

EcoTec, Inc.
ENVIRONMENTAL CONSULTING SERVICES
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BY EMAIL AND BY HAND

February 16, 2022

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 Pool/Patio, Spa/Deck, and Landscaping associated with an Existing Single-Family House in Buffer Zone; 25 Moorfield Road, Newton, Massachusetts
 -Applicant: David and Donna Frieze

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) \$177.50 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 A16;
 - 3) Flood Insurance Rate Map, Map No. 25017C0558E, 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;
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. Existing Conditions Plan: “25 Moorfield Road, Newton, Massachusetts, Existing Conditions Site Plan,” Sheet 1 of 1, Scale 1” = 20’, prepared by Verne T. Porter Jr., PLS, dated November 4, 2021, signed and stamped by Verne T. Porter Jr., PLS;
5. Landscaping Plan Set: 25 Moorfield Road, Newton, Massachusetts, prepared by Gregory Lombardi Design, Inc., dated February 14, 2022, stamped by Gregory D. Lombardi, RLA;
 - a. Sheet L0.01, Site Preparation and Construction Access Plan, Scale 1” = 10’;
 - b. Sheet L0.02, Site Preparation and Construction Access Details, Scale NTS;
 - c. Sheet L1.00, Proposed Landscape Plan, Scale 1” = 10’;
 - d. Sheet L2.00, Proposed Planting Plan, Scale 1” = 10’;
 - e. Sheet L2.01, Proposed Planting List, Scale NTS;
 - f. Sheet L3.00, Proposed Lighting Plan, Scale 1” = 10’; and
 - g. Sheet L3.01, Lighting Specifications, Scale NTS.

One copy of this filing and payment of \$152.50 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 August 13, 2020, 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, § 40; the “Act”) and its implementing regulations (310 CMR 10.00 *et seq.*; the “Regulations”); and (2) the U.S. Clean Water Act. The City of Newton does not have a Wetlands Protection Ordinance but does have a Floodplain Ordinance (the “Ordinance”; Section 22-22). John P. Rockwood, Ph.D., SPWS conducted the inspection.

The subject site consists of a 0.988±-acre parcel located at the terminus of Moorfield Road in Chestnut Hill, Massachusetts (see attached Locus Map). Hammond Pond is located to the west of the site. The site is developed with a single-family house, paved driveway, various hardscape features, and associated lawn and landscaping. The northern, western, and southern portions of the site are not developed and consist of upland forest and wetlands resources. Plant species observed in the upland forest include northern red oak (*Quercus rubra*), white oak (*Quercus alba*), eastern white pine (*Pinus strobus*), black cherry (*Prunus serotina*), red maple (*Acer rubrum*), American beech (*Fagus grandifolia*), white ash (*Fraxinus americana*), black birch (*Betula lenta*), and swamp tupelo (*Nyssa sylvatica*) trees, saplings, and/or shrubs; poison ivy (*Toxicodendron radicans*) and English ivy (*Hedera helix*) climbing woody vines and/or ground cover; highbush blueberry (*Vaccinium corymbosum*),

sweet pepper-bush (*Clethra alnifolia*), glossy buckthorn (*Rhamnus frangula*), multiflora rose (*Rosa multiflora*), and American cranberrybush (*Viburnum trilobum*) shrubs; and wild sarsaparilla (*Aralia nudicaulis*), hayscented fern (*Dennstaedtia punctilobula*), wild-lily-of-the-valley (*Maianthemum canadense*), garlic mustard (*Alliaria petiolata*), and upland sedge (*Carex pensylvanica*) ground cover. The wetland resources observed on and near the site are described below.

Observations for invasive species were made during the site visit. Glossy buckthorn (*Rhamnus frangula*) was found in and near the wetlands in the western portion of the site and limited multiflora rose (*Rosa multiflora*) and honeysuckle (*Lonicera sp.*) were noted in the northwestern and southwestern portions of the site. Forsythia (*Forsythia sp.*) was noted near the forest edge to the west of the house. English ivy (*Hedera helix*) was observed as climbing vines and ground cover along the driveway in the southeastern portion of the site and in the forest in the southwestern portion of the site. Pachysandra (*Pachysandra sp.*) and myrtle (*Vinca major*) were observed within the landscaping among the existing hardscapes. Garlic mustard (*Alliaria petiolata*) was observed in the forested area in the southwestern portion of the site. Purple loosestrife (*Lythrum salicaria*) was found in the wetter portions of the wetland in the western portion of the site with more significant concentrations off-site to the west at the fringe of Hammond Pond.

The western portion of the site is held in a Conservation Restriction (see Book 44905, Page 461); this Conservation Restriction was required under the Order of Conditions for the development of this lot under DEP File No.: 239-408 (see Book 31864, Page 365) and retained as a condition under DEP File No.: 239-471 (see Book 41787, Page 99) under which the site was initially developed. The purposes of the Conservation Restriction are to ensure that the designated area would be retained in its natural, scenic and wooded condition and to prevent any use of the area that will significantly impair or interfere with the conservation values of the area. The intent of the Conservation Restriction is to preserve the wildlife habitat and protect water quality between the developed portion of the site and Hammond Pond. The Conservation Restriction contains 9,305± square feet of land or 21.6 percent of the 43,043± square foot site.

Methodology:

The site was inspected, and areas suspected to qualify as wetland resources were identified. The boundary of Bordering Vegetated Wetlands was delineated in the field in accordance with 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 methodology 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 A16 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 A21 Stop	Blue Flags	Boundary of Bordering Vegetated Wetlands in the western portion of the site that is associated with Hammond Pond to the west of the site.

Findings:

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Wetland A (i.e., A-series flags) consists of forested swamp and marsh located in the western portion of the site and off-site to the west that is associated with Hammond Pond which is located to the west of the site. Plant species observed include red maple (*Acer rubrum*), gray birch (*Betula populifolia*), swamp tupelo (*Nyssa sylvatica*), and willow (*Salix* sp.) trees, saplings, and/or shrubs; poison ivy (*Toxicodendron radicans*) and common greenbrier (*Smilax rotundifolia*) climbing woody vines and/or ground cover; highbush blueberry (*Vaccinium corymbosum*), common buttonbush (*Cephalanthus occidentalis*), silky dogwood (*Cornus amomum*), glossy buckthorn (*Rhamnus frangula*), and sweet pepper-bush (*Clethra alnifolia*) shrubs; and grasses (Gramineae sp.), sedges (Cyperaceae sp.), rushes (Juncaceae sp.), broad-leaf cattail (*Typha latifolia*), purple loosestrife (*Lythrum salicaria*), spotted touch-me-not (*Impatiens capensis*), golden-rods (*Solidago* sp.), and sensitive fern (*Onoclea sensibilis*) ground cover. Evidence of wetland hydrology, including hydric soils, high groundwater, and saturated soils, was observed within the delineated wetland. This vegetated wetland borders a pond; accordingly, the vegetated wetlands would be regulated as Bordering Vegetated Wetlands and the pond would be regulated as Bank and Land Under Water Bodies and Waterways under the Act/Regulations. A 100-foot Buffer Zone extends horizontally outward from the edge of Bordering Vegetated Wetlands under the Act/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. Section 10.57(2)(a)3. states that “The boundary of Bordering Land Subject to Flooding is the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm.” Based upon a review of the Flood Insurance Rate Map, Map Number 25017C0558E, Effective Date June 4, 2010 (attached), there are no areas mapped as Zone A or AE (i.e., 100-year floodplain) located on or near the site. There is an area associated with Hammond Pond to the west of the site that is mapped as Other Flood Area: Zone X (i.e., 0.2% annual chance flood/500-year floodplain). The site appears to be mapped entirely as Other Areas: Zone X (i.e., areas located outside of the 0.2% annual chance flood/areas outside of the 500-year floodplain). When present, Bordering Land Subject to Flooding would occur in areas where the 100-year flood elevation is located outside of or upgradient of the Bordering Vegetated Wetlands boundary. Bordering Land Subject to Flooding does not have a 100-foot Buffer Zone under the Act/Regulations.

Under Section 22-22 of the Ordinance which identifies the Floodplain/Watershed Protection District, under Section (g)5. Ponds, (5) Hammond Pond has a 100-year flood elevation of 172.0 feet City of

Newton Datum. Any work proposed in areas subject to Ordinance jurisdiction will need to meet the requirements set forth in Section 22-22. 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 (i.e., Boston South Quadrangle, dated 1987, attached) and observations made during the site inspection, there are no mapped or unmapped streams located on or within 200 feet of the site. Accordingly, Riverfront Area would not occur on the site. Riverfront Area does not have a Buffer Zone under the Act/Regulations.

Estimated Habitat and Certified Vernal Pools: The Regulations require that no project may be permitted that will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures set forth at 310 CMR 10.59. Based upon a review of the *Massachusetts Natural Heritage Atlas*, 15th edition, Priority Habitats and Estimated Habitats from the NHESP Interactive Viewer, valid from August 1, 2021, and Certified and Potential Vernal Pools from MassGIS (attached), there are no Estimated Habitats [for use with the Act and Regulations (310 CMR 10.00 *et seq.*)], Priority Habitats [for use with Massachusetts Endangered Species Act (M.G.L. Ch. 131A; "MESA") and MESA Regulations (321 CMR 10.00 *et seq.*)], or Certified and Potential Vernal Pools on or in the immediate vicinity of the 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 undesired hardscape from the work area to the northwest of the existing house and the renovation of certain existing features and installation of new site features within this area. As shown on Sheet L0.01, the existing patio, pathways, and certain stairs are proposed to be removed from the site. All existing hardscape located within the 25' Buffer Zone will be removed; no new hardscape is proposed within the 25' Buffer Zone. The surface pavers from the existing terrace will be removed; the terrace will be covered with new stone paving and a fire table (see Sheet L1.00) The existing terrace railings will be removed and replaced. As shown on Sheet L1.00, a proposed wood deck with spa with crushed stone beneath the deck, proposed stone pathway with step, proposed stone steps to a proposed lawn area with a stone curb at the lawn's northwestern edge, two proposed planting beds with retaining walls, a proposed pool with stone terrace around the pool and retaining wall, relocate the existing grill and counter, and various connecting stone steps near the pool area are proposed. The proposed pool and spa equipment will be located within the existing house structure in the mechanical area/basement. All pool discharges (e.g., backwashing, drawdowns, etc.) will be made through the sanitary sewer; under no circumstances will pool discharges of any type be made to or toward Hammond Pond. The swimming pool is proposed to have an auto-cover to preclude the need for a safety fence around the pool. The project proposes lighting of stairs and pathways and the pool and spa for safety purposes as shown on Sheets L3.00 and L3.01. It must be noted that the parking lot for the mall with associated lighting and noise is very close to the wetlands associated with Hammond Pond and abuts the site to the

southwest. The proposed work, including proposed access to the subject area from the driveway along the west face of the house, will require the removal of a total of six trees 8" and greater in diameter and nine saplings less than 8" in diameter (see Sheet L2.01).

The project will include the removal of woody and certain herbaceous invasive species from the Buffer Zone to the northwest and southwest of the existing house using hand pulling for herbaceous species and a cut and blot method for woody species. Proposed native sapling, shrub, and herbaceous plantings in and near the subject area are proposed as shown on Sheets L1.00 and L2.00. The proposed Plant Schedule for tree species, shrub species on terraces and in planting areas, and herbaceous species on terraces and in planting areas are provided on Sheet L2.01. These plantings are part of the project and are not proposed as formal mitigation or enhancement; as such, monitoring of the plantings is not proposed. Fourteen saplings are proposed, 78 shrubs are proposed, and 533 herbaceous plantings are proposed. These perimeter plantings will vegetatively restore the Buffer Zone and provide habitat for wildlife species; many of the proposed shrub and herbaceous species will provide habitat and food sources for pollinator species. While the proposed project does include retaining walls, the area between Hammond Pond and the limit of development will consist of planted or existing native vegetation; such walls will serve to separate the developed portions of the site from the undeveloped portions of the site, prevent incremental creep, and will direct wildlife around the developed area through the naturally vegetated areas at the periphery of the development. The naturally vegetated corridor along the shore of Hammond Pond will be retained and enhanced as part of this project.

The work area will be accessed along the existing driveway and a proposed 10'-wide construction access path along the western face of the existing house. While initially considered, an access path to the east of the house would have resulted in significantly greater intrusion into both the 25' Buffer Zone and the existing Conservation Restriction and was rejected; there will be no equipment access to the east of the house associated with the proposed project. As shown on Sheets L0.01 and L0.02, the proposed 10'-wide access path will consist of Mirafi filter fabric placed on the existing ground surface with 1.5" drainage stone placed on the fabric to provide the access path surface; the presence of the fabric will facilitate proposed restoration to the pre-existing surface. As noted above, utilization of this access path will require the removal of four trees and five saplings. This access path is located outside of the 25' Buffer Zone and results in a temporary 34± square foot intrusion along the edge of the existing Conservation Restriction. As discussed in the Wetland Resource Evaluation above, the Conservation Restriction is 9,305± square feet in size and is located 8.4 feet from the existing house in this location. This temporary intrusion, which will result in the removal of one sapling and the establishment of one native sapling and three shrubs and represents 34 square feet of 9,305 square feet (0.37 percent) of the land area of the Conservation Restriction, is not prohibited under the terms of the Conservation Restriction. Again, upon the completion of the proposed work, this area will be restored to a natural condition with native plantings. As part of this filing, the applicant is seeking the permission of the Conservation Commission, the holder of the Conservation Restriction, to allow for this minimal temporary impact within the Conservation Restriction.

Prior to the start of earthwork, the indicated trees and saplings along the access route will be carefully cut flush to the ground surface and will not be grubbed or ground. The remaining trees and

saplings near the proposed deck and spa will be cut; these stumps will be carefully grubbed after the erosion control barrier is in place. An erosion control barrier consisting of 12"-diameter compost sock secured by wooden stakes at 4' intervals will be installed exactly on the line shown on Sheet L0.01. This erosion control barrier serves as the Limit of Work (LOW). A 4'-high rigid fence, which will serve for tree protection, will be installed on the project side of the compost sock (see Sheet L0.02). The 4'-high fence will prevent disposal of materials over the erosion control barrier. The compost sock and the 4'-high rigid fence will remain in place and be maintained as necessary for the duration of the project. An 8'-high chain link fence will be installed between the house and the temporary access path for house protection. Stockpiling would occur in the driveway outside jurisdiction; stockpiles would be surrounded by a compost sock and covered with tarps. Concrete washout, if necessary, would also be addressed outside jurisdiction. The plantings will be made under the supervision of the landscape architect as is seasonally appropriate. The access path will be removed and the area will be restored. Approval of the issuing authority will be received prior to the removal of the erosion control barrier.

The proposed invasive species removal and treatment plan consists of a combination of hand pulling of garlic mustard in May to June for two years, hand pulling of pachysandra and myrtle observed outside the proposed limit of development for two years, and a cut and blot method for glossy buckthorn, multiflora rose, honeysuckle, forsythia, and English ivy in September for two years. The invasive species removal and treatment area consists of the Buffer Zone to the northwest and southwest of the existing house between the limit of development and the wetland boundary. Care must be observed when handling English ivy as it may cause dermatitis. The invasive species treatment will be conducted under the supervision of a qualified wetland scientist with herbicide application to be conducted only by a Massachusetts licensed pesticide (herbicide) applicator. The herbicide proposed to be used to prevent sprouting and to ensure that the roots are killed is a 25-35% solution of glyphosate-based herbicide containing a marker dye. The stems of the target species will be cleanly cut with pruning shears 4 to 6 inches above the ground surface and the herbicide will be immediately applied to the cut stem using a wick applicator to avoid affecting non-target plants. A very small volume of herbicide is used under this method. Foliar application of herbicide for invasive species treatment is not proposed and will not be allowed under this removal and treatment plan. The pulled garlic mustard will be placed in black plastic bags and the other cut invasives will be removed from the areas and disposed of off-site in accordance with industry practices. A brief completion report will be provided to the Commission annually after the fall treatment in a timely manner which provides an update on the treatment and its efficacy.

Narrative Standard for Work in the Buffer Zone:

Section 10.53(1) of the Regulations provides a narrative standard for work in the Buffer Zone and states "...If the issuing authority determines that a resource area is significant to an interest identified in M.G.L. c. 131, § 40 for which no presumption is stated in the Preamble to the applicable section, the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests. For work in the buffer zone subject to review under 310 CMR 10.02(2)(b)3., the issuing authority shall impose conditions to protect the interests of the Act identified for the adjacent resource area. The potential for adverse impacts to resource areas from work in the buffer zone may increase with the extent of the work and the proximity to the resource area. The issuing authority may consider the characteristics of the buffer zone, such as the presence of steep slopes, that may

increase the potential for adverse impacts on resource areas. Conditions may include limitations on the scope and location of work in the buffer zone as necessary to avoid alteration of resource areas. The issuing authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the resource area and/or other measures commensurate with the scope and location of the work within the buffer zone to protect the interests of the Act. Where a buffer zone has already been developed, the issuing authority may consider the extent of existing development in its review of subsequent proposed work and, where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a resource area to protect the interest of the Act. The purpose of preconstruction review of work in the buffer zone is to ensure that adjacent resource areas are not adversely affected during or after completion of the work.” As indicated in the Preface to the 2005 Revisions to the Regulations, “This standard is intended to provide better guidance to applicants, conservation commissions and DEP by identifying the measures that will ensure that adjacent wetland resource areas are not adversely affected during or after completion of the work.”

Prior to the start of earth moving activities, an erosion control barrier consisting of staked compost sock and 4'-high rigid fencing, 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. Approval of the issuing authority will be received prior to the removal of the erosion control barrier. The proposed project consists of the reconfiguration of hardscape and landscape associated with an existing single-family house and will eliminate hardscape within 25 feet of the Bordering Vegetated Wetlands. The proposed project will not create slopes. Retaining walls have been proposed to facilitate project design and avoid slopes. Significant native shrub and herbaceous plantings are proposed at and near the limit of the proposed work to augment the existing native plants. Invasive species removal is proposed within a portion of the 100' Buffer Zone on the site. As such, a wildlife corridor along Hammond Pond of at least 25 feet in width will be preserved and augmented. A portion of this area is contained within an existing Conservation Restriction.

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. With the exception of the removal of two areas of existing hardscape from the 25' Buffer Zone, invasive species removal and treatment, and the establishment of significant native herbaceous vegetation within the 25' Buffer Zone, no other work is proposed within the 25' Buffer Zone as part of this project. A significant portion of the 25' Buffer Zone consists of an existing Conservation Restriction which was established in 2005 as part of permitting for the proposed development of the site.

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 the 100' Buffer Zone generally greater than 25 feet from the Bordering Vegetated Wetlands boundary. The proposed work consists of the reconfiguration of hardscape and landscaping to the northwest of

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the existing single-family house. Erosion controls and other means to protect the areas outside the limit of work are proposed. Invasive species removal from a portion of the 100' Buffer Zone and significant native sapling, shrub, and herbaceous plantings are proposed at and near the periphery of the proposed project. The proposed project meets the Commission's Naturally Vegetated Buffer Policy. 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 March 10, 2022. 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)
David and Donna Frieze (Via Email)
Ted Smiley (Via Email)
Verne T. Porter, Jr., PLS (Via Email)

18/w/NEWTON25MOORFIELD NOI CL

Newton Locus Map



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

Applicant:

Prepared by: EcoTec, Inc.

Project location: 25 Moorfield 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: A16	Transect Number: Up	Date of Delineation: 08/13/2020		
A. Sample Layer and Plant Species # (by common/scientific name)			B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category * #
Tree	Northern Red Oak	<i>Quercus rubra</i>	50	71	Yes	FACU-
	Red Maple	<i>Acer rubrum</i>	10	14	No	FAC*
	Swamp Tupelo	<i>Nyssa sylvatica</i>	10	14	No	FACW+*
Sapling	Red Maple	<i>Acer rubrum</i>	10	100	Yes	FAC*
Shrub	White Ash	<i>Fraxinus americana</i>	10	40	Yes	FACU
	Highbush Blueberry	<i>Vaccinium corymbosum</i>	10	40	Yes	FACW-*
	Black Cherry	<i>Prunus serotina</i>	5	20	Yes	FACU
Ground Cover	Northern Red Oak	<i>Quercus rubra</i>	2	17	No	FACU-
	Garlic Mustard	<i>Allairia petiolata</i>	5	42	Yes	FACU-
	Wild-lily-of-the-valley	<i>Maianthemum canadense</i>	5	42	Yes	FAC-

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: 5
 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.

MA DEP; 3/95

TRANSECT A16 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	0-8	10 YR 3/3 Loam	-
B	8-16	10 YR 5/6 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: 25 Moorfield 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: A16	Transect Number: Wet	Date of Delineation: 08/13/2020		
A. Sample Layer and Plant Species # (by common/scientific name)			B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category * #
Tree	Northern Red Oak	<i>Quercus rubra</i>	20	20	Yes	FACU-
	Red Maple	<i>Acer rubrum</i>	20	20	Yes	FAC*
	Swamp Tupelo	<i>Nyssa sylvatica</i>	40	40	Yes	FACW+*
	American Beach	<i>Fagus grandifolia</i>	20	20	Yes	FACU
Climbing Woody Vine	Common Greenbrier	<i>Smilax rotundifolia</i>	20	100	Yes	FAC*
Sapling	Swamp Tupelo	<i>Nyssa sylvatica</i>	15	60	Yes	FACW+*
	Red Maple	<i>Acer rubrum</i>	10	40	Yes	FAC*
Shrub	Highbush Blueberry	<i>Vaccinium corymbosum</i>	20	57	Yes	FACW-*
	Sweet Pepper-bush	<i>Clethra alnifolia</i>	15	43	Yes	FAC+*
Ground Cover	Sweet Pepper-bush	<i>Clethra alnifolia</i>	10	100	Yes	FAC+*

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

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

TRANSECT A16 WET (CONT.)

Section II. Indicators of Hydrology

1. Soil Survey

Is there a published soil survey for this site? -

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

Are field observations consistent with soil survey? -

Remarks: -

2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottle Color
A	0-6	10 YR 2/1 Mucky Loam	-
B	6-16	10 YR 5/2 Sandy Loam	7.5 YR 5/6

Remarks: Terminated at 16 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: 12 inches
- Depth to soil saturation in observation hole: 8 inches
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____
- Other: _____

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

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

National Flood Hazard Layer FIRMMette



71°10'24"W 42°19'40"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	
	20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
	17.5 Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	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.

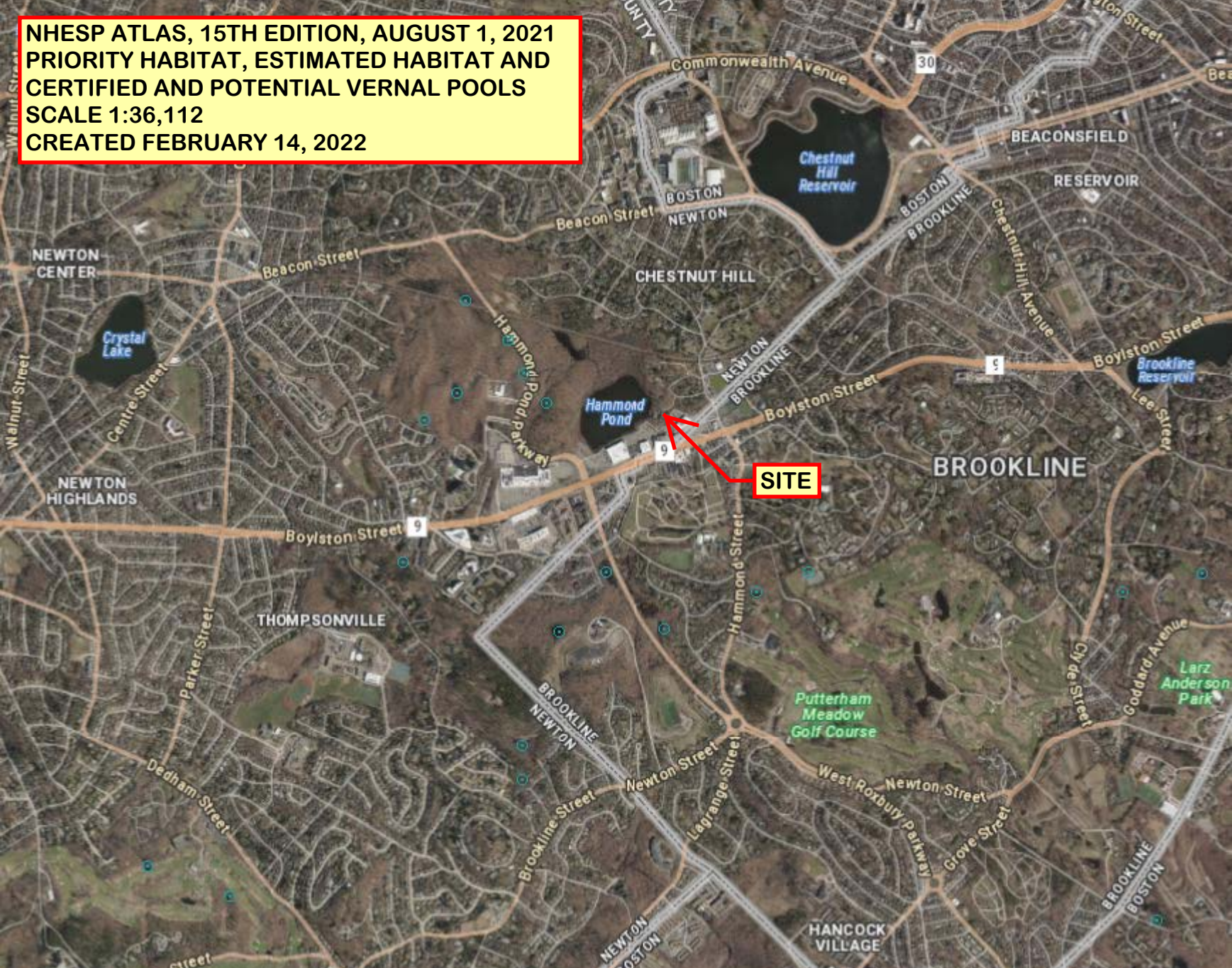
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **8/13/2020 at 4:35 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded 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
SCALE 1:12,500



NHESP ATLAS, 15TH EDITION, AUGUST 1, 2021
PRIORITY HABITAT, ESTIMATED HABITAT AND
CERTIFIED AND POTENTIAL VERNAL POOLS
SCALE 1:36,112
CREATED FEBRUARY 14, 2022



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



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 02/22/2022 Deadline
-------------	-------------------------

Fill in all white cells completely

Parcel		Applicant name	David and Donna Frieze 25 Moorfield Road Newton, MA 02467
address	25 Moorfield Road	Address	
Sec/Block/Lot	63 / 037 / 0018B	Email	dfrieze@winterstreet.com
Book & Page	59828 & 90	Phone	781-444-2275
Owner name	David and Donna Frieze 25 Moorfield Road Newton, MA 02467	Representative	John P. Rockwood, Ph.D., SPWS EcoTec, Inc. 102 Grove Street Worcester, MA 01605
Address		Address	
Email	dfrieze@winterstreet.com	Email	jrockwood@ecotecinc.com
Phone	781-444-2275	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.--

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 \$177.50	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 See Site Plan
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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" 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

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>25 Moorfield Road</u>	<u>Newton (Chestnut Hill)</u>	<u>02467</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>63 037</u>	<u>42.32422</u>	<u>-71.16832</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>0018B</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>David and Donna</u>	<u>Frieze</u>
a. First Name	b. Last Name
--	
c. Organization	
<u>25 Moorfield Road</u>	
d. Street Address	
<u>Newton (Chestnut Hill)</u>	<u>MA</u>
e. City/Town	f. State
<u>781-444-2275</u>	<u>02467</u>
h. Phone Number	g. Zip Code
<u>--</u>	<u>dfrieze@winterstreet.com</u>
i. Fax Number	j. Email Address

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

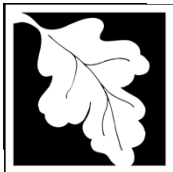
<u>David and Donna</u>	<u>Frieze</u>
a. First Name	b. Last Name
--	
c. Organization	
<u>25 Moorfield Road</u>	
d. Street Address	
<u>Newton (Chestnut Hill)</u>	<u>MA</u>
e. City/Town	f. State
<u>781-444-2275</u>	<u>02467</u>
h. Phone Number	g. Zip Code
<u>--</u>	<u>dfrieze@winterstreet.com</u>
i. Fax 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>
e. City/Town	f. State
<u>508-752-9666 x 3</u>	<u>01065</u>
h. Phone Number	g. Zip Code
<u>--</u>	<u>jrockwood@ecotecinc.com</u>
i. Fax Number	j. Email address

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

<u>\$ 330.00</u>	<u>\$ 152.50</u>	<u>\$ 177.50</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 certain site features associated with an existing single-family house and the construction of new site features associated with an existing single-family house within the 100' Buffer Zone. Erosion controls, invasive plant removal, and native plantings are proposed. See Site Plans and Cover Letter for additional 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.

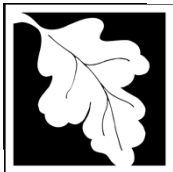
8. Property recorded at the Registry of Deeds for:

South Middlesex	--
a. County	b. Certificate # (if registered land)
59828	90
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

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

Provided by MassDEP:
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NEWTON
City/Town

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

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

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

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

2. Width of Riverfront Area (check one):

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

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

4. Proposed alteration of the Riverfront Area:

<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

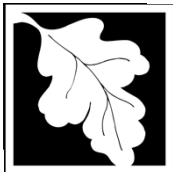
City/Town

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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WPA Form 3 – Notice of Intent

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

C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

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

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

August 1, 2021
b. Date of map

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

c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:

(a) within wetland Resource Area	--	
	percentage/acreage	
(b) outside Resource Area	--	
	percentage/acreage	

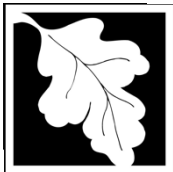
2. Assessor's Map or right-of-way plan of site

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

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

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

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



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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
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.

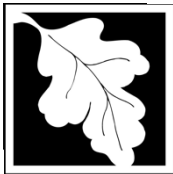
D. Additional Information

- 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 listing of materials included in 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

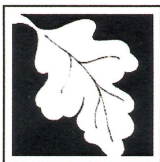
9. Attach Stormwater Report, if needed.

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:

<u>21240</u>	<u>2/7/2022</u>
2. Municipal Check Number	3. Check date
<u>21241</u>	<u>2/7/2022</u>
4. State Check Number	5. Check date
<u>EcoTec, Inc.</u>	<u>--</u>
6. Payor name on check: First Name	7. Payor name on check: Last Name



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Provided by MassDEP:

MassDEP File Number

Document Transaction Number




NEWTON

City/Town

F. Signatures and Submittal Requirements

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

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

 _____	7/1/21 _____
1. Signature of Applicant	2. Date
 _____	7/1/21 _____
3. Signature of Property Owner (if different)	4. Date
 _____	2/17/22 _____
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:

<u>25 Moorfield Road</u>	<u>Newton (Chestnut Hill)</u>
a. Street Address	b. City/Town
<u>21241</u>	<u>\$ 152.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>David and Donna</u>	<u>Frieze</u>	
a. First Name	b. Last Name	
--		
c. Organization		
<u>25 Moorfield Road</u>		
d. Mailing Address		
<u>Newton (Chestnut Hill)</u>	<u>MA</u>	<u>02467</u>
e. City/Town	f. State	g. Zip Code
<u>781-444-2275</u>	<u>--</u>	<u>dfrieze@winterstreet.com</u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u>David and Donna</u>	<u>Frieze</u>	
a. First Name	b. Last Name	
--		
c. Organization		
<u>25 Moorfield Road</u>		
d. Mailing Address		
<u>Newton (Chestnut Hill)</u>	<u>MA</u>	<u>02467</u>
e. City/Town	f. State	g. Zip Code
<u>781-444-2275</u>	<u>--</u>	<u>dfrieze@winterstreet.com</u>
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).



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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. Activity Associated with Existing SFH in Buffer Zone Only	3	\$ 110	\$ 330.00
1. Pool and Patio			
2. Spa and Deck			
3. Other Landscaping			

Step 5/Total Project Fee: \$ 330.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$ 330.00</u>
State share of filing Fee:	a. Total Fee from Step 5 <u>\$ 152.50</u>
City/Town share of filing Fee:	b. 1/2 Total Fee less \$12.50 <u>\$ 177.50</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.)