

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

By Email and By Hand

March 14, 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 House and Site Feature Demolition and Construction of New Single-family House with Site Features in Bordering Land Subject to Flooding and Buffer Zone; 17 Brandeis Road, Newton, Massachusetts
-Applicant: Sameh Kanan

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) \$262.50 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 A3;
 - 3) Flood Insurance Rate Map, Map No. 25017C0554E, Dated June 4, 2010 with site indicated;
 - 4) USGS Map, Boston South Quadrangle, 1987 with site indicated;
 - 5) Massachusetts NHESP Atlas (15th Edition), August 1, 2021 with site indicated; and

- 6) Resume; and
- b. Project Description and Analysis, including
 - 1) Planting Schematic for Enhancement Planting Areas, 17 Brandeis Road, Newton, Massachusetts, prepared by EcoTec, Inc., dated March 14, 2022;
2. City of Newton Cons.Com. Wetland Application Coversheet/Checklist and Copy of Ordinance Filing Fee Check;
3. The Notice of Intent Form, Fee Transmittal Form, and Copy of Act Filing Fee Checks;
4. Plan Set:
 - a. "Existing Conditions, 17 Brandeis Road, Newton, Massachusetts," Sheet 1 of 1, Scale 1" = 10', prepared by Peter Nolan & Associates, LLC, dated March 11, 2022, signed and stamped by Peter J. Nolan, PLS; and
 - b. "Proposed Conditions Plan, 17 Brandeis Road, Newton, Massachusetts," Sheet 1 of 1, Scale 1" = 10', prepared by Spruhan Engineering, P.C. and Peter Nolan & Associates, LLC, dated March 11, 2022, signed and stamped by Peter J. Nolan, PLS and Edmond T. Spruhan, P.E.

One copy of this filing and payment of \$237.50 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 list, map, 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 November 10, 2021, EcoTec, Inc. inspected the above-referenced property for the presence of wetland resources as defined by: (1) the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, S. 40; the "Act") and its implementing regulations (310 CMR 10.00 *et seq.*); and (2) the U.S. Clean Water Act. The City of Newton does not have a Wetlands Protection Ordinance but does have a Floodplain Ordinance (the "Ordinance"; Section 22-22). John P. Rockwood, Ph.D., SPWS conducted the inspection.

The subject site consists of a 0.270±-acre parcel located to the southeast of Brandeis Road in south-central Newton, Massachusetts. The site is almost entirely developed with a single-family house with attached two-car garage, paved driveway, concrete front walk, concrete rear landings and steps, three elevated AC units, several concrete piers associated with a removed

deck, a concrete block fire pit, various fencing, and associated overgrown lawn, landscaping, and three large trees. There is a paved sidewalk, lawn strip, and a two street trees between the site and the curb of Brandeis Road. The wetland resources observed on and near the site are described below.

Methodology:

The subject site and adjacent areas were inspected, and areas suspected to qualify as wetland resources were identified. The boundary of Bordering Vegetated Wetlands was delineated in the field per the definition set forth in the regulations at 310 CMR 10.55(2)(c). Section 10.55(2)(c) states that “The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.” The method used to delineate Bordering Vegetated Wetlands is further described in: (1) the BVW Policy “*BVW: Bordering Vegetated Wetlands Delineation Criteria and Methodology*,” issued March 1, 1995; and (2) “*Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act: A Handbook*,” produced by the Massachusetts Department of Environmental Protection, dated March 1995. The plant taxonomy used in this report is based on the *National List of Plant Species that Occur in Wetlands: Massachusetts* (Fish and Wildlife Service, U.S. Department of the Interior, 1988). Federal wetlands were presumed to have boundaries conterminous with the delineated Bordering Vegetated Wetlands. One set of DEP Bordering Vegetated Wetland Delineation Field Data Forms completed for observation plots located in the wetlands and uplands near flag A3 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 A11 Stop	Blue Flags	Boundary of Bordering Vegetated Wetlands located near the eastern site boundary that is associated with an off-site stream.

Note: Newton GIS Browser shows a large wetland system to the east of the site; a portion of this wetland is mapped as Wetland Restriction #16, which is a deed restricted wetland.

Findings:

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Wetland A (i.e., A-series flags) consists of a wet meadow/shrub swamp located off-site to the east that is associated with an off-site intermittent stream. Plant species observed within the delineated wetland include red maple (*Acer rubrum*) trees, saplings, and/or shrubs; poison ivy (*Toxicodendron radicans*) climbing woody vines and ground cover; arrow-wood (*Viburnum dentatum*) and silky dogwood (*Cornus amomum*) shrubs; and grasses (Gramineae sp.), sedges (Cyperaceae sp.), rushes (Juncaceae sp.), spotted touch-me-not (*Impatiens capensis*), golden-rods (*Solidago sp.*), fragrant-golden-rods (*Euthamia sp.*), and sensitive fern (*Onoclea sensibilis*) ground cover. This vegetated wetland borders an off-site intermittent stream; accordingly, the vegetated wetland would be regulated as Bordering Vegetated Wetlands and the intermittent

stream would be regulated as Bank and Land Under Water Bodies and Waterways under the Regulations. A 100' Buffer Zone extends horizontally outward from the edge of Bordering Vegetated Wetlands under the Regulations.

Bordering Land Subject to Flooding and Section 22-22 Floodplain: Bordering Land Subject to Flooding is an area that floods due to a rise in floodwaters from a bordering waterway or water body. Where flood studies have been completed, the boundary of Bordering Land Subject to Flooding is based upon flood profile data prepared by the National Flood Insurance Program. Based upon a review of the Flood Insurance Rate Map, Map Number 25017C0554E, Effective Date June 4, 2010, the site is mapped as Other Areas: Zone X, which is defined as areas located outside of the 0.2% annual chance flood (i.e., outside of 500-year floodplain). The FIRM does show a 100-year floodplain associated with Paul Brook across Brandeis Road to the northwest of the site. Based upon a survey of the area, the site and surrounding area are located within the 100-year floodplain associated with Paul Brook with a 100-year flood elevation of 115.5 feet NAVD 1988 (122 feet City of Newton Datum). Bordering Land Subject to Flooding does not have a 100' Buffer Zone under the Regulations.

The site is also located within two areas subject to Section 22-22, which establishes Floodplain/Watershed Protection provisions associated with various resources within the City of Newton. Under Section g.1.(21), the site is located within the floodplain of Paul Brook with a 100-year flood elevation of 122 City of Newton Datum and under Section g.4.(12) a portion of the site is located within the floodplain associated with Great Meadow Swamp at elevation 119 City of Newton Datum. Given the above, the entire site, except for the existing structure, would be considered Ordinance Floodplain with a 100-year flood elevation of 122 feet City of Newton Datum. Section 22-22 does not establish any form of buffer zone.

Riverfront Area: The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map, Boston South Quadrangle, dated 1987 (attached), there are no mapped streams located on or within 200 feet of the site. Based upon observations made during the site visit, there is a small swale located within the wetland to the east of the site. Given the size and location of the swale and its limited watershed area, this stream would be designated as intermittent under the Regulations and would not have an associated 200-foot Riverfront Area. As such, Riverfront Area would not occur on the site. Riverfront Area does not have 100' Buffer Zone under the Act and Regulations.

Estimated/Priority Habitat and Certified/Potential Vernal Pools: The Regulations require that no project may be permitted that will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures set forth at 310 CMR 10.59. Based upon a review of the *Massachusetts Natural Heritage Atlas*, 15th edition, valid from August 1, 2021 (NHESP Interactive Viewer Screenshot with Certified and Potential Vernal Pool Layers active; attached), there are no Estimated Habitats [for use with the Act and Regulations

(310 CMR 10.00 *et seq.*), Priority Habitats [for use with Massachusetts Endangered Species Act (M.G.L. Ch. 131A; "MESA") and MESA Regulations (321 CMR 10.00 *et seq.*)], or Certified or Potential Vernal Pools on or in the immediate vicinity of the subject site.

The reader should be aware that the regulatory authority for determining wetland jurisdiction rests with local, state, and federal authorities.

Proposed Project and Analysis:

The proposed project consists of the removal of the existing house and site features and the construction of a new single-family house with attached two car garage with a limited foundation with the balance of the proposed house supported above the 100-year flood elevation on piers. The house will include two pier-supported decks with steps down to a proposed stone patio with hot tub. A paved driveway and a stone front walkway are proposed. The project will remove two trees located to the north of the house. All existing fences on the site will be removed as part of the project. The site will be graded as shown on the Site Plan and loamed and seeded/hydroseeded or sodded as lawn.

Prior to the start of work, the proposed limit of work will be demarcated in the field by the erosion control barrier consisting of entrenched siltation fence fronted by staked 12-inch diameter compost sock. Construction access will be from the existing paved driveway. Tree protection is proposed for the two street trees and for the ornamental cherry tree in front of the house; the erosion control barrier has been held back from the hedge of arborvitae located off-site near the southern site boundary to protect the arborvitae roots. Two large trees are proposed to be removed as part of the project; eight saplings and forty-two shrubs are proposed to be established in the enhancement planting area as part of the project. Any disturbed lawn and landscaped areas will be brought to proposed grade or returned to the existing grade as shown on the Site Plan with loam and will be seeded/hydroseeded or sodded as lawn. Soil will be temporarily stored on-site in a covered stockpile within the limit of work in the western portion of the site near the street with excess soil trucked from the site. Concrete washout is proposed within the limit of work in the western portion of the site near the street. These areas will be cleaned up following construction and returned to lawn.

As shown on the site plan, the proposed project will result in an increase of 323± square feet of total impervious surface on the site. This is below the threshold that triggers stormwater improvements under the City of Newton standards; as such, stormwater improvements under the City of Newton standards are not needed or proposed. Roof runoff from the proposed house will be collected in gutters and discharged via downspouts to splash blocks to the ground surface. The splash blocks will help to limit erosion at the downspouts. Under existing conditions, all roof runoff is directed to the ground surface via downspouts. The area beneath the proposed decks will be covered with crushed stone to promote infiltration and minimize

runoff from the deck; the area beneath the pier-supported portions of the house will also be covered with crushed stone to minimize the potential for soil erosion. As detailed below, the project proposes to establish a bounded enhancement planting area to separate the developed site from wetland resources to the east.

Enhancement Planting Area Plan:

A 1,200± square foot enhancement planting area is proposed in the eastern portion of the site within Bordering Land Subject to Flooding and the inner Buffer Zone. This planting area comprises 10.2 percent of the site. Approximately 1,200± square feet of the site occur within the Buffer Zone within 25 feet of the off-site Bordering Vegetated Wetlands. Under existing conditions, this area is poorly maintained lawn; under proposed conditions, a portion of the proposed hot tub and patio occurs within a projection of the 25' Buffer Zone (see Site Plan). The intent of this plan is to establish a 1,200± square foot bounded enhancement planting area with eight (8) native saplings of five species and forty-two (42) native shrubs of eight species in the eastern portion of the site between the proposed development and the off-site Bordering Vegetated Wetlands. These plantings will serve to stabilize the area, reduce stormwater runoff, and provide enhanced wildlife habitat, including cover, perching, and foraging habitat, compared to the existing condition.

The proposed shrubs will be spaced under the supervision of a qualified wetland scientist and planted in accordance with current landscaping practices (i.e., hole twice as wide and as deep as the root ball with the area around the root ball backfilled with high quality loamy top soil). The proposed plant species listing is provided on the Planting Specification included with this letter; the selected species are native and have been selected based upon the conditions of the proposed planting area. If a species is not available, a substitution will be recommended by the wetland scientist and approved by Conservation Staff. The excess soil will be removed from the site. Following installation, the plants will be watered in well and the area should then be covered with a 3-inch-thick layer of partially decomposed leaf litter with some natural bark mulch as specified in the Planting Specifications. This will aid in keeping the plantings moist and will provide temporary cover and habitat value until leaves begin to accumulate in this area. The woody materials will be watered regularly for a period of four weeks, and will be watered, as necessary, if evidence of stress is observed. As shown on the Site Plan, the western edge of the area will be demarcated with four stone bounds.

Mitigation Planting Area Monitoring: The mitigation planting area will be monitored near the end of the growing season for two years after it is established. During each inspection, which will be conducted by a qualified wetland scientist, the condition of the area and the number and species of saplings and shrubs and their condition will be documented. Photographs of the area shall be taken, and representative photographs shall be included in the report. To be considered a success, the sapling plantings shall have a 100% survival rate and the shrub plantings shall have a 75% survival rate (or survival rates specified in the Order) at the end of the second growing season after establishment. The findings of each inspection will be

documented in a report that will be submitted in a timely manner to the Commission. Each report will include any necessary recommendations to bring the area into compliance.

Compliance Evaluation under the Regulations

The proposed project is a mixture of new and redevelopment activities within Bordering Land Subject to Flooding. No work is proposed within any other wetland resource area (i.e., Land Under Water Bodies and Waterways, Bank, Bordering Vegetated Wetlands, Isolated Land Subject to Flooding, or Riverfront Area); work is proposed within the 100' Buffer Zone to Bordering Vegetated Wetlands.

Work proposed within Bordering Land Subject to Flooding is required to meet the general performance standards found at 310 CMR 10.57(4)(b). The proposed project has been designed as shown on the Proposed Plan and described within this letter to meet the general performance standards found at 310 CMR 10.57(4)(b) for Bordering Land Subject to Flooding. A discussion of compliance with these standards is as follows:

Bordering Land Subject to Flooding: Section 10.57(4)(b) provides the general performance standards for work proposed within Bordering Land Subject to Flooding. Section 10.57(4)(a) states:

1. Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows. Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.

The proposed project will temporarily or permanently alter 11,350± square feet of Bordering Land Subject to Flooding for the removal of the existing house and site features and for construction of the proposed house, driveway, and other site features and proposed grading. The existing house has a substantial footprint with a full foundation; the proposed house has a significantly smaller foundation with significant portions of the house and associated decks supported on piers; the elevation in the rear yard is being lowered to accommodate the proposed hot tub and patio. Flood cuts and fills are addressed on the Site Plan within five incremental ranges: 117 to 118, 118 to 119, 119 to 120, 120 to 121, and 121 to 122. The project proposes a total of 2,147± cubic feet of fill within the floodplain and proposes 6,997± cubic feet

of cut or compensatory storage within the floodplain for a net gain of 4,850± cubic feet of flood storage on the site under the proposed condition compared to the existing condition. Again, excess total compensatory storage is provided with excess incremental storage provided for each of the five evaluated incremental ranges. The required Floodplain Impact & Mitigation Summary Table and supporting explanations certified by a Professional Engineer are provided on the Site Plan. The proposed compensatory storage is provided near the lost flood storage and is located within the same river reach and will have an unrestricted hydraulic connection to Paul Brook. As such, the proposed project complies with this standard.

2. Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.

The proposed Bordering Land Subject to Flooding compensatory storage has been designed in compliance with the Regulations and the Commission's Guidelines for Construction in the Flood Zone to provide the required incremental compensatory storage volumes and will not restrict flows in Paul Brook or result in an increase in flood stage or velocity along Paul Brook. As such, the proposed project complies with this standard.

3. Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.

The existing Bordering Land Subject to Flooding on the site that is proposed to be altered consists of existing structure, site features, lawn, and landscaping, and are not important to the protection of wildlife habitat. As such, this standard is not applicable to the proposed project. In any event, a bounded 1,200± square foot enhancement planting area located within Bordering Land Subject to Flooding is proposed that will augment the wildlife habitat characteristics in the area closest to the Bordering Vegetated Wetlands located off-site to the east.

Narrative Standard for Work in the Buffer Zone:

Section 10.53(1) of the Regulations provides a narrative standard for work in the Buffer Zone and states "...If the issuing authority determines that a resource area is significant to an interest identified in M.G.L. c. 131, § 40 for which no presumption is stated in the Preamble to the applicable section, the issuing authority shall impose such conditions as are necessary to

contribute to the protection of such interests. For work in the buffer zone subject to review under 310 CMR 10.02(2)(b)3., the issuing authority shall impose conditions to protect the interests of the Act identified for the adjacent resource area. The potential for adverse impacts to resource areas from work in the buffer zone may increase with the extent of the work and the proximity to the resource area. The issuing authority may consider the characteristics of the buffer zone, such as the presence of steep slopes, that may increase the potential for adverse impacts on resource areas. Conditions may include limitations on the scope and location of work in the buffer zone as necessary to avoid alteration of resource areas. The issuing authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the resource area and/or other measures commensurate with the scope and location of the work within the buffer zone to protect the interests of the Act. Where a buffer zone has already been developed, the issuing authority may consider the extent of existing development in its review of subsequent proposed work and, where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a resource area to protect the interest of the Act. The purpose of preconstruction review of work in the buffer zone is to ensure that adjacent resource areas are not adversely affected during or after completion of the work.” As indicated in the Preface to the 2005 Revisions to the Regulations, “This standard is intended to provide better guidance to applicants, conservation commissions and DEP by identifying the measures that will ensure that adjacent wetland resource areas are not adversely affected during or after completion of the work.”

Prior to the start of earth moving activities, an erosion control barrier consisting of entrenched siltation fence fronted by staked compost sock, which will also serve as the Limit of Work, will be located around the work area as shown on the Site Plan. This erosion control barrier will be maintained until the work area is stabilized. Approval of the issuing authority will be received prior to the removal of the erosion control barrier. Under existing conditions and proposed conditions, the site slopes very gradually to the east. Enhancement plantings are proposed within the inner Buffer Zone to enhance the characteristics of the area. The proposed project results in slight increase in impervious surface on the site and in the 100’ Buffer Zone; however, it does not trigger the need for stormwater controls under City of Newton standards.

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

This Policy was implemented in June 2019 and is intended to protect the functions of Newton’s wetland resource areas by protecting and or re-establishing a naturally vegetated buffer proximate to protected wetland resource areas. Approximately 1,200± square feet of the site consist of Buffer Zone within 25 feet of the off-site Bordering Vegetated Wetlands. Under existing conditions, this area is poorly maintained lawn; under proposed conditions, a portion of the proposed hot tub and patio occurs within a projection of the 25’ Buffer Zone (see Site Plan). As part of the project, an equivalent area of inner Buffer Zone to the total area of 25’ Buffer Zone that occurs on the site will be enhanced with native sapling and shrub plantings: a 1,200± square foot bounded enhancement planting area with eight (8) native saplings of five

species and forty-two (42) native shrubs of eight species located between the proposed development and the off-site Bordering Vegetated Wetlands. These plantings will serve to stabilize the area, reduce stormwater runoff, and provide enhanced wildlife habitat, including cover, perching, and foraging habitat, compared to the existing condition. In addition, this area will serve to prevent incremental creep toward the wetland and/or encroachment onto the City of Newton property to the east.

Conclusions:

In conclusion, it is EcoTec's opinion, based upon the information provided on the Site Plan and in this letter, that the proposed project meets the general performance standards for Bordering Land Subject to Flooding and the narrative standard for work within the 100' Buffer Zone. The proposed project results in a significant increase in total flood storage capacity on the site with increase capacity noted at all five evaluated flood increments and a slight increase in impervious area on the site that does not trigger City of Newton drainage requirements. Mitigation for the proposed project includes a bounded 1,200± square foot enhancement planting area in the eastern portion of the site closest to the off-site Bordering Vegetated Wetlands. The proposed project with mitigation meets the intent of the Commission's Naturally Vegetated Buffer Policy. This project meets the applicable performance standards and by regulation serves to protect the statutory interests. 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.

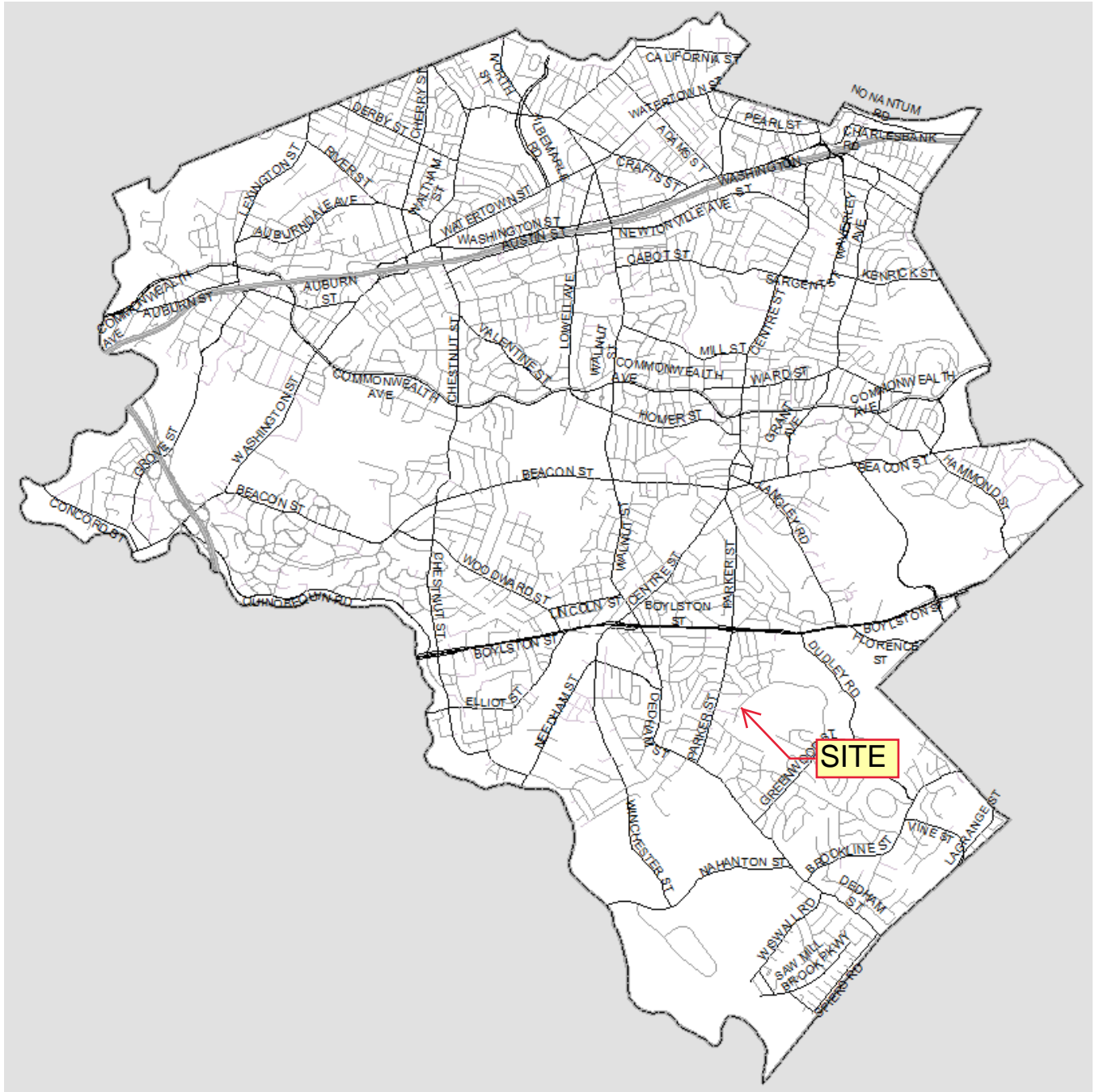
We look forward to meeting remotely with the Conservation Commission on this matter on March 31, 2022. If you have any questions, please feel free to contact me at any time.

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)
Sameh Kanan (Via Email)
Edmond Spruhan (Via Email)



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

Applicant:

Prepared by: EcoTec, Inc.

Project location: 17 Brandeis Rd., 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: A3	Transect Number: Up	Date of Delineation: 11/10/2021			
A. Sample Layer and Plant Species # (by common/scientific name)		B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category * #	
Climbing Woody Vine	Oriental Bittersweet Black Nightshade	<i>Celastrus orbiculata</i> <i>Solanum americanum</i>	40 10	80 20	Yes Yes	NL FACU-
Shrub	Tartarian Honeysuckle Common Buckthorn	<i>Lonicera tatarica</i> <i>Rhamnus cathartica</i>	50 10	83 17	Yes No	FACU NL
Ground Cover	Common Burdock Garlic Mustard Spotted Touch-me-not	<i>Arctium minus</i> <i>Alliaria petiolata</i> <i>Impatiens capensis</i>	10 5 5	50 25 25	Yes Yes Yes	NL FACU- FACW*

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

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

Vegetation conclusions:
 Number of dominant wetland indicator plants: 1 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.

TRANSECT A3 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	0-12	10 YR 3/1 Loam	-
B	12-16	2.5 Y 5/4 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: 17 Brandeis Rd., 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: A3	Transect Number: Wet	Date of Delineation: 11/10/2021
A. Sample Layer and Plant Species # (by common/scientific name)		B. Percent Cover (or basal area)	C. Percent Dominance
		D. Dominant Plant (yes or no)	E. Wetland Indicator Category * #
Shrub	Silky Dogwood Common Buckthorn	<i>Cornus amomum</i> <i>Rhamnus cathartica</i>	40 10
		80 20	Yes Yes
Ground Cover	Spotted Touch-me-not Wrinkled Golden-rod	<i>Impatiens capensis</i> <i>Solidago rugosa</i>	5 20
		20 80	Yes Yes
			FACW* NL FACW* 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: 3 Number of dominant non-wetland indicator plants: 1
 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.

MA DEP; 3/95

TRANSECT A3 WET (CONT.)

Section II. Indicators of Hydrology

1. Soil Survey

Is there a published soil survey for this site? -

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

Are field observations consistent with soil survey? -

Remarks: -

2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottle Color
O	24-0	10 YR 2/1 Organic Muck	Pore Linings

Remarks: Terminated at 24 inches.

3. Other: -

Conclusion: Is soil Hydric? Yes

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

- Site inundated: _____
- Depth to free water in observation hole: 8 inches
- Depth to soil saturation in observation hole: Surface
- 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: _____

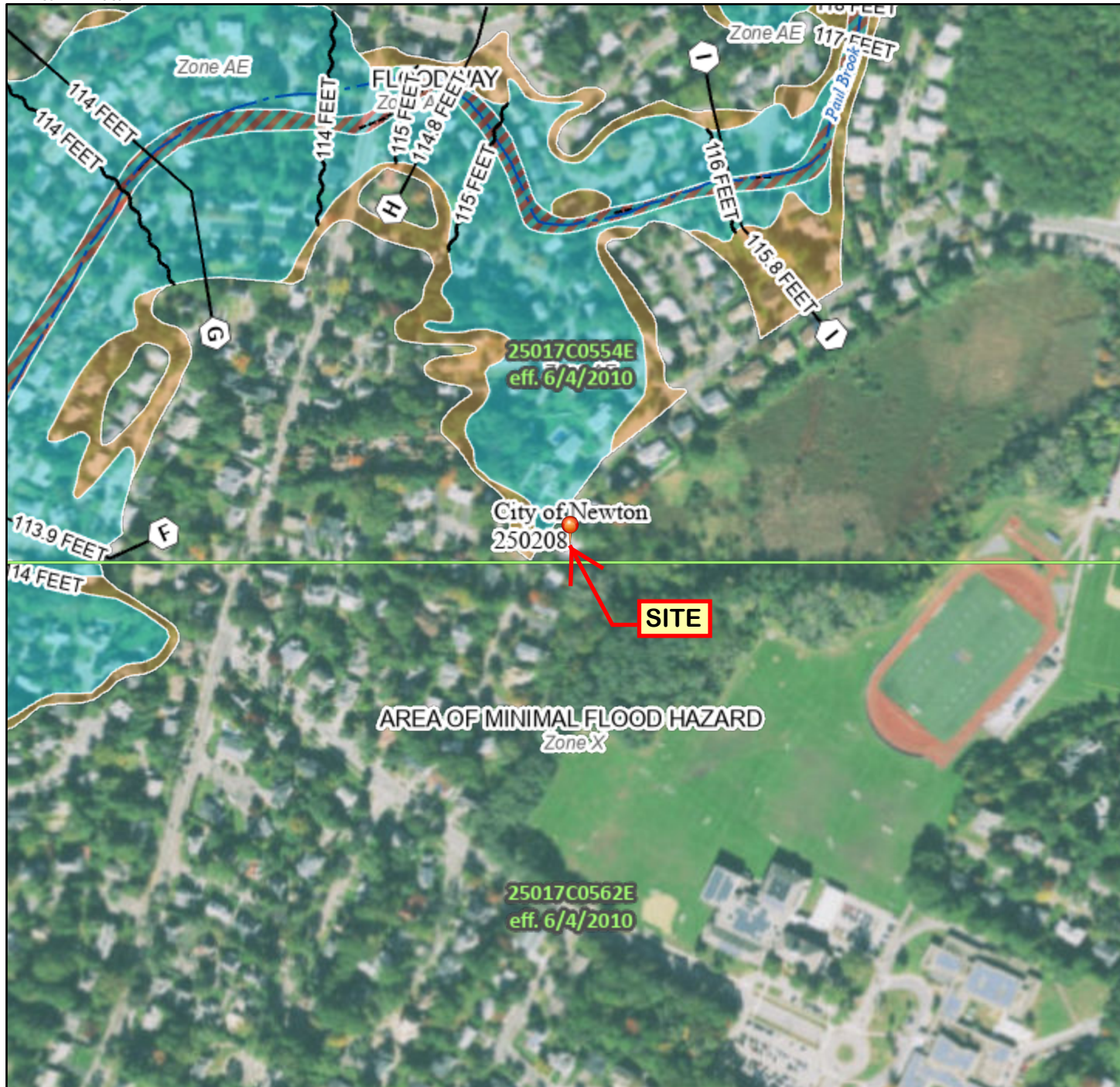
Vegetation and Hydrology Conclusion		
	yes	no
Number of wetland indicator plants ≥ number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other indicators 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°11'55"W 42°18'59"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 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

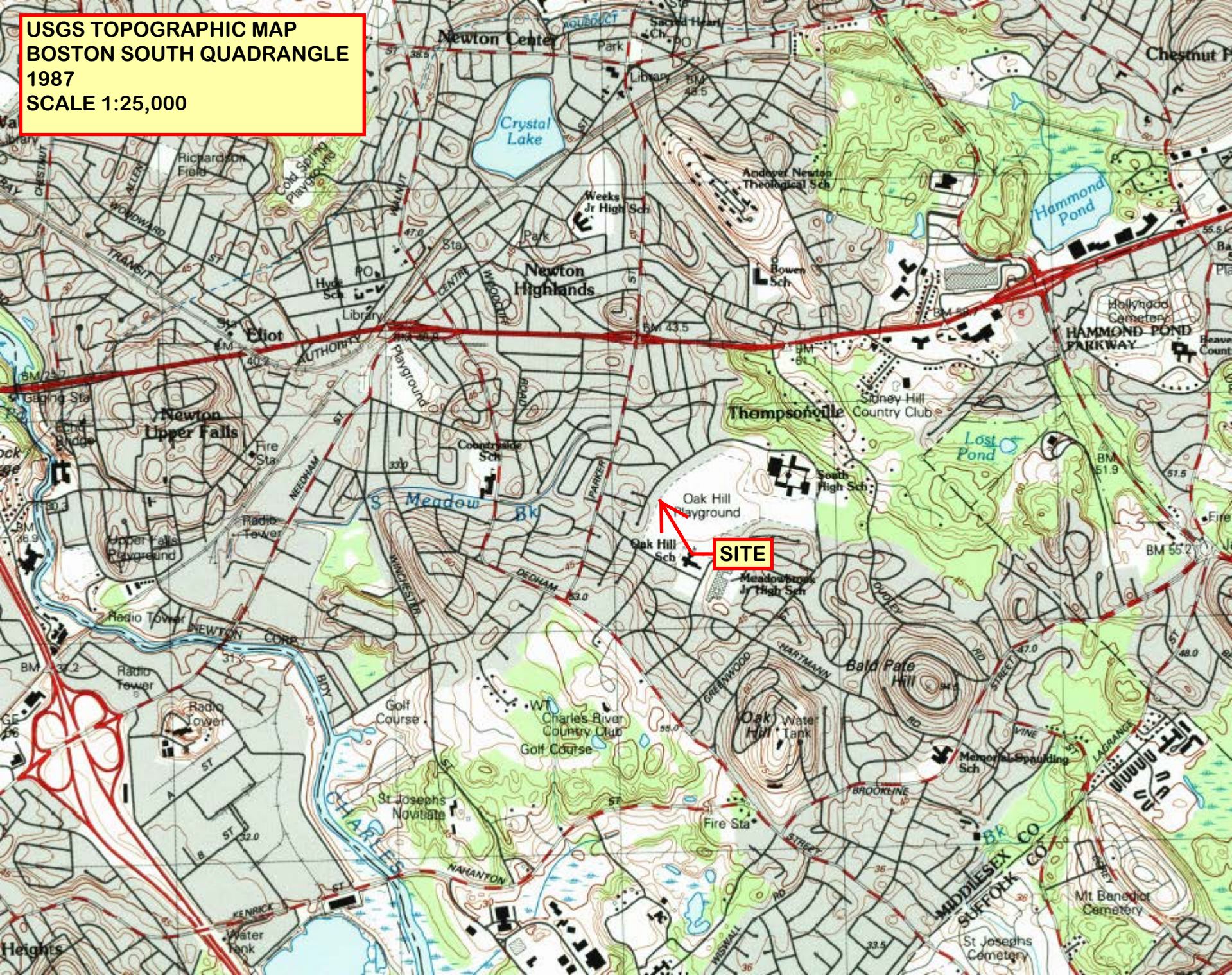
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

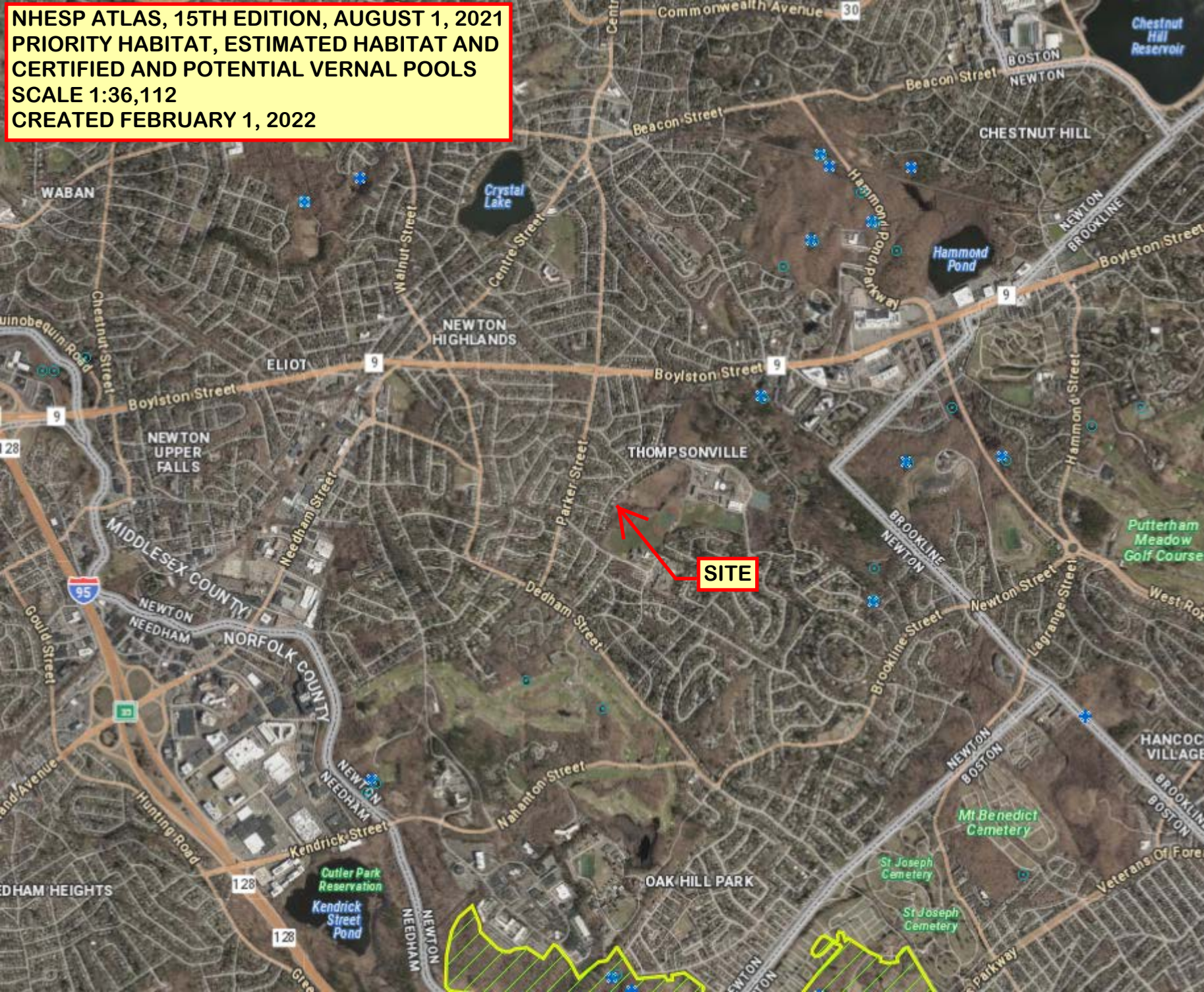
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/3/2021 at 8:19 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by 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 TOPOGRAPHIC MAP
BOSTON SOUTH QUADRANGLE
1987
SCALE 1:25,000**



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

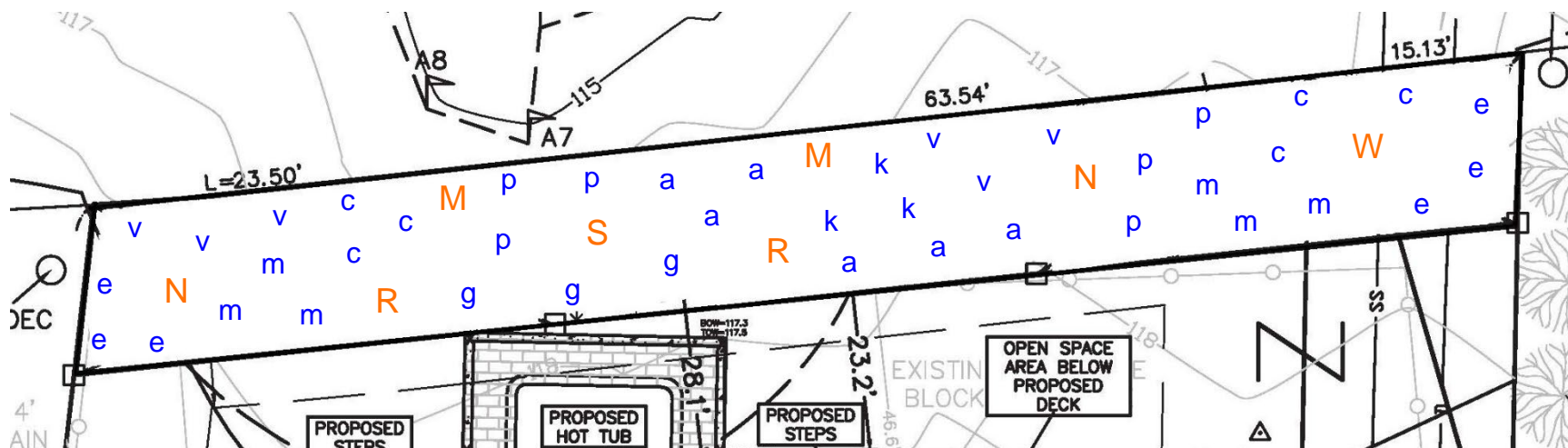
**PLANTING SCHEMATIC FOR
ENHANCEMENT PLANTING AREA
17 BRANDEIS ROAD, NEWTON**

PREPARED BY ECOTEC, INC.
MARCH 14, 2022

Enhancement Planting Area (1,200± S.F.)

Stratum; Species; Size; Spacing	
Saplings ; 6-8' height; 12' on-center	8
W White Spruce (<i>Picea alba</i>)	1
N Northern Red Oak (<i>Quercus rubra</i>)	2
M Red Maple (<i>Acer rubrum</i>)	2
R Eastern Redbud (<i>Cercis canadensis</i>)	2
S Sweetbay Magnolia (<i>Magnolia virginiana</i>)	1
Shrubs (Evergreen and Deciduous); 3-4' height; 5.5' on-center	42
e Eastern Red Cedar (<i>Juniperus virginiana</i>)	6
k Mountain Laurel (<i>Kalmia latifolia</i>)	3
v American Witch-hazel (<i>Hamamelis virginiana</i>)	6
c Gray Dogwood (<i>Cornus racemosa</i>)	6
a American Cranberrybush (<i>Viburnum trilobum</i>)	6
m Black Chokeberry (<i>Aronia melanocarpa</i>)	6
p Sweet Pepper-bush (<i>Clethra alnifolia</i>)	6
g Inkberry (<i>Ilex glabra</i>)	3

- Substitutions are subject to approval by Conservation Staff.
- Plants must be natives; cultivars and varieties will not be accepted.
- All excess soil must be removed and disposed of off-site.
- After planting, the area will be mulched with a 3" thick layer of a 4:1 mixture of decomposed leaf compost and natural bark mulch.
- After planting the plants must be watered in well and watered periodically until they are established.



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



Ruthanne Fuller
Mayor

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

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

Barney S. Heath
Director

Cons. Com. Wetland Application Coversheet/Checklist

Date	For 03/15/2022 Deadline
-------------	-------------------------

Fill in all white cells completely

Parcel		Applicant name	Sameh Kanan 108 Highland Avenue Mansfield, MA 02048
address	17 Brandeis Road	Address	
Sec/Block/Lot	81 / 051 / 0056 & 0055	Email	kanan.firstcapitalgroup.sameh@gmail.com
Book & Page	Certificate 275457 (Book 1569 / Page 60)	Phone	617-407-9977
Owner name	Sameh Kanan 108 Highland Avenue Mansfield, MA 02048	Representative	John P. Rockwood, Ph.D., SPWS EcoTec, Inc. 102 Grove Street Worcester, MA 01605
Address		Address	
Email	kanan.firstcapitalgroup.sameh@gmail.com	Email	jrockwood@ecotecinc.com
Phone	617-407-9977	Phone	508-752-9666 x 3

Wetland type	Bordering Land Subject to Flooding	sf/cf affected	11,350 sf 2,147 cf	See NOI Form	Relevant Perf. Standards	10.57(4)(a)
Wetland type	Buffer Zone	sf/cf affected	--		Relevant Perf. Standards	10.53(1)
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 <u>\$237.50</u>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● City fee <u>\$50</u>	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 Schematic
Floodplain analysis	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Site Plan
Stormwater analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Riverfront Area Alternatives Analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Restoration or mitigation summary	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Cover Letter/ Site Plan/Schematic
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>17 Brandeis Road</u>	<u>Newton</u>	<u>02459</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.31263</u>	<u>-71.19337</u>	
d. Latitude	e. Longitude	
<u>81 051</u>	<u>0056 and 0055</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Sameh</u>	<u>Kanan</u>	
a. First Name	b. Last Name	
--		
c. Organization		
<u>108 Highland Avenue</u>		
d. Street Address		
<u>Mansfield</u>	<u>MA</u>	<u>02048</u>
e. City/Town	f. State	g. Zip Code
<u>617-407-9977</u>	<u>--</u>	<u>kanan.firstcapitalgroup.sameh@gmail.com</u>
h. Phone Number	i. Fax Number	j. Email Address

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

<u>Sameh</u>	<u>Kanan</u>	
a. First Name	b. Last Name	
--		
c. Organization		
<u>108 Highland Avenue</u>		
d. Street Address		
<u>Mansfield</u>	<u>MA</u>	<u>02048</u>
e. City/Town	f. State	g. Zip Code
<u>617-407-9977</u>	<u>--</u>	<u>kanan.firstcapitalgroup.sameh@gmail.com</u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

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

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

<u>\$ 500.00</u>	<u>\$ 237.50</u>	<u>\$ 262.50</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 demolition and removal of the existing single-family house and associated site features and the construction of a new single-family house with associated site features within Bordering Land Subject to Flooding and Buffer Zone. Enhancement plantings and erosion controls are proposed (see Cover Letter).

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	275457
a. County	b. Certificate # (if registered land)
1569	60
c. Book	d. Page Number

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

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

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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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 -- 3. cubic yards dredged	-- 2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	11,350 1. square feet 2,147 3. cubic feet of flood storage lost	1,200 2. square feet 6,997 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	-- 1. square feet -- 2. cubic feet of flood storage lost	-- 3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	-- 1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

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

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	-- 1. square feet	
	-- 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	-- 1. square feet	-- 2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	-- 1. square feet	-- 2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	-- 1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	-- 1. square feet	
h. <input type="checkbox"/> Salt Marshes	-- 1. square feet	-- 2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	-- 1. square feet	
	-- 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	-- 1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	-- 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	-- 1. square feet	
4. <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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

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

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

- August 1, 2021
b. Date of map

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

- c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:

(a) within wetland Resource Area	--	_____
	percentage/acreage	
(b) outside Resource Area	--	_____
	percentage/acreage	
- Assessor's Map or right-of-way plan of site

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

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.

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

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

E. Fees

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

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

<u>763</u>	<u>2/1/2022</u>
2. Municipal Check Number	3. Check date
<u>764</u>	<u>2/1/2022</u>
4. State Check Number	5. Check date
<u>Sameh</u>	<u>Kanan</u>
6. Payor name on check: First Name	7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

F. Signatures and Submittal Requirements

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

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

1. Signature of Applicant <i>Sec Next Sheet</i>	2. Date
3. Signature of Property Owner (if different)	4. Date
<i>[Signature]</i>	<i>3/14/2022</i>
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

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

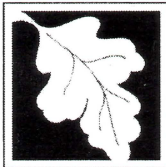
For MassDEP:

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

Other:

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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

1. Signature of Applicant

Feb 1 2022

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



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

17 Brandeis Road	Newton
a. Street Address	b. City/Town
764	\$ 237.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Sameh	Kanan	
a. First Name	b. Last Name	
--	c. Organization	
108 Highland Avenue		
d. Mailing Address		
Mansfield	MA	02048
e. City/Town	f. State	g. Zip Code
617-407-9977	--	kanan.firstcapitalgroup.sameh@gmail.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

Sameh	Kanan	
a. First Name	b. Last Name	
--	c. Organization	
108 Highland Avenue		
d. Mailing Address		
Mansfield	MA	02048
e. City/Town	f. State	g. Zip Code
617-407-9977	--	kanan.firstcapitalgroup.sameh@gmail.com
h. Phone Number	i. Fax Number	j. Email Address

B. Fees

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

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

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

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

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

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

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

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



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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
2a. Single-family House in BLSF/BZ	1	\$ 500.00	\$ 500.00

Step 5/Total Project Fee: \$ 500.00

Step 6/Fee Payments:

Total Project Fee:	\$ 500.00
	a. Total Fee from Step 5
State share of filing Fee:	\$ 237.50
	b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:	\$ 262.50
	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.)