

Revised: 2/21/2022

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

Re: Notice of Intent  
152 Suffolk Rd. (Map 63, Parcel: 16, Lot: 8D), Newton, MA

Dear Newton Conservation Commission,

Goddard Consulting, LLC is pleased to submit this Notice of Intent (NOI) Application on behalf of the applicant, Yelena Dudochkin, for the purpose of the new construction of a sports court, greenhouse, retaining wall, fence, and expansion of lawn within Buffer Zone to an on-site BVW, as well as the new construction of a swimming pool, patio, greenhouse, fire pit, retaining wall, fence, and expansion of lawn within Riverfront Area to an off-site perennial stream at the property addressed as 152 Suffolk Rd. (Map 63, Parcel: 16, Lot:8D), Newton, MA. This NOI application is a filing under the MA Wetlands Protection Act (WPA).

Two copies of the NOI application are enclosed, along with three copies of the plans. A digital copy of the entire submission has also been submitted. The titles of all the documents enclosed are as follows:

- NOI (WPA Form 3) Application Form
- NOI Wetland Fee Transmittal Form, Copy of Checks
- Abutters List, Abutter Notification, Affidavit of Service
- *Wetland Border Report*. Goddard Consulting, LLC. 8/5/2021
- Orthophoto of Locus Site. Goddard Consulting, LLC. 8/12/2021
- USGS Site Locus. Goddard Consulting, LLC. 8/12/2021
- *Arborist's Report (Updated)*. Kray Small, 1/13/2022
- *Stormwater Report*. Spruhan Engineering, P.C. 2/21/2022
- *Proposed Plan, 152 Suffolk Road, Newton*, Peter Nolan & Associates LLC, 2/21/2022
- *Rear Yard Landscape Improvements*. Marc Mazzarelli Associates LLC, 11/8/2021, Revised 2/18/2022

#### Existing Conditions:

The ±1.6-acre site is located at 152 Suffolk Road in Newton, MA. The site consists of a single-family house with associated driveway, patio, and lawn. A Bordering Vegetated Wetland (BVW) is located on-site and its associated Buffer Zone. Riverfront Area from the off-site perennial stream, Hammond Brook, extends onto the property (see attached *Wetland Border Report*).

**Proposed Conditions:**

The applicant proposes to construct a 20’x40’ swimming pool, patio with fire pit, retaining wall, a 6’ metal and cedar post fence, an 18’x25’ greenhouse, and plantings in which portions of the work occur within the Riverfront Area. The proposed construction of the sports court, greenhouse, retaining wall, stormwater infiltration systems, and a fence will take place within the Buffer Zone to BVW. Efforts have been made to keep the footprint of the proposed pool as far away from Riverfront Area as possible. Only a small corner of the pool falls within Riverfront Area. The existing bluestone patio will be expanded around the proposed pool and fire pit. Riverfront Area on-site totals ±11,577sf. After slight changes to the plan the total new impacts to the outer riparian zone total ±1,833sf. The proposed work includes ±1,165sf of permanent impervious surfaces within Riverfront Area. No impacts to the inner riparian zone are proposed. The proposed metal and cedar post fence along the property boundary will go through the Outer Riparian Area, 100-foot Buffer Zone and the 50-foot Buffer Zone, the fence will stop at the BVW boundary located at the Southeast corner of the property. Erosion control barriers will be established along the downgradient limit of work. Stormwater infiltration systems are proposed in the backyard to capture and infiltrate stormwater from the property.

The proposed work also includes Riverfront Area and BVW enhancement with native plantings within the on-site resource areas. Transplanting and new native plantings are proposed as mitigation for impacts to the Riverfront Area and Buffer Zones. Approximately 21 diseased, dying, or in poor health trees are to be removed (see updated Arborist Report dated 1/13/22) and approximately 69 native trees are to be planted as compensation. Approximately 141 plants are proposed to be transplanted on-site and another approximately 98 new plants are proposed for a total of 167 new trees and shrubs on-site. A conservation seed mix will be used to add a herbaceous layer to the Riverfront Area as an added enhancement. These plantings will enhance the resource areas located on-site and protect the interests of the Wetlands Protection Act.

The Riverfront enhancement area is a temporary impact and totals ±4,599sf (see Table 1). There will be minor grading in the front portion of this area but will be revegetated with a conservation seed mix and other native plantings as part of the Riverfront enhancement. The permanent impacts are those around the proposed greenhouse. This area will be permanently altered as a part of the project which includes the greenhouse, associated grading, and lawn. There is a portion of existing Riverfront Area that has been previously impacted as a maintained landscaped area and therefore excluded from the permanent impacts calculation.

<b>Riverfront Area</b>	<b>Temporary Impacts</b>	<b>Permanent Impacts</b>
Inner Riparian 0’-100’	0	0
Outer Riparian 100’-200’	±4,599sf	±1,833sf
Total	±4,599sf	±1,833sf

Table 1. Existing and proposed Riverfront Area impacts.

## Regulatory Compliance under the MA Wetlands Protection Act

*Riverfront Area: 310 CMR 10.58(4)*

310 CMR 10.58 (4)(a-d) states the following:

*(4). Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c.131 § 40 and that the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. In the event that the presumption is partially overcome, the issuing authority shall make a written determination setting forth its grounds in the Order of Conditions and the partial rebuttal shall be taken into account in the application of 310 CMR 10.58 (4)(d)1.a. and c.; the issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.*

*(a) Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (Coastal Bank), 10.32 (Salt Marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.*

**The proposed work contributes to the protection of the interests of M.G.L. c. 131, § 40 to the greatest extent feasible. No work will be performed within Inner Riparian Zone (0-100 ft). The proposed mitigation planting's purpose is to enhance the Riverfront Areas ability to function as Riverfront Area. The proposed work meets all the performance standards for all other resource areas within the Riverfront Area.**

*(b) Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.*

**The site is not located within Natural Heritage and Endangered Species Program priority habitat of rare species. There are no mapped potential or certified vernal pools on site.**

*(c) Practicable and Substantially Equivalent Economic Alternatives. There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.*

**The current proposed development has seen several rounds of review and revisions. The current proposed project (the preferred alternative) has been selected as the least impactful iteration. Efforts were taken to keep the pool outside of Riverfront Area as much as possible. The proposed greenhouse is entirely within Riverfront Area but as the smallest structure, its location was chosen**

to minimize impacts within Riverfront Area. It is impractical to have all the desired features outside of Riverfront Area.

### **Alternative 1**

In this alternative the pool stays where it is proposed and the sports court swaps locations with the greenhouse. This alternative is feasible however, this would add approximately  $\pm 1,146$ sf of impervious surface to the Riverfront Area, for a total of  $\pm 2,311$ sf (see Figure 1). The smaller size of the greenhouse will have less impact on the Riverfront Area as compared to this alternative that has the sports court almost completely within Riverfront Area.

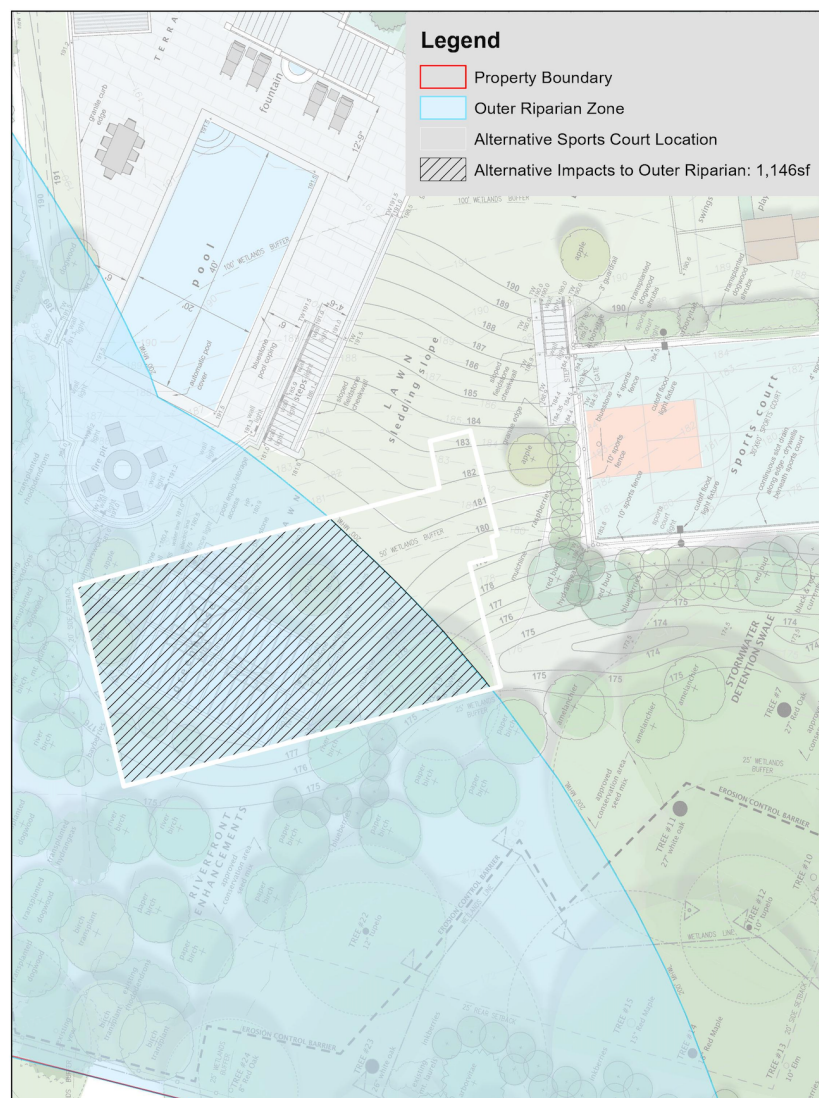


Figure 1. Alternative sports court location leads to an increase in impervious surface in the Riverfront Area.

**Alternative 2**

In this alternative, the pool is rotated 90 degrees and the sport court put behind (parallel) to the pool with the greenhouse behind the sports court. This would put most of the sports court within Riverfront Area. This would result in a total of ±2,372sf of impervious, permanent impacts in the Riverfront Area (see Figure 2). The preferred alternative has the sports court entirely outside of the Riverfront Area. This alternative would also require more grading throughout the Riverfront Area and require a redesign of the stormwater infiltration system that is currently proposed between the pool and sports court. All these changes would leave little to no room for the same quantity of planting native species that will improve the area.

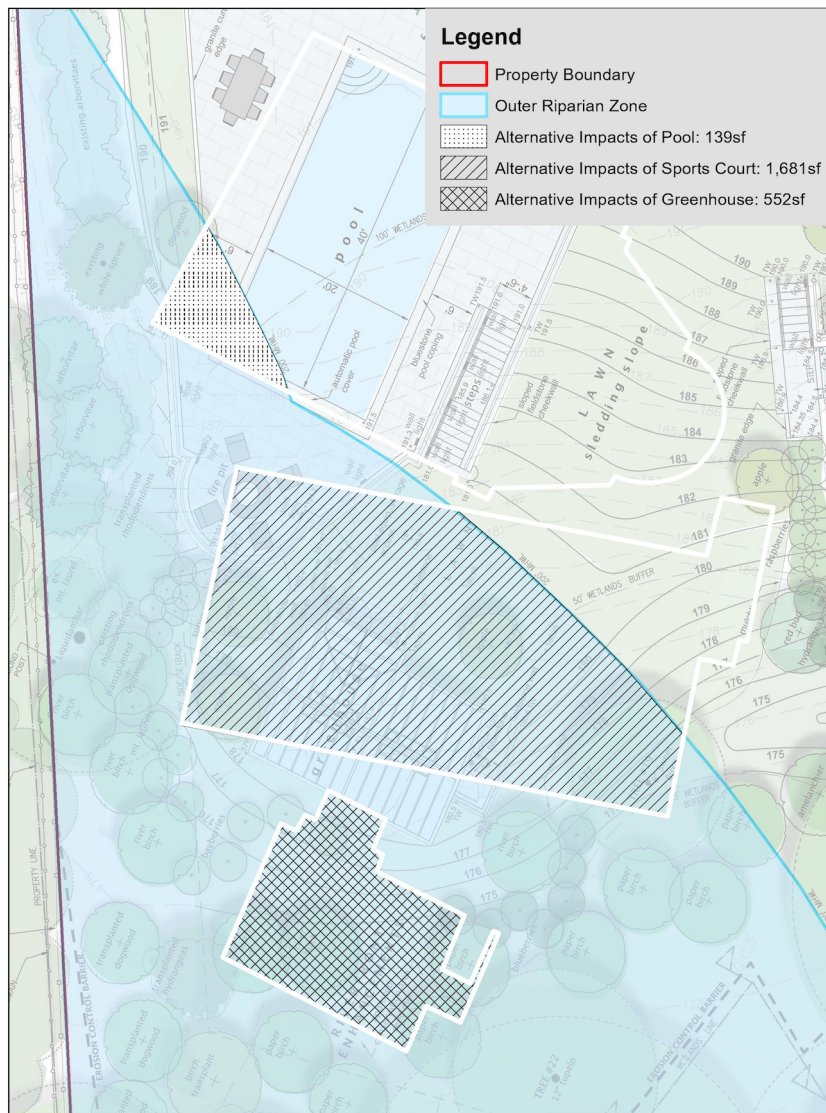


Figure 2. Alternative locations for the greenhouse, sports court and pool. This iteration leads to an increased disturbance and impervious surfaces within Riverfront Area.

### **Preferred Alternative**

The current proposal represents the preferred alternative for development. Both alternatives would put a greater amount of impacts in the Riverfront than the current preferred plan. There are minimal impacts, and all impacts are within the 200' outer riparian area. There are no proposed impacts to the inner riparian area. Proposed new impacts to Riverfront Area totals  $\pm 1,833$ sf. The preferred alternative proposes  $\pm 1,165$ sf of impervious surfaces in Riverfront Area. The Riverfront Area will be improved over current conditions with the proposed planting of over 75 native trees, shrubs, and conservation seed mix. The site will be better able to function as Riverfront Area and improved wildlife habitat.

### **Alternative 4**

Leaving the site in its existing condition is not an economically equivalent viable option for the proposed project.

*(d) No Significant Adverse Impact. The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40.*

**The proposed work will have no significant adverse impacts to the Riverfront Area. The project requires the removal of some trees within the Riverfront Area, the proposed plantings will compensate for the loss and add a net increase of plants to the area. The proposed mitigation planting's purpose is to enhance the Riverfront Areas ability to function as Riverfront Area. All proposed plants are valuable native species that were specifically chosen for this site and will provide excellent wildlife habitat for the foreseeable future. The Riverfront Area will become more and more valuable as the plants mature. No work within the Inner Riparian Zone is proposed. The proposed work will alter the Riverfront Area, however following completion of the project and two growing seasons, the area will be improved over its current state and result in no significant adverse impact.**

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

**The lot was recorded prior to October 6, 1997. No impacts are proposed to the Inner Riparian Zone and the 100-foot-wide area of undisturbed vegetation will be preserved. Impacts to the Outer Riparian Zone total  $\pm 1,833$ sf which is less than 5,000sf and impervious surfaces total  $\pm 1,165$ sf.**

- a. *At a minimum, a 100-foot-wide area of undisturbed vegetation is provided. This area shall extend from mean annual high-water along the river unless another location would better protect the interests identified in M.G.L. c. 131 § 40. If there is not a 100-foot-wide area of undisturbed vegetation within the riverfront area, existing vegetative cover shall be preserved*

*or extended to the maximum extent feasible to approximate a 100-foot-wide corridor of natural vegetation. Replication and compensatory storage required to meet other resource area performance standards are allowed within this area; structural stormwater management measures may be allowed only when there is no practicable alternative. Temporary impacts where necessary for installation of linear site-related utilities are allowed, provided the area is restored to its natural conditions. Proposed work which does not meet the requirement of 310 CMR 10.58(4)(d)1.a. may be allowed only if an applicant demonstrates by a preponderance of evidence from a competent source that an area of undisturbed vegetation with an overall average width of 100 feet will provide equivalent protection of the riverfront area, or that a partial rebuttal of the presumptions of significance is sufficient to justify a lesser area of undisturbed vegetation;*

**There will be no disturbance to the 100-foot-wide area of undisturbed natural vegetation.**

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

**The proposed project is exempt from the requirements for stormwater management as it involves work on a single-family house lot. However, we have included a stormwater report and proposed stormwater management in accordance with the local stormwater ordinance [Ordinance No. Z-45 30-5(c)].**

*c. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. Work shall not result in an impairment of the capacity to provide vernal pool habitat identified by evidence from a competent source, but not yet certified. For work within an undeveloped riverfront area which exceeds 5,000 square feet, the issuing authority may require a wildlife habitat evaluation study under 310 CMR 10.60.*

**The site is not located within a NHESP Priority Habitat of Rare Species and there are no vernal pools located on site. Habitat will be improved with the removal of some invasive species and Riverfront enhancement.**

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

**The proposed project provides for erosion and sedimentation controls during construction to prevent impairment to groundwater and surface water quality. Stormwater infiltration systems are proposed.**

*The calculation of square footage of alteration shall exclude areas of replication or compensatory flood storage required to meet performance standards for other resource areas, or any area of restoration within the riverfront area. The calculation also shall exclude areas used for structural stormwater management measures, provided there is no practicable alternative to siting these*

*structures within the riverfront area and provided a wildlife corridor is maintained (e.g. detention basins shall not be fenced).*

**Riverfront Area and BVW are the only on-site resource area. No replication or compensatory storage is necessitated by this project or proposed.**

#### *Buffer Zone*

**The WPA Regulations [310 CMR 10.02(2)(b)] do not contain performance standards for Buffer Zone Alteration. All reasonable efforts to avoid, minimize and mitigate adverse impacts on the Buffer Zone have been considered, but the project design requires that Buffer Zone be altered in order to achieve the desired project design. The project design has avoided the construction of impervious surfaces within 35 feet of wetland resource areas. Erosion and sedimentation controls will be installed along the limit of work throughout the project area in order to prevent any siltation into the wetlands during construction.**

**Under 310 CMR 10.02 (2)(b)(2)(d), the following minor activities, provided that they comply with 310 CMR 10.02(2)(b)1., are not otherwise subject to regulation under M.G.L. c. 131, § 40: d. Plantings of native species of trees, shrubs, or groundcover, but excluding turf lawns.**

#### Conclusion:

It is our professional opinion that the proposed construction will not have a significant adverse impact to Riverfront Area or to the BVW on-site. We therefore respectfully request that the Conservation Commission approve this application with the issuance of an Order of Conditions.

If there are any questions concerning this submission, please do not hesitate to contact us.

Very truly yours,  
Goddard Consulting, LLC



Tim McGuire  
Wildlife Biologist & Wetland Scientist

CC: MassDEP Northeast Regional Office, Wetlands Division, 205B Lowell St., Wilmington, MA 01887  
Yelena Dudochkin, 152 Suffolk Road, Newton, MA 02467





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

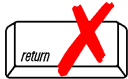
Document Transaction Number

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):

152 Suffolk Road

a. Street Address

Newton

b. City/Town

02467

c. Zip Code

Latitude and Longitude:

63

f. Assessors Map/Plat Number

42.32873

d. Latitude

-71.17170

e. Longitude

Parcel 16, Lot 8D

g. Parcel /Lot Number

2. Applicant:

Yelena

a. First Name

Dudochkin

b. Last Name

c. Organization

152 Suffolk Road

d. Street Address

Newton

e. City/Town

MA

f. State

02467

g. Zip Code

h. Phone Number

i. Fax Number

ydudochkin@gmail.com

j. Email Address

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Timothy

a. First Name

McGuire

b. Last Name

Goddard Consulting, LLC

c. Company

291 Main Street, Suite 8

d. Street Address

Northborough

e. City/Town

MA

f. State

01532

g. Zip Code

(508) 393-3784

h. Phone Number

i. Fax Number

tim@goddardconsultingllc.com

j. Email address

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

\$165

a. Total Fee Paid

\$70

b. State Fee Paid

\$95 + \$50 City Fee

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 proposes the construction of a pool, spa, fire pit, patio, and greenhouse within the riverfront area of an offsite perennial stream. A portion of the pool as well as the fire pit, greenhouse, sports court, stormwater infiltration systems are proposed within the 100 foot Buffer Zone to a BVW. The project also proposes the expansion of lawn and installation of native plantings.

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

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

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

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Middlesex South

a. County

78352

c. Book

b. Certificate # (if registered land)

430

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 checked="" type="checkbox"/> Riverfront Area	<b>Hammond Brook (inland)</b> 1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

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

3. Total area of Riverfront Area on the site of the proposed project: 11,577  
square feet

4. Proposed alteration of the Riverfront Area:

<u>1,833</u>	<u>0</u>	<u>1,833</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.  Restoration/Enhancement  
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

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

5.  Project Involves Stream Crossings

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

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

## C. Other Applicable Standards and Requirements

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

### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](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 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 \*\*
  - (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
  - (b)  Photographs representative of the site

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

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

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Newton

City/Town

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

- (c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

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

- (d)  Vegetation cover type map of site

- (e)  Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

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

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

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

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a.  Not applicable – project is in inland resource area only      b.  Yes     No

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

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



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Newton

City/Town

**C. Other Applicable Standards and Requirements (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.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Newton

City/Town

**D. Additional Information (cont'd)**

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

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

152 Suffolk Road Newton, MA Proposed Plan

a. Plan Title

Peter Nolan & Associates LLC

Peter Nolan

b. Prepared By

c. Signed and Stamped by

02/21/2022

1" = 30'

d. Final Revision Date

e. Scale

Rear Yard Site Improvements by Marc Mazzarelli Associates

02/18/2022

f. Additional Plan or Document Title

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.
6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8.  Attach NOI Wetland Fee Transmittal Form
9.  Attach Stormwater Report, if needed.

**E. Fees**

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

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

116 & 117

11/10/2021

2. Municipal Check Number

3. Check date

115

11/10/2021

4. State Check Number

5. Check date

David and Yelena

Berry and Dudochkin

6. Payor name on check: First Name

7. Payor name on check: Last Name





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Newton

City/Town

## F. Signatures and Submittal Requirements

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

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

	11/10/2018
1. Signature of Applicant (Yelena Dudochkin)	2. Date
3. Signature of Property Owner (if different)	4. Date
	11/17/21
5. Signature of Representative (if any) Tim McGuire (Goddard Consulting, LLC)	6. Date

### For Conservation Commission:

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

### For MassDEP:

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

### Other:

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

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



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

**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:

152 Suffolk Road	Newton
a. Street Address	b. City/Town
115	\$70
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Yelena	Dudochkin	
a. First Name	b. Last Name	
c. Organization		
152 Suffolk Road		
d. Mailing Address		
Newton	MA	02467
e. City/Town	f. State	g. Zip Code
yudochkin@gmail.com		
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

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

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.



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

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
1a. Work on a single-family lot (Riverfront Area & BVW Buffer)	1	\$110 x 1.5 Riverfront	\$165

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee:	\$165 + \$50 City Fee
	a. Total Fee from Step 5
State share of filing Fee:	\$70
	b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filling Fee:	\$95 + \$50 City Fee
	c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

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

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

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

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



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

**Conservation Commission Wetland Application Coversheet/Checklist**

<b>Date</b>	Revised 2/21/2022
-------------	-------------------

Fill in all white cells completely

<b>Parcel</b> Address Sec/Block/Lot Book & Page	152 Suffolk Road Newton, MA Map: 63 Parcel: 16 Lot: 8D Book: 78352 Page: 430	<b>Applicant name</b> Address Email Phone	Yelena Dudochkin 152 Suffolk Road Newton, MA ydudochkin@gmail.com
<b>Owner name</b> Address Email Phone	Yelena Dudochkin 152 Suffolk Road Newton, MA ydudochkin@gmail.com	<b>Representative</b> Address Email Phone	Timothy McGuire - Goddard Consulting, LLC 291 Main St. Suite 8 Northborough, MA 01532 tim@goddardconsultingllc.com (508) 393-3784

<b>Wetland type</b>	Riverfront Area	<b>sf/cf affected</b>	1,833sf Permanent	<b>Relevant Perf. Standards</b>	10. <u>10.58</u>
<b>Wetland type</b>	BVW	<b>sf/cf affected</b>		<b>Relevant Perf. Standards</b>	10. <u>10.55</u>
<b>Wetland type</b>		<b>sf/cf affected</b>		<b>Relevant Perf. Standards</b>	10. _____

<b>State Form: NOI Form 3</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Engineered Plan* title(s)</b> Plan date Plan stamped by *if legible, plans should be 11"x17"	152 Suffolk Road Newton, MA Proposed Plan Prepared by: Peter Nolan & Associates LLC 2/21/2022 Peter Nolan  Rear Yard Site Improvements Prepared by: Marc Mazzarelli Associates 2/18/2022
<b>Narrative</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Proof that all relevant perf. standards are met</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Locus map</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Delineation lines (backup material)</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Fees</b> ● Fee Transmittal form ● City portion of state filing fee \$ _____ ● City's separate filing fee \$50	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Abutter Information</b> ● Certified abutters list (within 100') ● Newton's Abutter notification form ● Affidavit & proof -- bring to hearing	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>Present them at the hearing</i>
<b>Other Attachments, e.g.</b>	
<b>Planting Plan</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Floodplain analysis</b>	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
<b>Stormwater analysis</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Riverfront Area Alternatives Analysis</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Restoration or mitigation summary</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Phasing/Sequencing plan, O&amp;M plan, etc.</b>	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><b>Submit applications (see bullets below) by noon of the Tuesday deadline</b> (16 days before the desired hearing):</p> <p>a. <u>To Newton Conservation Commission</u>: 1000 Comm Ave., Newton, MA 02459</p> <ul style="list-style-type: none"> <li>• <b>This coversheet</b> (1 paper copy)</li> <li>• <b>Complete application</b> -- see the checklist on the other side of this page (2 paper copies and 1 pdf) <ul style="list-style-type: none"> <li>• <i>IF LEGIBLE, plans should be provided in 11" x 17" format. Plans must be stamped by an engineer if any component of the project requires engineering.</i></li> </ul> </li> <li>• <b>Check</b> for city portion of the state fee</li> <li>• <b>\$50 check</b> for city filing fee</li> </ul> <p>b. <u>To Mass DEP Northeast Regional Office</u>: 205B Lowell Street, Wilmington, MA 01887</p> <ul style="list-style-type: none"> <li>• <b>Complete application</b> -- see the checklist on the other side of this page (1 paper copy)</li> <li>• <b>Photocopy of the two state checks</b></li> </ul> <p>c. <u>To DEP Lock Box</u>: Box 4062, Boston MA 02211</p> <ul style="list-style-type: none"> <li>• <b>Check</b> for state portion of the state fee</li> <li>• <b>Fee transmittal form</b></li> </ul>
	1	<p><b>Submit application (see a.-c. below) by noon of the Tuesday deadline</b> (16 days before the desired hearing):</p> <p>a. <b>DEP Form 1 (RDA)</b>, b. <b>plans</b>, and c. <b>\$50 check</b> made out to the City of Newton.</p>
-	-	<i>The Conservation Agent will <b>schedule a Public hearing/meeting</b>.</i>
2	-	<b>Get a certified list of all abutters within 100' of property lines from the Newton Assessor's Office.</b>
3	-	Once you know the date and time of the hearing, <b>notify all abutters within 100' of the property line</b> using the City's " <b>Notification to Abutters Form</b> " and <b>certified mail, certificate of mailing, or hand delivery with signatures</b> . (N.B. Present proof of notification at the beginning of the public hearing.)
4	2	<i>The Conservation Agent will <b>place a legal ad in the TAB</b> and the <b>Applicant will be billed for the ad</b>.</i>
5	-	<b>Stake the project.</b> 2 weeks in advance of the public hearing, stake all proposed structures, erosion control barriers, stormwater systems, etc. within Con Com jurisdiction.
-	-	<i>The Conservation Agent will perform a <b>site visit</b> 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><b>Attend the public hearing/meeting.</b> The applicant or representative is expected to <b>provide proof of abutter notification</b>, briefly <b>present the project</b>, and <b>answer any questions about possible impacts on wetlands</b>. At the end of the hearing, the Con Com will either:</p> <ul style="list-style-type: none"> <li>• <b>Issue a <u>Determination of Applicability</u></b> ("negative" determination means no further permitting is needed),</li> <li>• <b>Issue an <u>Order of Conditions</u></b> (OOC) approving or denying the project, <b>or</b></li> <li>• <b>Approve a continuation</b> of the public hearing to allow time for additional information to be provided.</li> </ul>
7	4	<b>Receive and read the decision and understand the conditions.</b> 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	-	<b>Wait-out the 10-Day appeal period.</b> 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	-	<b>Record the Order</b> at the Registry of Deeds. Provide proof of recording to the Conservation office.
10	-	<b>Install MassDEP file number sign and erosion controls.</b>
11	-	<b>Schedule and attend a pre-construction site visit.</b> Contact the Conservation office to schedule the site visit.
12	5	<b>Execute the project.</b> 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	-	<b>Request a Certificate of Compliance (COC).</b> Once the project is complete and all conditions have been satisfied, request a COC from the Conservation office by submitting at least: (1) <b>DEP Form 8a</b> , (2) a stamped <b>as-built plan</b> , and (3) a <b>letter from the engineer</b> 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 will issue a COC if appropriate.
14	-	<b>Record the Certificate of Compliance (COC)</b> at the Registry of Deeds to remove the cloud from the title. <b>Provide proof of recording to the Conservation office.</b>

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**