public Hearing will also be posted at the Newton City Hall at least 48 hours in advance.

Please do not hesitate to review the materials and/or attend the public hearing should you have questions or concerns about the proposed project.

Sincerely,

**LEC Environmental Consultants, Inc.**

Richard A. Kirby  
Senior Wetland Scientist

LEC Environmental Consultants, Inc.			www.lecenvironmental.com	
12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491	380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500	100 Grove Street Suite 302 Worcester, MA 01605 508.753.3077	P.O. Box 590 Rindge, NH 03461 603.899.6726	680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109
PLYMOUTH, MA	WAKEFIELD, MA	WORCESTER, MA	RINDGE, NH	EAST PROVIDENCE, RI

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

In accordance with the second paragraph of Massachusetts Wetlands Protection Act (Massachusetts General Laws Chapter 131, Section 40) and the Newton Floodplain Protection Ordinance, you are hereby notified of the following.

The applicant filed a **Notice of Intent** with the Conservation Commission for the municipality of Newton, MA seeking permission to **remove, fill, dredge or alter an area subject to protection under the Wetlands Protection Act** (General Laws Chapter 131, Section 40) and **Newton Floodplain Protection Ordinance** (City Ordinance Section 22-22. Floodplain/Watershed Protection Provisions).

**Applicant:** Amir Nashat

**Project Location:** 100 Boulder Road

**Project Section-Block-Lot:** 81019 0001

**Project Description:** Raze and rebuild of a single-family dwelling and associated site

appurtenances.

**A Public Hearing will be held remotely via Zoom.**

**The Public Hearing will be held remotely on:**  
November 18, 2021  
(date) (time)

**The Public Hearing can be accessed remotely:**

- From your computer or tablet: (weblink)
- Meeting ID: [XXXXXXXXXX]
- From your phone: Dial +1 646 558 8656, followed by (meeting ID#) XXXXXXXXXXXX#

**Information regarding the date, time, and Zoom ID for the public hearing:** will be published at least five (5) days in advance in the TAB or may be obtained from the Newton Conservation Commission by calling 617-796-1134.

**Public Participation via Virtual Means**

In light of the ongoing COVID-19 coronavirus outbreak, Gov. Baker issued an Emergency Order on March 12, 2020, allowing public bodies greater flexibility utilizing technology in the conduct of meetings under the Open Meeting Law. The City of Newton has decided to implement the “remote participation” procedures allowed under Gov. Baker’s Emergency Order for all boards, committees, and commissions.

**Copies of the Notice of Intent can be requested by email from [jsteel@newtonma.gov](mailto:jsteel@newtonma.gov) and [crundelli@newtonma.gov](mailto:crundelli@newtonma.gov). You may also contact the Northeast Regional Office of the Department of Environmental Protection at 978-694-3200 for more information about this application or the Wetlands Protection Act.**

**Abutters List**[print this list](#)

Date: September 29, 2021

Subject Property Address: 100 BOULDER RD Newton, MA  
Subject Property ID: 81-019-0001

Search Distance: 100 Feet

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Prop ID: 81-014-0012  
Prop Location: 55 PLACID RD Newton, MA  
Owner: CARMEL ROI & LITAL  
Mailing Address:

55 PLACID RD  
NEWTON CENTRE, MA 02459

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Prop ID: 81-015-0010  
Prop Location: 87 BOULDER RD Newton, MA  
Owner: 88 HYDE PROPERTIES LLC  
Mailing Address:

275 WASHINGTON ST SUITE 400  
NEWTON, MA 02458

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Prop ID: 81-019-0002  
Prop Location: 90 BOULDER RD Newton, MA  
Owner: WEISSMAN MICHAEL  
Co-Owner: ADELSTEIN PAMELA K  
Mailing Address:

90 BOULDER RD  
NEWTON, MA 02459

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Prop ID: 81-019-0003  
Prop Location: 80 BOULDER RD Newton, MA  
Owner: LEVIN VADIM & MARIYA  
Mailing Address:

80 BOULDER RD  
NEWTON, MA 02459

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Prop ID: 81-019-0022

Prop Location: 33 CANNON ST Newton, MA  
Owner: GREINER ALEXIS  
Co-Owner: GREINER CRAIG  
Mailing Address:  
33 CANNON ST  
NEWTON, MA 02461

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Prop ID: 81-019-0023  
Prop Location: 36 CANNON ST Newton, MA  
Owner: BROS GAL ISH-LEV & ARIE  
Mailing Address:  
36 CANNON ST  
NEWTON, MA 02461

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Prop ID: 81-020-0004  
Prop Location: 294 WOODCLIFF RD Newton, MA  
Owner: SAHBTI NOAM  
Co-Owner: AUERBACH-SAHBTI NAOMI  
Mailing Address:  
294 WOODCLIFF RD  
NEWTON, MA 02461

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Prop ID: 81-020-0005  
Prop Location: 290 WOODCLIFF RD Newton, MA  
Owner: REITER ILAN I & ADA T  
Mailing Address:  
290 WOODCLIFF RD  
NEWTON, MA 02461

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Prop ID: 81-020-0006  
Prop Location: 284 WOODCLIFF RD Newton, MA  
Owner: KEREN ROI & TALIA  
Mailing Address:  
284 WOODCLIFF RD  
NEWTON, MA 02461

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Prop ID: 81-020-0007  
Prop Location: 280 WOODCLIFF RD Newton, MA

Owner: TYDYKOV VALERY & GALINA

Mailing Address:

280 WOODCLIFF RD  
NEWTON HGLDS, MA 02461

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Prop ID: 81-020-0030

Prop Location: 135 SELWYN RD Newton, MA

Owner: CHANDRA RAMA K & BARBARA L

Co-Owner: VACCA DOROTHY TRS

Mailing Address:

135 SELWYN RD  
NEWTON HGLDS, MA 02461

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Prop ID: 81-031-0001

Prop Location: 126 SELWYN RD Newton, MA

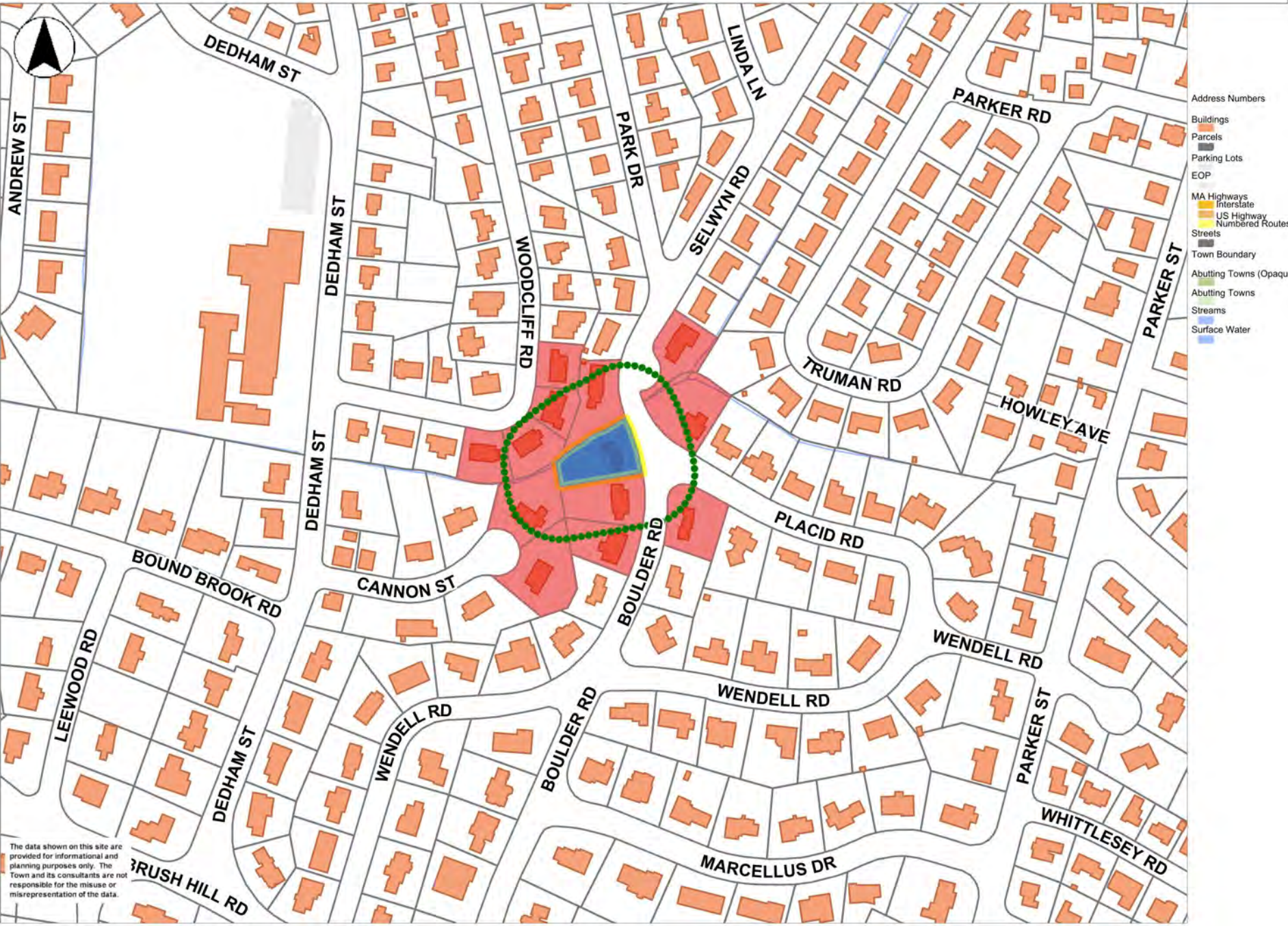
Owner: ROTENBERG ZORIAN

Co-Owner: RABKIN GALINA

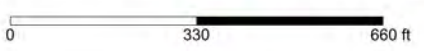
Mailing Address:

126 SELWYN RD  
NEWTON, MA 02461

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



Printed on 09/29/2021 at 09:26 AM



**Notice of Intent Application  
& Wetland Resource Area Analysis**

100 Boulder Road  
Assessor's Parcel ID: 81019 0001  
Newton, Massachusetts

November 2, 2021

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## 1. Introduction

On behalf of the Applicant and Property Owner, Amir Nashat, LEC Environmental Consultants, Inc., (LEC) is filing the enclosed Notice of Intent (NOI) Application and *Wetland Resource Area Analysis* with the Newton Conservation Commission to raze and rebuild a single-family dwelling and associated site appurtenances at 100 Boulder Road in Newton, Massachusetts. The proposed activities will occur within the 200-foot Riverfront Area, Bordering Land Subject to Flooding (BLSF), and the 100-foot Buffer Zone to Bank to South Meadow Brook as jurisdictional under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*), its implementing *Regulations* (310 CMR 10.00, the *Act Regulations*), and the *City of Newton Floodplain Ordinance* (Section 22-22, the *Floodplain Ordinance*). A non-jurisdictional Isolated Vegetated Wetland (IVW) also occurs on the site.

As part of this filing, the Applicant proposes to implement mitigation measures including the installation of erosion controls, Riverfront Area and BLSF restoration and enhancement, and compensatory flood storage to minimize the potential for impacts to resource areas and to improve existing site conditions. The project also results in a decrease of impervious surface. The existing conditions and proposed activities are depicted on the enclosed *Existing Conditions Plan* (Sheet EX-1), *Layout Demo and Erosion Control Plan* (Sheet DEMO-1) and the Grading, Drainage, and Utility Plan (Sheet C-1), all dated November 1, 2021 (Appendix D).

## 2. General Site Description

The 12,640± square foot property is located in a residential neighborhood east and north of Dedham Street and west of Parker Street, within the south-central portion of Newton, Massachusetts. More specifically, the site is off the west side of Boulder Road, proximate to its terminus. Single-family dwellings associated with Boulder Road, Cannon Street, and Placid Road are located south, west, and east of the property, respectively. South Meadow Brook flows westerly along the northern property boundary.

The property contains a single-family dwelling with an attached 1-car garage accessed from Boulder Road via a paved driveway. The majority of this dwelling sits upon a concrete foundation, while the southern portion is supported via sonotube footings. A brick paver walkway extends from Boulder Road to the front entrance, and a stepping

stone pathway extends along the northern façade of the dwelling to provide access to the backyard from the driveway. A wooden deck is located off the rear (west) facade of the dwelling. The dwelling is surrounded by lawn and landscape plants, including a raised garden bed within the backyard. A 4-foot-high metal chain link fence and a stockade fence are located along the northern property boundary. Three landscape shrubs and saplings are located within the backyard including viburnum (*Viburnum* sp.), cherry (*Prunus* sp.), and serviceberry (*Amelancier canadensis*).



Topography on site gently descends westerly from Boulder Road toward an IVW located in the eastern portion of the property, with an elevation gradient of  $5\pm$  feet. A steep vegetated upland slope descends from the northern lawn edge toward concrete embankments extending along South Meadow Brook.

Vegetation on this upland slope includes a canopy dominated by Norway maple (*Acer platanoides*), with individuals of ash (*Fraxinus* sp.) and American elm (*Ulmus*

*americana*). The understory is sparse and includes sapling oak (*Quercus* sp.) and multiflora rose (*Rosa multiflora*). The groundcover is similarly sparse and includes garlic mustard (*Alliaria petiolata*).

Utilizing a hand-held, Dutch-style auger, LEC inspected soil conditions within the low-lying backyard adjacent to the IVW, and observed a 15-inch-thick fine sandy loam topsoil (A Horizon) with a soil matrix color of 10YR 3/2. The topsoil is underlain by a weathered, fine sandy loam subsoil (B<sub>w</sub> Horizon) with a soil matrix color of 10YR 3/3. This soil profile is not considered hydric according to *Field Indicators for Identifying Hydric Soils in New England* (Version 4, 2019).

2.1

### **Natural Heritage and Endangered Species Program Designation**

According to the 2021 edition of the *Massachusetts Natural Heritage Atlas*, no areas of Estimated Habitat for Rare Wildlife or Priority Habitats of Rare Species; or Certified Vernal Pools exist on the site (Appendix A, Figure 3).

3.

### **Wetland Boundary Determination Methodology**

LEC conducted site evaluations on January 14, and 22, 2021 to identify and characterize existing protectable Wetland Resource Areas located on or immediately adjacent to the site, and to delineate the Bank-Mean Annual High Water (Bank-MAHW) Line associated with the South Meadow Brook and the IVW boundary. The extent of Wetland Resource Areas was determined through observations of existing plant communities, hydrologic indicators, and Bankfull Indicators in accordance with the *Act* and its implementing *Regulations*.

Based on these methods and review of pertinent maps, LEC also determined that the Bank-MAHW line to South Meadow Brook occurs along the bottom of the concrete embankment located along the northern property boundary. LEC also determined that the entire property is located within Bordering Land Subject to Flooding (BLSF), and an IVW occurs within the western portion of the property along the edge of the backyard.

The Bank/MAHW Line to South Meadow Brook was demarcated in the field with sequentially-numbered, blue surveyors' tape in accordance with criteria set forth at 310 CMR 10.54 and 310 CMR 10.58. Bank/MAHW Line flags are labelled B1 to B5.

The IVW boundary was demarcated in the field with blaze orange surveyor’s flagging tape embossed with the words “LEC Resource Area Boundary” or wire pin flags embossed with “LEC” in bold, black print, numbered 1 through 6.

LEC flagging stations were survey located by RJ O’Connell Associates, Inc., and are shown on the *Site Plan* (Appendix D).

## 4. Wetland Resource Areas

Wetland Resource Areas associated with the site include the Bank-MAHW Line, Riverfront Area, and BLSF associated with the South Meadow Brook. A non-jurisdictional IVW also occurs on the property. These Wetland Resource Areas are further described below.

### 4.1 Bank-Mean Annual High Water Line

*The Mean Annual High Water Line of a river is the line that is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water and that distinguishes between predominantly aquatic and predominantly terrestrial land. Field indicators of bankfull conditions shall be used to determine the mean annual high-water line. Bankfull field indicators include but are not limited to: changes in slope, changes in vegetation, stain lines, top of point bars, changes in bank materials, or bank undercuts [310 CMR 10.58 (2) (a) 2].*

South Meadow Brook flows westerly along the northern property boundary, at the bottom of steep concrete embankments. The Bank-Mean Annual High Water (MAHW) Line to South Meadow Brook occurs along water stain lines and wrack deposition on the concrete embankment.



4.2

### **Riverfront Area**

According to 310 CMR 10.58 2 (a): *Riverfront Area is defined as the area of land between a river's mean annual high water line and a parallel line measured horizontally 200 feet away.*

Riverfront Area includes land within 200 feet of the Bank-MAHW Line associated with South Meadow Brook and encompasses virtually the entire site. The developed portion of Riverfront Area on the site is considered 'previously developed,' while the footprint of the existing dwelling (not including the southern portion), steps and walkways, and driveway, etc., are considered 'degraded' in accordance with 310 CMR 10.58 (5).

4.3

### **Bordering Land Subject to Flooding**

*Bordering Land Subject to Flooding (BLSF) is an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes [310 CMR 10.57(2)(a)1].*

According to the July 17, 2012 *Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM)* for Middlesex County, Massachusetts (Map Number: 25021C0144E, Appendix A, Figure 2), the site is located within Zone AE: *Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood; Base Flood Elevations Determined*. According to the FEMA FIRM, the Base Flood Elevation for the relevant portion of the South Meadow Brook occurs at Elevation 114 (NAVD88 Datum). Land extending from the Bank-MAHW Line associated with South Meadow Brook River to elevation 114 is protectable as BLSF and includes virtually the entire property.

4.4

### **Non-Jurisdictional Isolated Vegetated Wetland (IVW)**

An IVW characterized as a scrub-shrub wetland occurs along the eastern edge of the backyard. Vegetation within the IVW includes a sparse canopy of red maple (*Acer rubrum*) and American elm (*Ulmus americana*). The shrub layer is dominated by silky dogwood (*Cornus amomum*). The groundcover is dominated by jewelweed (*Impatiens capensis*).



Utilizing a hand-held, Dutch-style soil auger, LEC inspected soil conditions within the IVW and observed a two-inch thick, fine sandy loam historic fill topsoil (A<sup>^</sup> Horizon) with a soil matrix color of 10YR 2/2, underlain by an 8-inch-thick, historic fine sandy loam fill subsoil (B<sup>^</sup> Horizon) with a soil matrix color of 10YR 3/3, and

redoximorphic concentrations of 10YR 2/2. The historic fill layer is underlain by native wetland soils including a 6-inch thick, buried sapric organic layer (O<sub>ab</sub> layer), which is underlain by a buried, depleted fine sandy loam subsoil (B<sub>gb</sub> Horizon) with a soil matrix color of 10YR 4/2 and redoximorphic concentrations of 10YR 4/4. This soil profile meets the Human Transported Material (HTM-A) indicator for a hydric soil according to the *Field Indicators Guide*.

**5. Proposed Construction Activities**

**5.1 Raze and Rebuild Single-Family Dwelling**

The Applicant proposes to demolish the existing 1,350± square-foot dwelling and construct a new 1,915± square-foot dwelling. The new dwelling will be constructed on the existing concrete foundation, and extend to the south over sono-tube footings (same footprint as existing). The dwelling also will extend to the west within the footprint of the existing deck and adjacent lawn area. This westerly extension will be supported via helical piles. On balance, the new dwelling will measure 565± square feet larger than the existing dwelling, and measure no closer to South Meadow Brook compared to the existing dwelling. The existing paved driveway and brick walkway will be replaced with a pervious paver driveway and walkway, and the proposed driveway will be located farther from South Meadow Brook compared to the existing driveway.

The Applicant also proposes to construct a deck and patio off the rear of the dwelling. The wooden deck will be constructed above the 1% Annual Chance Floodplain elevation such that only support footings and stairs are displacing flood storage. The patio will be constructed of pervious pavers at existing grade.

Only minor site grading is proposed to provide compensatory flood storage. The proposed contours are depicted on the *Site Plans*. Riverfront Area and 25-foot Buffer Zone alteration exhibits are included as Appendix C.

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## 6. Mitigation Measures

The Applicant intends to implement erosion controls, install Riverfront Area/BLSF restoration/enhancement plantings, and provide a 7.2:1 ratio of compensatory flood storage to mitigate for any potential impacts to resource areas and to improve the Riverfront Area functions and values associated with the site. A reduction of impervious surface also results from the proposed project. A description of each of these mitigating measures is provided below.

### 6.1 Erosion and Sedimentation Control

The Applicant proposes to implement an erosion control program to protect the adjacent Wetland Resource Areas from sedimentation during construction activities. The plan for the control of potential impacts to the adjacent Wetland Resource Areas is based on DEP guidelines and will be comprised of staked compost filter tubes along the Limit-of-Work line. All erosion control measures will remain in place until disturbed areas are stabilized by vegetation. The location of the proposed erosion controls and a detail are shown on the *Site Plans* (Appendix D).

### 6.2 Impervious Area Reduction

As demonstrated on the 'Onsite Impervious Areas' table on the *Site Plans*, the project results in a 528± square-foot reduction of impervious surface for the site. This is largely accomplished through the use of pervious pavers for the driveway, which will replace existing pavement. Pervious pavers also are proposed for the patio off the rear of the dwelling. While an existing stormwater infiltration system exists within the southeastern portion of the site, no new subsurface infiltration is proposed. Proposed downspouts will connect to the existing system. Please refer to Appendix E for a November 1, 2021 Letter from RJ O'Connell & Associates, Inc., regarding stormwater for the site.

### 6.3 Riverfront Area Restoration and Enhancement

In an effort to mitigate for the proposed project, the Applicant proposes to restore 1,054± square feet of existing lawn within the Riverfront Area, and enhance 1,155± square feet of Riverfront Area by planting native shrubs and ferns. The restoration/enhancement

effort is depicted on the *Riverfront Area Mitigation Planting Plan* dated October 11, 2021 and prepared by LEC (Appendix C). A total of 53 native shrubs and 40 native ferns are proposed within the 2,209± square-foot restoration/enhancement area.

6.4

### **Compensatory Flood Storage**

Portions of the sonotube footings, helical piles, and deck stairs will displace 110± cubic feet of flood storage on the site. In an effort to mitigate for this displacement, the Applicant proposes to provide 795± cubic feet of compensatory flood storage by reducing elevations within the work area surrounding the proposed dwelling and site appurtenances, resulting in a roughly 7.2:1 ratio of compensatory flood storage to filled floodplain.

7.

## **Regulatory Performance Standards**

The *Act Regulations* provide specific performance standards for work within Riverfront Area and BLSF. Citations of the pertinent performance standards are provided below, along with a description of how the project meets these standards.

7.1

### **Riverfront Area Performance Standards**

The performance standards outlined in 310 CMR 10.58 (4) include:

- (a) *Protection of Other Resource Areas*: Compliance with the BLSF performance standards is provided below in Section 7.2.
- (b) *Protection of Rare Species*: The site is not contained within Rare Species Habitat as noted above in Section 2.1;
- (c) *Practicable and Substantially Equivalent Economic Alternatives*: An Alternatives Analysis is provided below; and
- (d) *No Significant Adverse Impact*: A discussion of Significant Adverse Impacts is provided below.

7.1.1

### **Alternatives Analysis**

The purpose of this project is to reconstruct a single-family dwelling, and modify existing site appurtenances accordingly, including the proposed driveway, deck, and patio – all of which are located within ‘previously developed’ Riverfront Area (existing lawn, deck, and pavement, etc.). The Applicant proposes to utilize the existing foundation and dwelling footprint, and expand the dwelling by 565 square feet to the west (no closer to



the river compared to existing conditions), and construct a wooden deck and pervious paver patio within existing lawn. The proposed alternative also reduces impervious cover on the lot by 528± square feet by replacing the existing paved driveway with a pervious paver driveway, and includes restoration/enhancement of 2,209± square feet of Riverfront Area. Front yard and side yard zoning setbacks limit the Applicant’s ability to situate the dwelling further from the river compared to existing conditions.

7.1.2

**No Significant Adverse Impact**

310 CMR 10.58 (4) (d) states:

*The work, including proposed mitigating measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, s. 40...*

310 CMR 10.58 (4) (d) 1. states:

*Within 200 foot Riverfront Areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997 or lots recorded after October 6, 1997 subject to the restrictions of 310 CMR 10.58 (4) (c) 2.b.vi., or up to 10% of the riverfront area within a lot recorded after October 6, 1997, provided that:*

The property (recorded in 1952) contains 11,570± square feet of Riverfront Area (Appendix B, Figure 1), 10% of which is 1,157± square feet which is less than the 5,000 square foot threshold referenced above. Under existing conditions, the site contains 2,665± square feet of developed Riverfront Area (Appendix B, Figure 2). The Applicant proposes 3,630± square feet of developed Riverfront Area (Appendix B, Figure 3), resulting in a 965± square-foot increase of developed Riverfront Area.

*(a) At a minimum, a 100-foot wide area of undisturbed vegetation is provided...If there is not a 100-foot wide area of undisturbed vegetation within the riverfront area, existing vegetative cover shall be preserved or extended to the maximum extent feasible to approximate a 100-foot wide corridor of natural vegetation...*

Virtually the entire property is located within the 0 to 100-foot Riverfront Area. Under existing conditions, roughly 3,005± square feet of naturally vegetated land occurs on the site. By implementing the *Planting Plan*, which includes re-vegetation of lawn along South Meadow Brook, this number will increase by nearly 35% to 4,059± square feet. Enhancement of the 3,005 square feet of naturally vegetated land also is proposed.

- (b) *Stormwater is managed according to the standards established by the Department in its Stormwater Policy.*

While stormwater management is not required by DEP for single-family dwellings, the existing subsurface infiltration system will be re-utilized following construction. The project also results in a 528± square-foot reduction in impervious area.

- (c) *Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions...*

The preamble to 310 CMR 10.58 for Riverfront Area states that ‘in those portions so extensively altered by human activity that their important wildlife habitat functions have been effectively eliminated, riverfront areas are not significant to the protection of important wildlife habitat...’ This language mirrors the preamble language in 310 CMR 10.57 which includes a statement that such areas include paved areas, buildings, lawns, etc.

The Riverfront Area slated for development contains existing impervious surfaces, structures, and lawn. The restoration/enhancement of the Riverfront Area will improve wildlife habitat functions by adding feeding, breeding, and cover habitat to the site.

- (d) *Proposed work shall not impair groundwater or surface water quality by incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.*

Erosion controls will be installed along the Limit-of-Work line, a reduction of impervious surface is proposed, and an existing stormwater management structure will be utilized to collect and infiltrate stormwater runoff from proposed roof areas.

7.2

### **Bordering Land Subject to Flooding Performance Standards**

The *Act Regulations* at 310 CMR 10.57 (4) state that *work within BLSF shall conform to the following criteria:*

- (a) *Bordering Land Subject to Flooding*

- (1) *Compensatory storage shall be provided for all flood storage volume that will be lost as a result of the proposed work.*

While the entire site is located within BLSF, lost flood storage volume is limited to the deck stairs, sonotube footings, and helical piles, resulting in 110± cubic feet of lost flood storage. In order to mitigate for this lost flood storage, the

Applicant proposes 795± cubic feet of compensatory flood storage, resulting in a roughly 7.2:1 ratio of compensatory flood storage to lost flood storage.

- (2) *Work within BLSF...shall not restrict flows so as to cause an increase in flood stage or velocity.*

No flow restrictions or increase in flood stage or velocity will result as part of the proposed project.

- (3) *within BLSF shall not impair its capacity to provide important wildlife habitat functions.*

According to the BLSF Preamble at 310 CMR 10.57 (1) (a) 3:

*Certain portions of Bordering Land Subject to Flooding are also likely to be significant to the protection of wildlife habitat. These include all areas on the ten year floodplain or within 100 feet of the bank or bordering vegetated wetland (whichever is further from the water body or waterway, so long as such area is contained within the 100 year floodplain), and all vernal pool habitat on the 100 year floodplain, except for those portions of which have been so extensively altered by human activity that their important wildlife habitat functions have been effectively eliminated (such "altered" areas include paved and graveled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas lawfully existing on November 1, 1987 and maintained as such since that time).*

All work is proposed within existing developed land. A 1,054± square-foot restoration area will improve wildlife habitat within the BLSF.

- (b) Protection of Rare Wildlife Species

- (1) *Notwithstanding the provisions of 310 CMR 10.57(4)(a) or (b), no project may be permitted which will have any adverse effect on specified wildlife habitat sites of rare vertebrate or invertebrate species.*

The site is not located within Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species (see Section 2.1, above).

7.3

**25-foot No Disturbance Zone**

Development within the 25-foot No Disturbance Zone will decrease as a result of the proposed project. Specifically, under existing conditions 575± square feet of existing driveway, structure, and field stone path occur within 25 feet of South Meadow Brook (Appendix B, Figure 4). Even though the amount of structure within 25 feet of the brook increases, total development within 25 feet decreases to 475± square feet by reducing the driveway footprint and eliminating the field stone path (Appendix B, Figure 5).

**8.****Summary**

On behalf of the Applicant and Property Owner, Amir Nashat, LEC is filing the enclosed NOI Application and Wetland Resource Area Analysis with the Newton Conservation Commission to raze and rebuild a single-family dwelling and associated site appurtenances at the above-referenced property. The proposed activities will occur within the 200-foot Riverfront Area, BLSF, and the 100-foot Buffer Zone to Bank associated with South Meadow Brook. The Applicant proposes to implement erosion controls, provide Riverfront Area/BLSF restoration/enhancement, and provide a roughly 7.2:1 ratio of compensatory flood storage to filled floodplain to minimize the potential for impacts to resource areas and to improve existing site conditions. The project also results in a reduction of impervious area.

The proposed project, including the proposed mitigating measures, meets the performance standards enumerated in the pertinent Statutes and Regulations. As a result, the Applicant requests that the Commission issue an Order of Conditions approving the project as proposed herein.

*City of Newton Floodplain Ordinance*. Newton Conservation Commission, Newton, MA

Massachusetts Wetlands Protection Act (M.G.L. c. 131, §. 40), [www.state.ma.us/dep](http://www.state.ma.us/dep)

Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00),  
[www.state.ma.us/dep](http://www.state.ma.us/dep)

Massachusetts Natural Heritage and Endangered Species Program Atlas of Estimated Habitat of State-listed Rare Wetlands Wildlife. Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries & Wildlife, Route 135, Westborough, MA 01581, [www.state.ma.us/dfwele/dfw](http://www.state.ma.us/dfwele/dfw)

Massachusetts Department of Environmental Protection, Division of Wetlands and Waterways 1995. *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act, A Handbook*. 89 pp.

National Flood Insurance Program, Federal Emergency Management Agency Flood Insurance Rate Map, Middlesex County, July 17, 2012.

New England Hydric Soils Technical Committee. 2018, 4<sup>th</sup> ed., *Field Indicators for Identifying Hydric Soils in New England*

Reed, P.B. 1988. *National List of Plant Species that Occur in Wetlands: 1988 Massachusetts*. U.S. Department of the Interior, Fish and Wildlife Service. NERC-88/18.21

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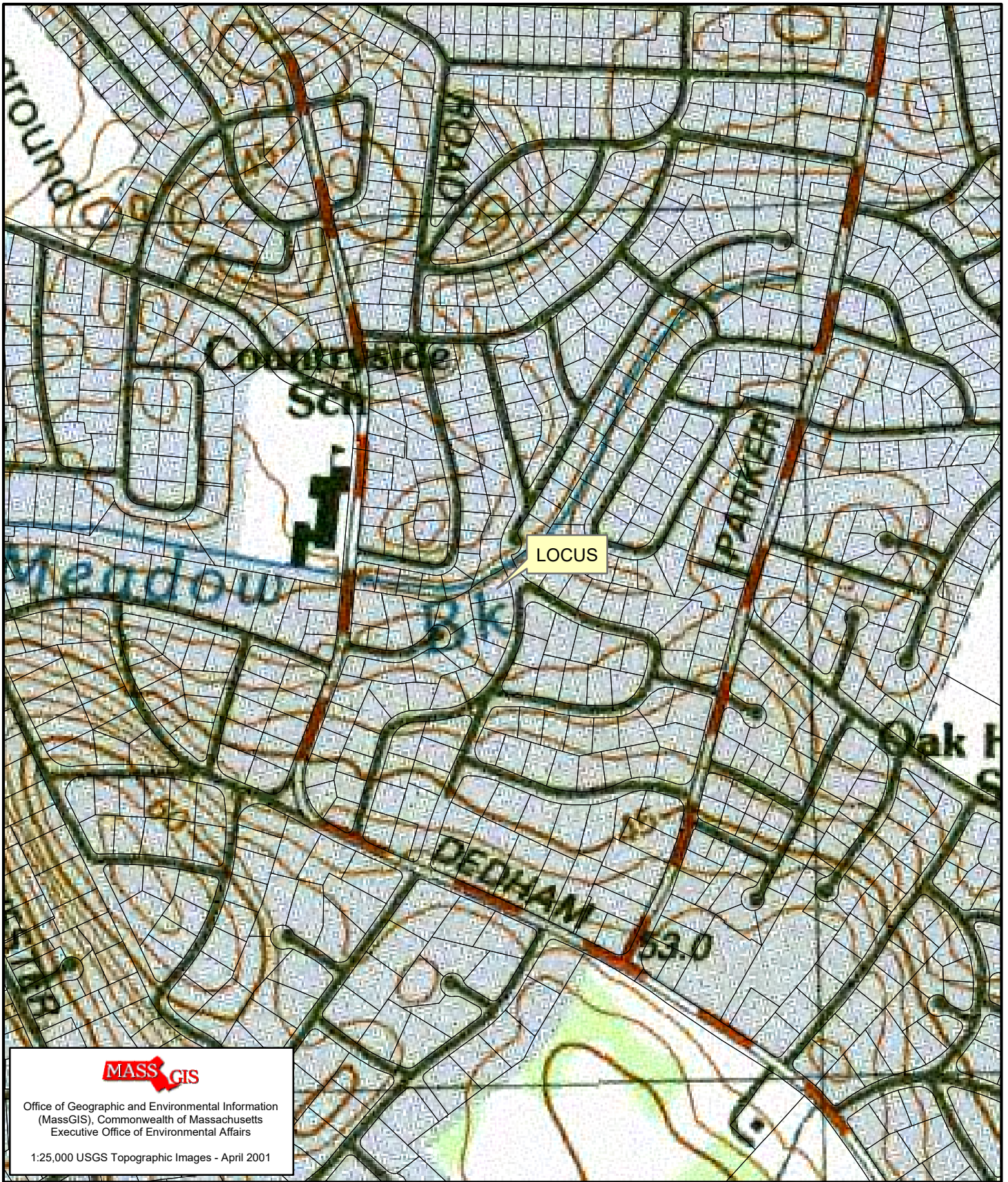
## Appendix A

### Locus Maps

Figure 1: USGS Topographic Quadrangle

Figure 2: FEMA Flood Insurance Rate Map

Figure 3: MassGIS Orthophoto & NHESP Estimated Habitat Map



Office of Geographic and Environmental Information  
(MassGIS), Commonwealth of Massachusetts  
Executive Office of Environmental Affairs

1:25,000 USGS Topographic Images - April 2001



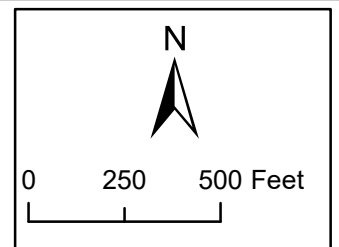
Environmental Consultants, Inc.

Wakefield, MA  
781.245.2500

[www.lecenvironmental.com](http://www.lecenvironmental.com)

Figure 1: USGS Topographic Map  
100 Boulder Road  
Newton, MA

October 8, 2021



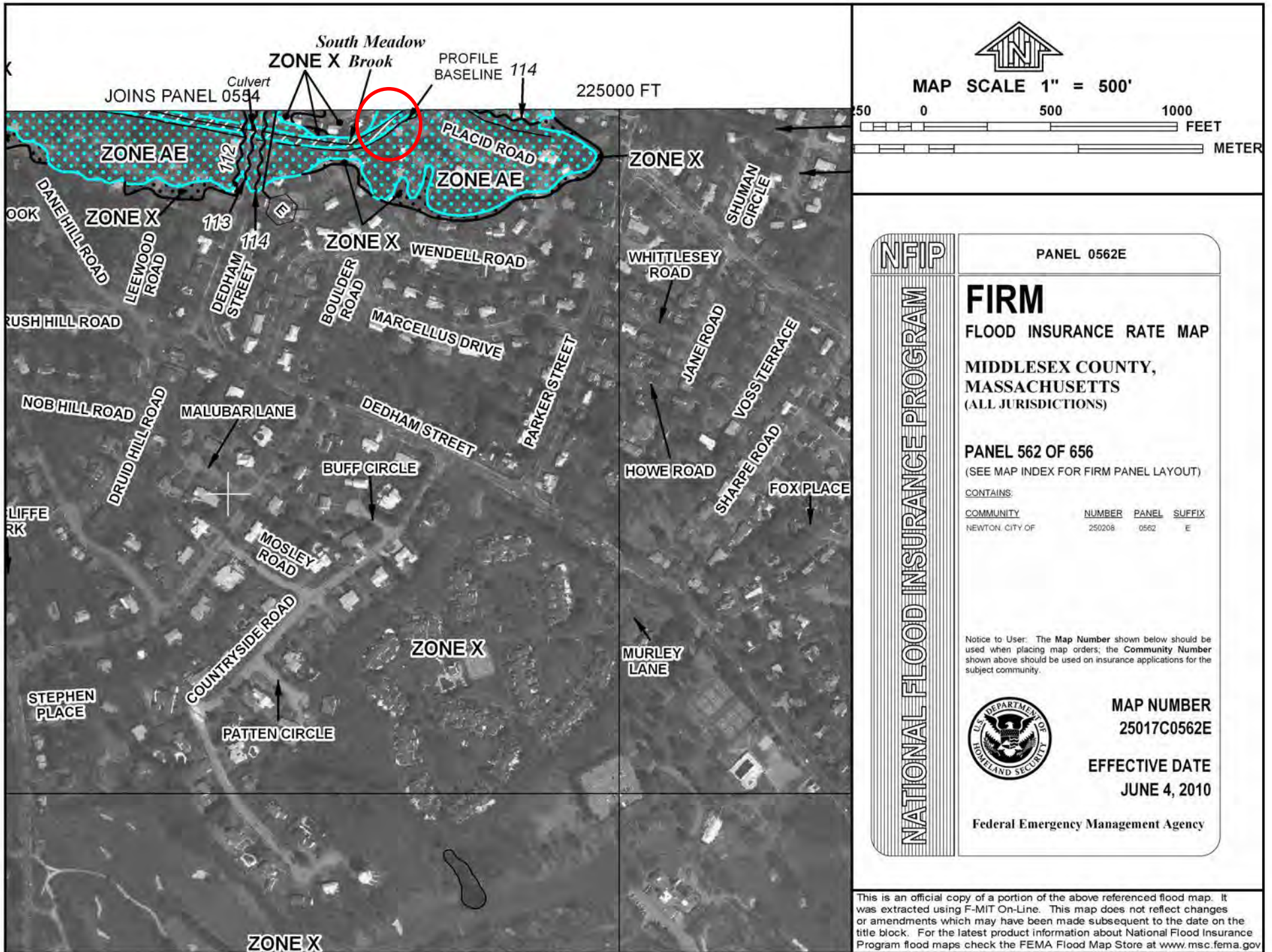


Figure 2: FEMA Flood Insurance Rate Map



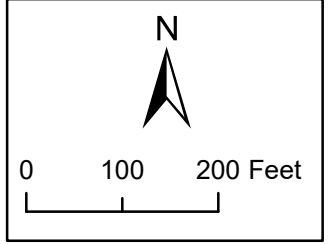


Environmental Consultants, Inc.  
 Wakefield, MA  
 781.245.2500

www.lecenvironmental.com

Figure 3: MassGIS Orthophoto & NHESP Map  
 100 Boulder Road  
 Newton, MA

October 8, 2021



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**Appendix E**

RJ O'Connell & Associates, Inc., Letter re: Stormwater dated November 1, 2021



**CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS**

80 Montvale Ave., Suite 201

Stoneham, MA 02180

781-279-0180

www.rjoconnell.com

November 1, 2021

Ms. Jennifer Steel & Conservation Commission Members  
The Newton Conservation Commission  
1000 Commonwealth Ave  
Newton, MA 02459

Re: 100 Boulder Rd  
Newton, MA  
Engineering Narrative

Dear Ms. Steel & Commission Members:

On behalf of the applicant, RJ O'Connell & Associates, Inc. (RJOC) is respectfully submitting this letter, plan, and calculations for your review in conjunction with the notice of intent for the project proposed at 100 Boulder Rd in Newton, MA. RJOC has assessed the existing and proposed conditions intended to be constructed on-site and has determined the redevelopment will reduce the amount of overall impervious surface on-site and therefore provide a decrease in rate and volume of stormwater runoff generated on-site. In accordance with the City of Newton's requirements for on-site drainage, this decrease excuses the project from requiring stormwater system. The components of the proposed redevelopment and its corresponding details are depicted on the attached plans entitled "Grading and Drainage Plan" (Design Plan) and "Layout, Demo and Erosion Control Plan" as prepared by RJ O'Connell & Associates, dated 11/01/2021. This letter summarizes the approach and results of the analysis and design depicted on the Design Plan.

Existing Conditions:

The locus property is a 12,740+/- square-foot lot located at 100 Boulder Rd Newton. The Site is bounded by Boulder Rd to the East, residential lots to the south and west, and South Meadow Brook directly to the North. The site contains a multi-story, single-family residential dwelling, bituminous concrete driveway, a paver walkway in the front and side yards, an attached rear deck, and a landscaped yard in the rear and south side of the property. An infiltration system exists on-site to mitigate a previously constructed addition. The topography of the Site slopes from a high point along the frontage of Boulder Road to the low point in the rear of the property and north into South Meadow Brook. The entirety of the property is located within the 100-Year Floodplain as depicted on the current FEMA map.

Proposed Conditions:

The applicant is proposing to demolish the existing dwelling and construct a new residential dwelling on the existing foundation. The proposed front porch and a new building addition in the rear will be constructed on helical piles. A new deck will also be constructed attached to the proposed addition on helical piles over a (12" minimum) bed of crushed stone. A pervious paver driveway, pervious paver walkway, and pervious paver patio in the rear are also proposed as part of the project. The finished grade of the redeveloped Site will mimic the pattern of the existing conditions. To minimize impact to the 100-year floodplain (a) the new building has been sited over the existing foundation located on the lot, (b) all building additions and additional structures are to be supported on helical piles or sonotubes and are to be set above the floodplain, and (c) the proposed grading of the site shall mimic the topography of the existing site. The proposed finished first floor of the dwelling has been designed at 122.7, which is 2.5 feet above the 100-year floodplain elevation of 120.2.

Stormwater Management System:

No new stormwater management systems are proposed on-site. In accordance with City of Newton requirements for on-site drainage and stormwater management, drainage control structures are not required if there is no increase in runoff to abutting properties and/or if the increase to on-site impervious is less than four percent of lot size or 400 square feet (whichever is less). The proposed project will reduce the overall impervious area on-site by approximately 530 square feet. According to the DEP Stormwater Handbook, a reduction in impervious surfaces is an acceptable method of reducing peak rates and volumes of a project. There is an existing subsurface infiltration system located east of the dwelling in the front yard, the area proposed to be connected to the existing infiltration system will be equivalent to the area directed to it under existing conditions.

The stormwater runoff from the majority of the site will flow overland to the west and into South Meadow Brook. This drainage pattern will remain consistent from existing to proposed conditions.

Conclusion

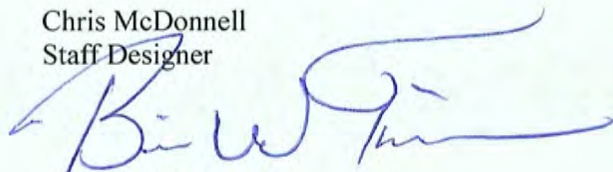
The project proposes an overall decrease in the total amount of impervious surface on-site. This will reduce the peak rate and volume of stormwater from the site. In addition, the elevations of the dwelling and deck are set above the 100 year flood elevation and the use of helical piles are incorporated to minimize filling of the floodplain.

I anticipate this letter, and design plan will meet your expectations. Please don't hesitate to call me at 781-279-0180 with any questions or concerns. Otherwise, I look forward to the presentation of this design at the next available public hearing.

Respectfully,

RJO'CONNELL & ASSOCIATES

Chris McDonnell  
Staff Designer



Brian W. Timm, PE  
Associate Principal

Enclosures

cc: Amir Nashat  
Carmen Barnes