

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 29, 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 Addition and Deck on Existing Single-Family House in Buffer Zone; 5 Harwich Road, Newton, Massachusetts
-Applicant: Nicholas Acquavella and Morelia Blanco

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) \$122.50 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 for Flag A2;
 - 3) Flood Insurance Rate Map, Map No. 25017C0566E, Dated June 4, 2010 with site indicated;
 - 4) USGS Map, Boston South Quadrangle, 1987 with site indicated;
 - 5) Massachusetts NHESP Atlas (15th Edition), August 1, 2021 with site indicated; and
 - 6) Resume; and

- b. Project Description and Analysis, including
 - 1) Planting Schematic for Enhancement Planting Areas, 5 Harwich, Road, Newton, Massachusetts, prepared by EcoTec, Inc., dated October 28, 2021;
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. Plan Set:
 - a. "Existing Conditions Site Plan, 5 Harwich Road, Newton, Massachusetts," Sheet 1 of 1, Scale 1" = 10', prepared by Peter Nolan & Associates, LLC, dated August 20, 2021, signed and stamped by Peter J. Nolan, PLS;
 - b. "Civil Plan, 5 Harwich Road, Newton, Massachusetts," Sheet 1 of 2, Scale 1" = 10', prepared by Spruhan Engineering, P.C., dated October 28, 2021, signed and stamped by Peter J. Nolan, PLS and Edmond T. Spruhan, P.E.; and
 - c. "Details, 5 Harwich Road, Newton, Massachusetts," Sheet 2 of 2, Scale N.T.S., prepared by Spruhan Engineering, P.C., dated October 28, 2021, signed and stamped by Edmond T. Spruhan, P.E.

One copy of this filing and payment of \$97.50 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 one hundred feet of the site 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 July 31, 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). EcoTec had previously evaluated the site on April 25, 2017. John P. Rockwood, Ph.D., SPWS conducted both inspections.

The subject site consists of a 0.243±-acre parcel located to the north of Harwich Road in southeastern Newton, Massachusetts. The site is almost entirely developed with a single-family house with post supported three season porch and post supported deck and stairs, paved

driveway, front walk, woodchip play area, and associated lawn and landscaping with scattered trees, including northern red oak (*Quercus rubra*), shag-bark hickory (*Carya ovata*), and eastern hemlock (*Tsuga canadensis*) on the site and northern red oak (*Quercus rubra*), red maple (*Acer rubrum*), American elm (*Ulmus americana*), and eastern hemlock (*Tsuga canadensis*) trees adjacent to the site. Roof runoff is discharged to the ground surface and driveway runoff is uncontrolled. The southern portion of the site is subject to a drain easement. There is a paved sidewalk, lawn strip, and a total of four Norway maple (*Acer platanoides*) street trees to the west and south of the site. 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 was delineated in the field per the definition set forth in the regulations at 310 CMR 10.55(2)(c). Section 10.55(2)(c) states that “The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.” The 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 A2 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 A16 Stop	Red Flags	Boundary of Bordering Vegetated Wetlands located near the eastern and northern site boundaries that is associated with a stream located off-site to the east.

Findings:

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Wetland A (i.e., A-series flags) consists of a forested swamp located near the eastern and northern site boundaries and off-site to the east and north that is associated with an off-site intermittent stream. A portion of this wetland in the northeastern corner of the site is mapped as Wetland Restriction #7 on Newton GIS. Plant species observed within the delineated wetland include red maple (*Acer rubrum*), silver maple (*Acer saccharinum*), eastern hemlock (*Tsuga canadensis*), and American elm (*Ulmus americana*) trees, saplings, and/or shrubs; poison ivy (*Toxicodendron*

radicans) climbing woody vines and ground cover; sweet pepper-bush (*Clethra alnifolia*), arrow-wood (*Viburnum dentatum*), silky dogwood (*Cornus amomum*), and glossy buckthorn (*Rhamnus frangula*) shrubs; and sensitive fern (*Onoclea sensibilis*), skunk-cabbage (*Symplocarpus foetidus*), spotted touch-me-not (*Impatiens capensis*), and grasses (Gramineae sp.) ground cover. Evidence of wetland hydrology, including hydric soils, high groundwater, saturated soils, evidence of flooding, and drainage patterns, was observed within the delineated wetland. This vegetated wetland borders an off-site intermittent stream; accordingly, the vegetated wetland 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 (FIRMette attached), the site and vicinity is mapped as Other Flood Areas: Zone X, which is defined as areas located within the 0.2% annual chance flood (i.e., 500-year floodplain). The 500-year floodplain does not have regulatory significance under the Act and Ordinance. When present, Bordering Land Subject to Flooding would occur in areas where the 100-year floodplain is located outside of or upgradient of the delineated Bordering Vegetated Wetlands boundary. Bordering Land Subject to Flooding does not have a 100-foot Buffer Zone under the Regulations.

Based upon review, the site is partially located within an area subject to Section 22-22, which establishes Floodplain/Watershed Protection provisions associated with various resources within the City of Newton. Section 22-22 (g)4. of the Ordinance establishes a watershed to various named wetlands; based upon a review of this section, the site is partially located within the watershed area associated with (6) Bald Pate Meadow with an elevation of 142.0 feet City of Newton Datum. As such, areas of the site below elevation 142.0 City of Newton Datum would be subject to the Flood Ordinance. 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), there are no mapped streams located on or within 200 feet of the site. Based upon observations made in the field and local mapping, there are no significant streams located within 200 feet of the site. As such, Riverfront Area would not occur on the site. Riverfront Area does not have 100-foot Buffer Zone under the Act and Regulations.

Estimated/Priority 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 proposed project consists of the removal of the existing post supported three season porch at the northern end of the existing house and the removal of the elevated post supported deck and stairs to the east of the northern end of the existing house. The existing three season porch is located 16 feet at the closest point from the wetlands to the north and east of the house; the existing deck is located 10 feet at the closest point from the wetlands to the east of the house. A one-story addition with full basement is proposed to be installed at the northern end of the house in the general area from which the three-season porch is to be removed. A four-foot-wide cantilevered elevated deck with crushed stone beneath is proposed along the northern end of the proposed addition; a connected five-foot-wide elevated post supported deck with stairs with crushed stone beneath is proposed to the east of the northern portion of the existing house and proposed addition. This latter deck replaces the existing elevated deck in this area. The proposed addition will be located 12 feet at the closest point from the wetlands to the north and east of the house; the northern cantilevered deck will be located 8 feet and 6 feet, respectively, at the closest point from the wetlands to the north and east of the house; and the eastern post supported deck will be 10 feet from the wetlands at the closest point from the wetlands to the east of the house. The existing deck and the proposed northern and eastern deck are located five or more feet above the ground surface.

Prior to the start of work, the proposed limit of work will be demarcated in the field by the erosion control barrier consisting of entrenched siltation fence fronted by a compost sock. Construction access will be from the west and along the western face of the house to the proposed addition location. Access along the eastern side of the house from the south will be blocked with orange construction fence as shown on the site plan. Tree protection is proposed for the street tree near the proposed construction access; the proposed erosion controls form

tree protection for the row of hemlocks to the west of the house. No trees are proposed to be removed as part of the project. Any disturbed lawn and landscaped areas will be returned to the existing grade with loam and seeded with a grass seed mixture to provide permanent cover or will be landscaped. Alternatively, sod may be used to repair any disturbed lawn areas. Soil will be temporarily stored on-site in a covered stockpile (see site plan) within the limit of work on the site with excess soil trucked from the site. Concrete washout is proposed within the demarcated stockpile area. This area will be cleaned up following construction and returned to lawn.

The original house was constructed in about 1959. The house was sited well away from Harwich Road and in close proximity to wetlands which were not regulated at that time. Site development is constrained by a drainage easement in the southern portion of the site. The easement and front yard setback preclude expansion to the south and west of the house. Expanding the house vertically is not an economically equivalent alternative. Considering the interior design of the house, the only place to put an addition that will provide the necessary bedrooms to make this house compatible for the owners is to the north of the house. To minimize project impacts, the existing elevated three season porch will be removed and a slightly larger addition with a full basement is proposed in that area. The proposed addition is modest. An elevated cantilevered and post supported deck is proposed along the northern and the northern portion of the eastern edge of the house. This deck is meant as a means of secondary access/egress. The elevated deck design mimics the existing deck condition and makes the deck less intrusive to the landscape.

As shown on the site plan, the proposed project will result in an increase of 244± square feet of total impervious surface on the site. This is below the threshold that triggers stormwater improvements under the City of Newton standards; as such, stormwater improvements under the City of Newton standards are not needed or proposed. Proposed roof runoff from the addition will be collected in gutters and discharged via downspouts to splash blocks to the ground surface. All existing and the four proposed downspouts will receive splash blocks under this plan. The splash blocks will help to limit erosion at the downspouts. Under existing conditions, all roof runoff is directed to the ground surface via downspouts. The area beneath the proposed deck will be covered with crushed stone to promote infiltration and minimize runoff from the deck. As detailed below, the project proposes to establish two bounded mitigation planting areas, one to the north and northeast of the house and one to the east of the house. These planting areas will help separate the developed site from wetland resources to the north and east. These plantings will serve to stabilize these areas, reduce stormwater runoff, and provide enhanced wildlife habitat, including cover, perching, and foraging habitat, compared to the existing condition.

The subject site is 10,695± square feet in size; 340± square feet consist of Bordering Vegetated Wetlands and/or Ordinance Floodplain; 10,145± square feet consist of 100' Buffer Zone; and

210± square feet is outside geographic jurisdiction. More importantly, 2,845± square feet of the site (or 26.6% of the site) are located within the 25' Buffer Zone. Under existing conditions, 602± square feet of house, three season porch, deck, and stairs are located within the 25' Buffer Zone; the balance of this area consists of poor-quality lawn and exposed soils. Under proposed conditions, 843± square feet of house, addition, deck, and stairs are located within the 25' Buffer Zone. Under existing conditions 212± square feet of three season porch occurs in the 25' Buffer Zone; under proposed conditions, 315± square feet of the proposed addition will occur in this area. Under existing conditions, 150± square feet of elevated deck and stairs occur in the 25' Buffer Zone; under proposed conditions, 299± square feet of elevated deck and stairs occur in this area. As such, the project proposes a modest intrusion into this area. As mitigation, a total of 1,100± square feet of mitigation plantings in two bounded areas are proposed. Approximately 996± square feet of the 1,100± square feet of proposed mitigation are proposed within the 25' Buffer Zone. Hence, under this plan, 1,100± square feet of 100' Buffer Zone, including 996± square feet within the 25' Buffer Zone (35% of the 25' Buffer Zone on the site) is proposed to be enhanced with native shrub plantings as detailed below.

Mitigation Planting Area Plan:

Two mitigation planting areas totaling 1,100± square feet in size (or 10.3% of the lot) will be established within the inner Buffer Zone (see Civil Plan and Planting Schematic). Area 1, which is located between the house and the eastern site boundary, is 350± square feet in size and is intended as a thick native hedge consisting of twenty-two (22) 3 to 4' high native shrubs of three species which will serve in the short- and long-term to separate the developed portion of the site from the off-site resources. Area 2, which is located in the northern portion of the site between the addition and northern site boundary and in the northwestern portion of the site, is 750± square feet in size and is intended to serve in part as a hedge to separate the developed portion of the site from the adjacent resource areas to the north and as a more typical enhancement area in the inner Buffer Zone to enhance wildlife habitat conditions in this area; this latter area includes thirty (30) 3 to 4' high native shrubs of six species and twelve (12) small 0.5 to 1.5' high native shrubs of three species. These plantings will serve to stabilize these areas, reduce stormwater runoff, and provide enhanced wildlife habitat, including cover, perching, and foraging habitat, compared to the existing condition. The proposed shrubs will be spaced under the supervision of a qualified wetland scientist and planted in accordance with current landscaping practices (i.e., hole twice as wide and as deep as the root ball with the area around the root ball backfilled with high quality loamy top soil). The proposed plant species listing is provided on the Planting Specification included with the Notice of Intent; the selected species are native and have been selected based upon the conditions of the proposed planting areas. If a species is not available, a substitution will be recommended by the wetland scientist and approved by Conservation Staff. The excess soil will be removed from the site. Following installation, the plants will be watered in well and the areas should then be covered with a 3-inch-thick layer of partially decomposed leaf litter with some natural bark mulch as specified in the Planting Specifications. This will aid in keeping the plantings moist and will provide

temporary cover and habitat value until leaves begin to accumulate in these areas. The woody materials will be watered regularly for a period of four weeks, and will be watered, as necessary, if evidence of stress is observed. As shown on the Site Plan, the inner edges of the two areas will each be demarcated with four stone bounds.

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

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 entrenched siltation fence fronted by 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. This erosion control barrier will be maintained until the work area is stabilized by the proposed structure, crushed stone, lawn, or mitigation plantings. Approval of the issuing authority will be received prior to the removal of the erosion control barrier. Under existing conditions and proposed conditions, the site slopes gradually to moderately to the north and east. No changes in grades are proposed. Mitigation plantings are proposed within the inner Buffer Zone between the proposed work and the adjacent resource areas and within the inner Buffer Zone to enhance the characteristics of the area. 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. As detailed above, the existing house is located in part within the 25’ Buffer Zone; the three-season porch and deck to be removed and the proposed addition and deck are also largely located within the 25’ Buffer Zone. The proposed project has been designed to minimize the impacts to the inner Buffer Zone while still meeting the project purpose and the intent of this policy. Significant mitigation plantings have been proposed largely within the 25’ Buffer Zone; these plantings within two bounded areas totaling 1,100± square feet will serve to separate the developed portion of the site from the adjacent resource areas and will serve to stabilize these areas, reduce stormwater runoff, and provide enhanced wildlife habitat, including cover, perching, and foraging habitat, compared to the existing condition. The area between the house and the bounded mitigation areas will consist of lawn and landscaping; under existing conditions this area consists of poor-quality lawn and exposed soils. The proposed project, which consists of a modest addition with a full basement in the general location of an existing three season porch and an elevated cantilevered and post supported deck partially in the location of an existing post supported deck, will not adversely affect the ability of the Buffer Zone to protect the statutory interests.

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. The existing house is partially

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located within the 25-foot Buffer Zone; the proposed addition and deck are located largely within the existing footprint of the existing three season porch and deck to be removed. Significant mitigation plantings are proposed within the 25-foot Buffer Zone, both between the proposed work and the resource area and within a larger portion of the 25-foot Buffer Zone that is poorly maintained lawn and landscaping. The proposed project with mitigation meets the intent of the Commission's Naturally Vegetated Buffer Policy to the extent practicable. 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 November 18, 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)
Nicolas Acquavella/Morelia Blanco (Via Email)
Edmond Spruhan (Via Email)

18/w/NEWTON5HARWICH NOI CL

EcoTec, Inc.

Newton Locus Map



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

Applicant:

Prepared by: EcoTec, Inc.

Project location: 5 Harwich Road, 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: A2	Transect Number: Up	Date of Delineation: 7/31/2021		
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	50	Yes	FAC*
	Norway Maple	<i>Acer platanoides</i>	40	50	Yes	NL
Shrub	American Plum	<i>Prunus americana</i>	10	50	Yes	FACU-
	Silky Dogwood	<i>Cornus amomum</i>	10	50	Yes	FACW*
Ground Cover	Blackberry	<i>Rubus allegheniensis</i>	30	46	Yes	FACU-
	Virginia Creeper	<i>Parthenocissus quinquefolia</i>	15	23	Yes	FACU
	Garlic Mustard	<i>Alliaria petiolata</i>	10	15	No	FACU
	Thimble-weed	<i>Anemone quinquefolia</i>	10	15	No	FACU

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: 4
 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 A2 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	0-10	10 YR 3/2 Loam	-
B	10-16	10 YR 4/6 Sandy Loam	-

Remarks: Terminated at 16 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: 5 Harwich Road, 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: A2	Transect Number: Wet	Date of Delineation: 7/31/2021		
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>	60	75	Yes	FAC*
	American Elm	<i>Ulmus americana</i>	20	25	Yes	FACW-*
Climbing Woody Vine	Poison Ivy	<i>Toxicodendron radicans</i>	20	100	Yes	FAC*
Sapling	White Ash	<i>Fraxinus americana</i>	10	100	Yes	FACU
Shrub	White Ash	<i>Fraxinus americana</i>	10	33	Yes	FACU
	Glossy Buckthorn	<i>Rhamnus frangula</i>	10	33	Yes	FAC*
	Silky Dogwood	<i>Cornus amomum</i>	10	33	Yes	FACW*
Ground Cover	Virginia Creeper	<i>Parthenicussus quinquefolia</i>	20	41	Yes	FACU
	Poison Ivy	<i>Toxicodendron radicans</i>	15	31	Yes	FAC*
	Silky Dogwood	<i>Cornus amomum</i>	5	10	No	FACW*
	Swamp Jack-in-the-pulpit	<i>Arisaema triphylum</i>	5	10	No	FACW-*
	Bristly Blackberry	<i>Rubus hispidus</i>	2	4	No	FACW*
	Spotted Touch-me-not	<i>Impatiens capensis</i>	2	4	No	FACW*

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: 3
 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 A2 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
O	24-0	10 YR 2/1 Organic Muck	-

Remarks: Terminated at 24 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: 8 inches
- Depth to soil saturation in observation hole: 2 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: _____

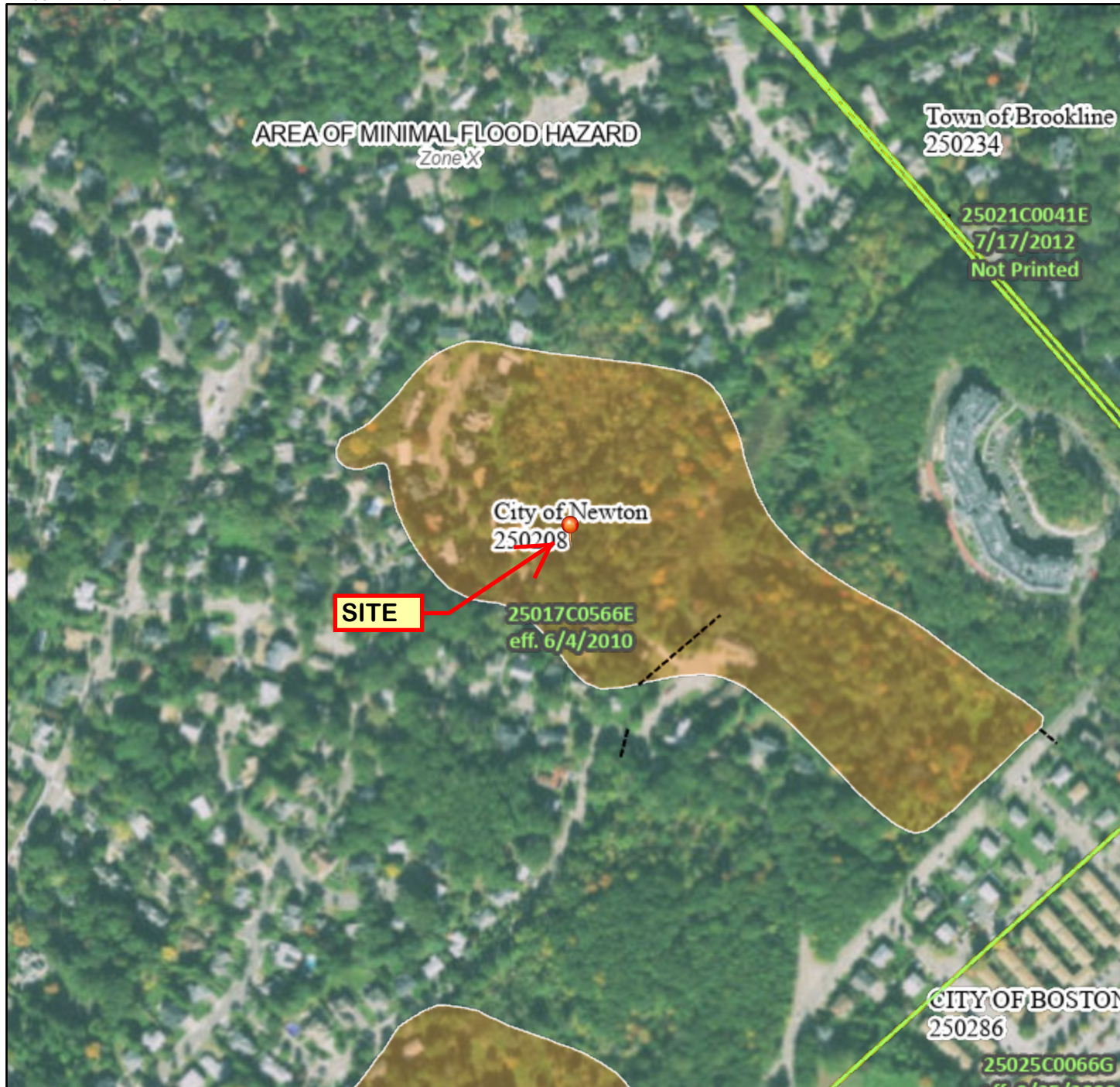
Vegetation and Hydrology Conclusion		
	yes	no
Number of wetland indicator plants ≥ number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other indicators 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°10'37"W 42°18'29"N



Legend

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

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99	With BFE or Depth Zone AE, AO, AH, VE, AR
	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 Zone X	Future Conditions 1% Annual Chance Flood Hazard Zone X	Area with Reduced Flood Risk due to Levee. See Notes. Zone X	Area with Flood Risk due to Levee Zone D

OTHER AREAS	NO SCREEN	Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer	Levee, Dike, or Floodwall

OTHER FEATURES	Cross Sections with 1% Annual Chance Water Surface Elevation	Coastal Transect	Base Flood Elevation Line (BFE)	Limit of Study	Jurisdiction Boundary	Coastal Transect Baseline	Profile Baseline	Hydrographic Feature

MAP PANELS	Digital Data Available	No Digital Data Available	Unmapped

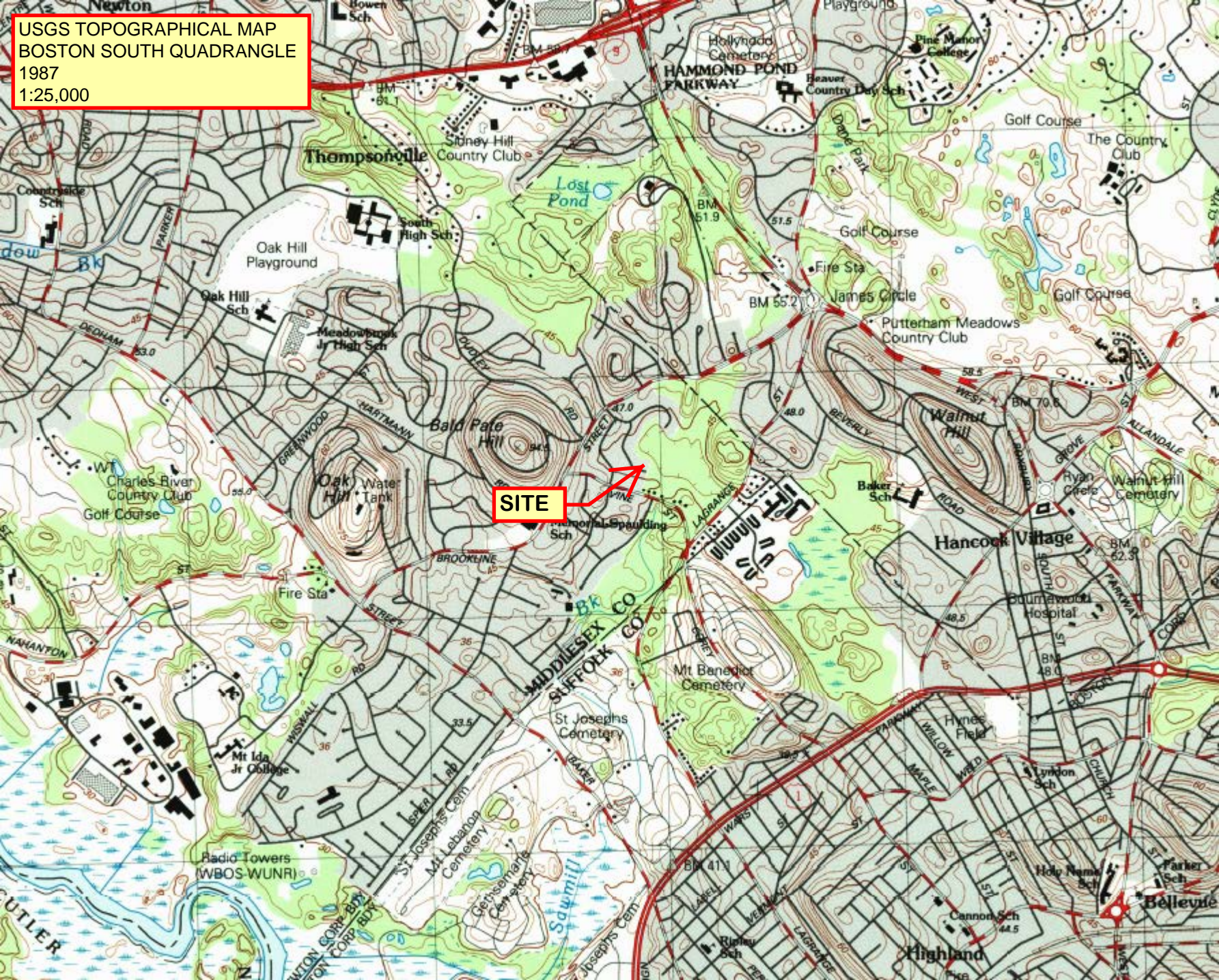
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

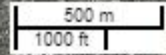
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **7/31/2021 at 2:33 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded 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



NHESP ATLAS, 15TH EDITION, AUGUST 1, 2021
PRIORITY HABITAT, ESTIMATED HABITAT AND
CERTIFIED AND POTENTIAL VERNAL POOLS
1:36,112
CREATED OCTOBER 27, 2021



BELGRADE AV Scale = 1:36,112
221,734.96m 898,104.54m
2019 Color Orthos (USGS)

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

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

Dr. John P. Rockwood has been a Staff Scientist with EcoTec, Inc. since October 1999. He was previously a Chief Environmental Scientist at Sanford Ecological Services, Inc. of Southborough, Massachusetts from September 1990 to October 1999. Dr. Rockwood was certified in August 2002 and recertified in March 2008, January 2013, and June 2018 as a Professional Wetland Scientist (PWS) by the Society of Wetland Scientists Professional Certification Program (SWSPCP), and in April 2020, he was made a Senior Professional Wetland Scientist (SPWS) by the SWSPCP. His project experience includes wetland resource evaluation, delineation, and permitting at the local, state, and federal levels; wildlife habitat evaluation; pond and stream evaluation; vernal pool evaluation, certification, construction/replication, and monitoring; rare species habitat and impact assessment; wetland replacement, replication, and restoration area design, construction, and monitoring; invasive species removal and treatment protocols and monitoring; and expert testimony preparation. He has served as a consultant to municipalities, conservation commissions, the development community, engineering and survey firms, industry, and citizen's groups. He has managed and participated in a wide variety of wetlands-related projects ranging in scope from single-family house lots to subdivisions, commercial developments, mixed use developments, golf courses, a water park, MBTA commuter train station, and a regional mall. He has assessed the potential impacts of stormwater runoff, landfill leachate, and/or hazardous waste disposal sites on rare vertebrate and/or invertebrate species, and has conducted and/or directed surveys, delineated actual habitat, conducted habitat evaluations, and/or developed mitigation strategies necessary to protect rare vertebrate, invertebrate, and plant species and their habitats from proposed development-related impacts. He has designed and conducted drift fence studies for rare vertebrates. He has conducted and led preconstruction sweeps for the spotted turtle, wood turtle, and eastern box turtle. He has filed MESA Project Review Checklists for numerous species and has prepared applications for Conservation and Management Permits and Amendments for the eastern box turtle and marbled salamander under MESA. He has submitted rare animal and plant observation forms to NHESP for several vertebrate, invertebrate, and plant species. He has conducted environmental impact assessments and has prepared MEPA documentation related to an office park, an MBTA commuter train station, water park, residential subdivisions, skating rink facility, landfill, and regional mall. Dr. Rockwood also has extensive experience in environmental site assessment related to possible oil and/or hazardous material contamination. He has conducted numerous environmental assessments, several including subsurface investigations, for sites located in Massachusetts, and has conducted preliminary environmental assessments for properties located in New York, New Hampshire, and Rhode Island. He has conducted ecological risk assessments (i.e., Stage I Environmental Screenings and Stage II Environmental Risk Characterizations) for a number of disposal sites in Massachusetts, including several disposal sites that had the potential to affect state-listed vertebrate and invertebrate species, and has utilized the EPA Rapid Bioassessment Protocol for macroinvertebrates to assess potential impacts of disposal sites and hazardous material releases on streams and rivers in Massachusetts and New York. He has served as the environmental contractor to the Franklin Consolidated Office of the Federal Deposit Insurance Corporation (FDIC-FCO) for 16 months, where he reviewed environmental reports, prepared scopes-of-work for site assessments, and provided technical advice to FDIC employees related to environmentally compromised assets. Dr. Rockwood has designed, conducted, and evaluated numerous surface water and groundwater monitoring programs. His prior research includes laboratory studies of the effects of low pH and aluminum on dragonfly nymphs and a field survey of the impact of chlorinated sewerage effluent on algal periphyton community dynamics. Dr. Rockwood is the co-author of a textbook on aquatic biology and is the principal author of three peer-reviewed research publications in the field of aquatic toxicology that address the effect of low pH and aluminum on nymphs of the dragonfly *Libellula julia*. Dr. Rockwood served as the as the Editor of the AMWS Newsletter from November 2004 to October 2010 and as Assistant Editor from May 2003 to November 2004 and October 2010 to January 2012. He served as President of the Association of Massachusetts Wetland Scientists from November 2013 to December 2015 and as Immediate Past President from December 2015 to December 2017. He was twice awarded by AMWS with their President's Award.

Education: Doctor of Philosophy (Ph.D.): Aquatic Pollution Biology – Plant and Soil Sciences
University of Massachusetts at Amherst, 1989
Bachelor of Science (B.S.): Environmental Sciences, *Summa Cum Laude*
University of Massachusetts at Amherst, 1984

Professional Affiliations: Society for Freshwater Science
Sigma Xi, Full Member
Association of Massachusetts Wetland Scientists, Voting Member
Society of Wetland Scientists
Massachusetts Association of Conservation Commissions

Certifications: Society of Wetlands Scientists Senior Professional Wetland Scientist, Certification Number 1349
OSHA Health and Safety Training, 40-Hour Training, 29 CFR 1910.120
OSHA Health and Safety Training, 8-Hour Supervisor Training
OSHA Health and Safety Training, 8-Hour Refresher Training

**PLANTING SCHEMATIC FOR
ENHANCEMENT PLANTING AREAS
5 HARWICH ROAD, NEWTON**

PREPARED BY ECOTEC, INC. -- OCTOBER 28, 2021

Enhancement Planting Area 1 (350± SF)

Stratum; Species, Size; Spacing	
Shrubs; 3-4' height; 4' on-center	22
D Silky Dogwood (<i>Cornus amomum</i>)	8
N Nannyberry (<i>Viburnum lentago</i>)	7
S Sweet Pepper-bush (<i>Clethra alnifolia</i>)	7

This planting area is intended to develop as a thick native hedge to separate the developed portion of the site from the off-site resources.

Enhancement Planting Area 1 (750± SF)

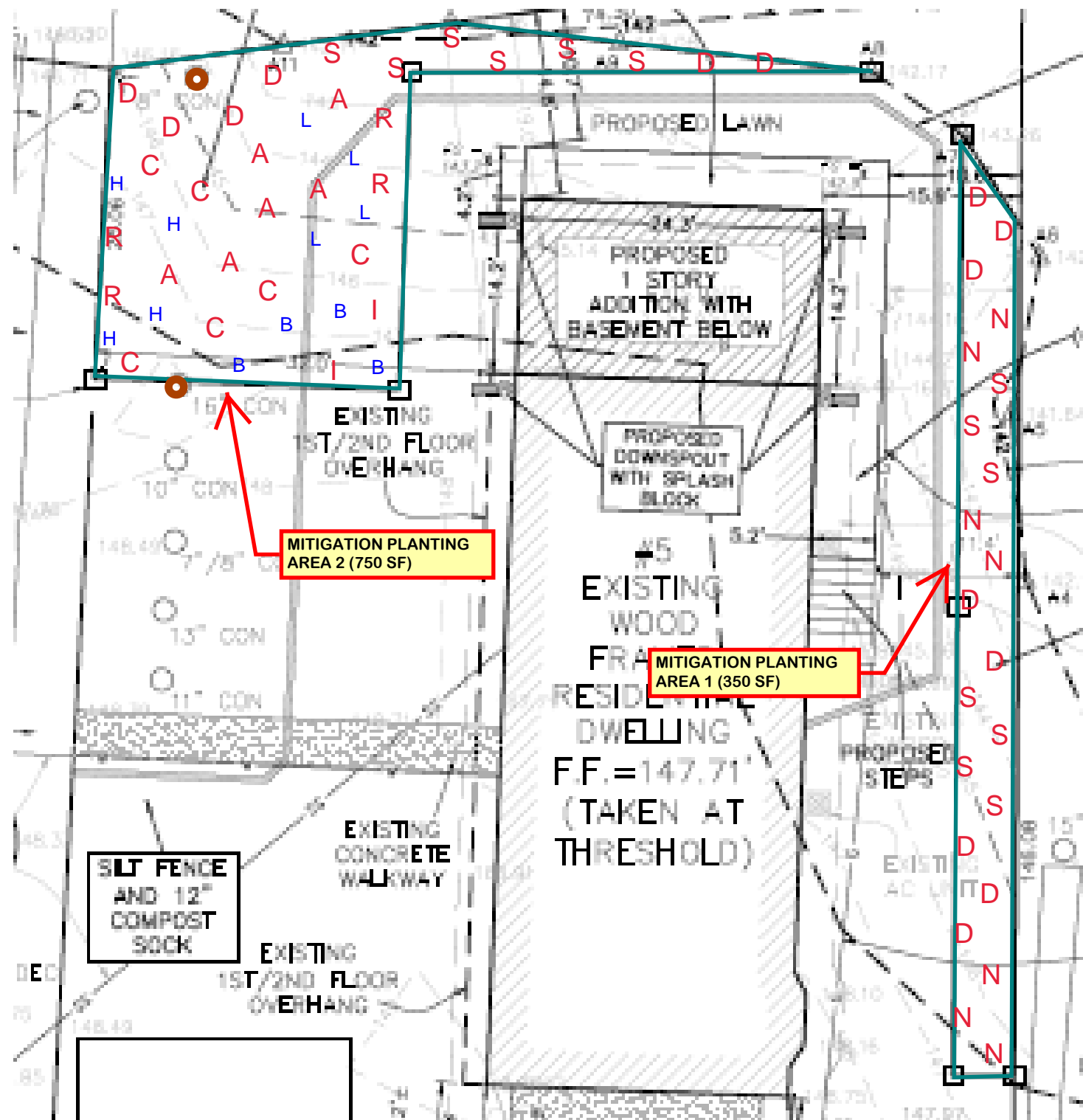
Stratum; Species, Size; Spacing	
Shrubs; 3-4' height; 5' on-center	30
D Silky Dogwood (<i>Cornus amomum</i>)	6
S Sweet Pepperbush (<i>Clethra alnifolia</i>)	6
R Eastern Red Cedar (<i>Juniperus virginiana</i>)	4
C Black Chokeberry (<i>Photinia melanocarpa</i>)	6
A American Witch-hazel (<i>Hamamelis virginiana</i>)	6
I Inkberry (<i>Ilex glabra</i>)	2
Small Shrubs; Sizes Below; 8' on-center	12
B Bearberry (<i>Arctostaphylos uva-ursi</i> ; 6-12")	4
L Lowbush Blueberry (<i>Vaccinium angustifolium</i> ; 6-12")	4
H Northern Bush Honeysuckle (<i>Diervilla lonicera</i> ; 12-18")	4

This planting area is intended to develop in part as a native hedge to separate the developed portion of the site from the adjacent resource areas and largely as a typical mitigation planting area intended to enhance and provide additional habitat features within the area compared to the existing condition.

Notes:

- The edges of the area must be graded so that the top of the applied mulch is even with the adjacent lawn.
- Plants to be placed under direction of overseeing wetland scientist.
- Substitutions are subject to approval by Conservation Staff.
- Plants must be natives; cultivars and varieties will not be accepted.
- The area must be mulched with a 3" thick layer of a 4:1 mixture of decomposed leaf compost and natural bark mulch.
- The plants must be watered-in well after planting and watered regularly for four weeks after planting.

Plan Section:



Note: The locations of the individual shrubs and ground cover are shown for permitting and review purposes; the locations of the plantings in the field will be based on this plan subject to the discretion of the overseeing wetland scientist.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
 Department of Planning and Development
 1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
 Telefax
(617) 796-1086
 www.newtonma.gov

Barney S. Heath
Director

Cons. Com. Wetland Application Coversheet/Checklist

Date	For 11/02/2021 Deadline
-------------	-------------------------

Fill in all white cells completely

Parcel		Applicant name	Nicolas Acquavella / Morelia Blanco
address	5 Harwich Road	Address	5 Harwich Road Newton, MA 02467
Sec/Block/Lot	82 / 037 / 0039	Email	acquavella_n@yahoo.com
Book & Page	1533 & 37 (Certificate 268610)	Phone	203-809-1631
Owner name	Nicholas Acquavella / Morelia Blanco	Representative	John P. Rockwood, Ph.D., SPWS
Address	5 Harwich Road Newton, MA 02467	Address	EcoTec, Inc. 102 Grove Street Worcester, MA 01605
Email	acquavella_n@yahoo.com	Email	jrockwood@ecotecinc.com
Phone	203-809-1631	Phone	508-752-9666 x 3

Wetland type	Buffer Zone	sf/cf affected	--	Relevant Perf. Standards	10.53(1)
Wetland type	--	sf/cf affected	--	Relevant Perf. Standards	10.
Wetland type	--	sf/cf affected	--	Relevant Perf. Standards	10.--

Components of a Complete NOI Application

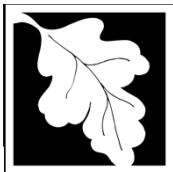
State Form: NOI Form 3	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Plan* title(s) Plan date Plan stamped by *if legible, plans should be 11"x17"	See NOI Cover Letter for a complete listing of materials included as part of this filing.
Narrative	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Proof that all relevant perf. standards are met	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Locus map	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Delineation lines (backup material)	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Fees	
● Fee Transmittal form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● City portion of state fee \$122.50	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● City fee \$50	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Abutter Information	
● List (within 100')	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be provided once abutter notifications are sent.
● Abutter letter	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● Affidavit & proof -- bring to hearing	<i>Present them at the hearing</i>
Other Attachments, e.g.	
Planting Plan	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
Floodplain analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Stormwater analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Riverfront Area Alternatives Analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Restoration or mitigation summary	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
Phasing/Sequencing plan, O&M plan, etc.	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable

Components of a Complete NOI Application

Conservation Commission Wetland Permit Process

NOI	RDA	Process
1	-	<p>Submit applications (see bullets below) by noon of the Tuesday deadline (16 days before desired hearing):</p> <p>a. <u>To Newton Conservation Commission</u>: 1000 Comm Ave., Newton, MA 02459</p> <ul style="list-style-type: none"> • This coversheet (1 paper copy) • Complete application (2 paper copies and 1 .pdf) -- see other side of this page for checklist <ul style="list-style-type: none"> • IF LEGIBLE, plans should be provided in 11" x 17" format. • Check for city portion of the state fee • \$50 check for city filing fee <p>b. <u>To Mass DEP Northeast Regional Office</u>: 205B Lowell Street, Wilmington, MA 01887</p> <ul style="list-style-type: none"> • Complete application (see other side of this page): 1 paper copy • Photocopy of the two state checks <p>c. <u>To DEP Lock Box</u>: Box 4062, Boston MA 02211</p> <ul style="list-style-type: none"> • Check for state portion of the state fee • Fee transmittal form
	1	<p>Submit application by noon of the Tuesday deadline (16 days before the desired hearing):</p> <p>a. DEP Form 1 (RDA), b. plans, and c. \$50 check made out to the City of Newton.</p>
-	-	<i>The Conservation Agent will schedule a Public hearing/meeting.</i>
2	-	Get a certified list of abutters within 100' of property lines from the Assessor's Office.
3	-	Once you know the date and time of the hearing, notify abutters within 100' of the property line using the City's " Notification to Abutters Form " and certified mail, certificate of mailing, or hand delivery with signatures . (N.B. Present proof of notification at the beginning of the public hearing.)
4	2	<i>The Conservation Agent will place a legal ad in the TAB and the Applicant will be billed for the ad.</i>
5	-	Stake the project. 2 weeks in advance of the public hearing, stake all new structures, erosion control barriers, stormwater systems, etc. within Con Com jurisdiction.
-	-	<i>The Conservation Agent will perform a site visit before the public hearing to confirm existing conditions and proposed work. If you wish to be informed of the time of the visit, please contact the Con Com office.</i>
6	3	<p>Attend the public hearing/meeting. The applicant or representative is expected to provide proof of abutter notification, briefly present the project, and answer any questions about possible impacts on wetlands. At the end of the hearing, the Con Com will either:</p> <ul style="list-style-type: none"> • Issue a Determination of Applicability ("negative" determination means no further permitting is needed), • Issue an Order of Conditions (OOC) approving or denying the project, or • Approve a continuation of the public hearing to allow time for additional information to be provided.
7	4	Receive and read the decision and understand the conditions. Contact the Con Com if you have any questions. Some conditions are temporary (such as maintaining erosion controls), and some are perpetual (such as maintaining restoration planting areas or limiting the use of fertilizers and outdoor lighting).
8	-	Wait-out the 10-Day appeal period. A decision of the Con Com can be appealed to MassDEP by any abutter, applicant, or 10-citizen group within 10 business days of the decision.
9	-	Record the Order at the Registry of Deeds. Provide proof of recording to the Conservation office.
10	-	Install MassDEP file number sign and erosion controls.
11	-	Schedule and attend a pre-construction site visit. Contact the Conservation office to schedule the site visit.
12	5	Execute the project. The project must be completed within 3 years, unless an extension of the permit is issued; extensions must be requested least 30 days prior to the expiration of the permit.
13	-	Request a Certificate of Compliance (COC). Once the project is completed and all conditions are satisfied, request a COC from the Conservation office by submitting: (1) DEP Form 8a , (2) an as-built plan , and (3) a letter from the engineer stating that everything is in substantial compliance with the approved plans and OOC. The Con Com will perform a site visit to ensure compliance and issue a COC if appropriate.
14	-	Record the Certificate of Compliance (COC) at the Registry of Deeds to remove the cloud from the title. Provide proof of recording to the Conservation office.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.



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):

<u>5 Harwich Road</u>	<u>Newton</u>	<u>02467</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.30432</u>	<u>-71.17187</u>	
d. Latitude	e. Longitude	
<u>82 037</u>	<u>0039</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Nicolas / Morelia</u>		<u>Acquavella / Blanco</u>	
a. First Name		b. Last Name	
--			
c. Organization			
<u>5 Harwich Road</u>			
d. Street Address			
<u>Newton</u>	<u>MA</u>	<u>02467</u>	
e. City/Town	f. State	g. Zip Code	
<u>203-809-1631</u>	<u>--</u>	<u>acquavella_n@yahoo.com</u>	
h. Phone Number	i. Fax Number	j. Email Address	

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

<u>Nicolas / Morelia</u>		<u>Acquavella / Blanco</u>	
a. First Name		b. Last Name	
--			
c. Organization			
<u>5 Harwich Road</u>			
d. Street Address			
<u>Newton</u>	<u>MA</u>	<u>02467</u>	
e. City/Town	f. State	g. Zip Code	
<u>203-809-1631</u>	<u>--</u>	<u>acquavella_n@yahoo.com</u>	
h. Phone Number	i. Fax Number	j. Email address	

4. Representative (if any):

<u>John</u>		<u>Rockwood</u>	
a. First Name		b. Last Name	
<u>EcoTec, Inc.</u>			
c. Company			
<u>102 Grove Street</u>			
d. Street Address			
<u>Worcester</u>	<u>MA</u>	<u>01605</u>	
e. City/Town	f. State	g. Zip Code	
<u>508-752-9666 x 3</u>	<u>--</u>	<u>jrockwood@ecotecinc.com</u>	
h. Phone Number	i. Fax Number	j. Email address	

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

<u>\$ 220.00</u>	<u>\$ 97.50</u>	<u>\$ 122.50</u>
a. Total Fee Paid	b. State Fee Paid	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 removal of an existing post-supported three season room and post-supported elevated deck and the construction of a one-story addition with full basement and a cantilevered and post supported elevated deck within the 100-foot Buffer Zone to BVW. Erosion controls and enhancement plantings are proposed. See Site Plan and Cover Letter for more details.

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.

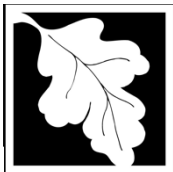
8. Property recorded at the Registry of Deeds for:

Southern Middlesex County -- Land Court	268610
a. County	b. Certificate # (if registered land)
1533	37
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 -- 3. cubic yards dredged	-- 2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	-- 1. square feet -- 3. cubic feet of flood storage lost	-- 2. square feet -- 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:

<u> </u>	<u> </u>	<u> </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.



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. <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

- 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

- 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.



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

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

- 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.

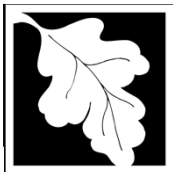
D. Additional Information

- 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.



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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.

A complete list of materials included as part of this filing 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

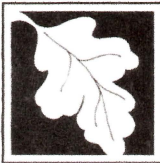
9. Attach Stormwater Report, if needed.

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:

130	10/25/2021
2. Municipal Check Number	3. Check date
131	10/25/2021
4. State Check Number	5. Check date
Nicolas	Acquavella
6. Payor name on check: First Name	7. Payor name on check: Last Name



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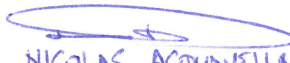
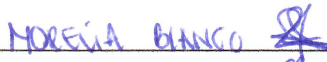
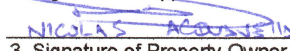
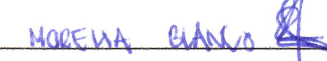
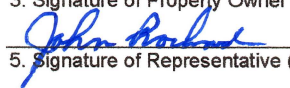
NEWTON

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.

 NICOLAS ACQUISTELLA	 MORENA BIANCO	10/25/21
1. Signature of Applicant		2. Date
 NICOLAS ACQUISTELLA	 MORENA BIANCO	10/25/21
3. Signature of Property Owner (if different)		4. Date
 John Barbieri		10/28/21
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.



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NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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:

5 Harwich Road	Newton
a. Street Address	b. City/Town
131	\$ 97.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Nicolas / Morelia		Acquavella / Blanco	
a. First Name		b. Last Name	
--			
c. Organization			
5 Harwich Road			
d. Mailing Address			
Newton		MA	02467
e. City/Town		f. State	g. Zip Code
203-809-1631	--	acquavella_n@yahoo.com	
h. Phone Number	i. Fax Number	j. Email Address	

3. Property Owner (if different):

Nicolas / Morelia		Acquavella / Blanco	
a. First Name		b. Last Name	
--			
c. Organization			
5 Harwich Road			
d. Mailing Address			
Newton		MA	02467
e. City/Town		f. State	g. Zip Code
203-809-1631	--	acquavella_n@yahoo.com	
h. Phone Number	i. Fax Number	j. Email Address	

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

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.



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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
1a. Addition to SFH in BZ only	1	\$ 110.00	\$ 110.00
1a. Deck to SFH in BZ only	1	\$ 110.00	\$ 110.00

Step 5/Total Project Fee: \$ 220.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$ 220.00</u>
State share of filing Fee:	a. Total Fee from Step 5 <u>\$97.50</u>
City/Town share of filing Fee:	b. 1/2 Total Fee less \$12.50 <u>\$ 122.50</u>
	c. 1/2 Total Fee plus \$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.)