

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

BY EMAIL AND BY HAND

April 11, 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 Landscaping in Buffer Zone associated with an Existing Single-Family House; 194 Otis Street, Newton, Massachusetts
-Applicant: 194 Otis LLC

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) \$67.50 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) City of Newton GIS Browser with site identified;
 - 3) Flood Insurance Rate Map, Map No.: 25017C0552E, dated June 4, 2010 with site indicated;
 - 4) USGS Map, Boston South Quadrangle, 1987 with site indicated;
 - 5) Massachusetts StreamStats Report with site and stream indicated;
 - 6) Massachusetts NHESP Atlas (15th Edition), August 1, 2021 with site indicated; and
 - 7) Resume; and
 - b. Project Description and Analysis;

- 1) "Invasive Species Removal and Treatment and Planting Schematic for Enhancement Planting Area, 194 Otis Street, Newton," prepared by EcoTec, Inc., dated April 8, 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. "Storm Water Management Program (Volume Based), 194 Otis Street, Newton, Massachusetts," prepared by RAV & Associates, Inc., dated March 31, 2022, signed and stamped by Richard A. Volkin, PE;
5. Existing Conditions Plan: "Existing Conditions Plot Plan, 194 Otis Street, Newton, Mass.," Scale 1" = 10', prepared by Agh Engineering, dated April 2, 2022, signed and stamped by Antoni Szerszunowich, PLS;
6. Proposed Conditions Plan Set:
 - a. "Site Plan, 194 Otis Street, Newton, Massachusetts," Drawing 1 of 4, Scale 1" = 10', prepared by RAV & Associates, Inc., dated April 8, 2022, signed and stamped by Richard A. Volkin, PE;
 - b. "Notes and Details, 194 Otis Street, Newton, Massachusetts," Drawing 2 of 4, Scale NTS, prepared by RAV & Associates, Inc., dated April 8, 2022, signed and stamped by Richard A. Volkin, PE;
 - c. "Stormtech Details, 194 Otis Street, Newton, Massachusetts," Drawing 3 of 4, Scale NTS, prepared by RAV & Associates, Inc., dated April 8, 2022, signed and stamped by Richard A. Volkin, PE; and
 - d. "Details, 194 Otis Street, Newton, Massachusetts," Drawing 4 of 4, Scale NTS, prepared by RAV & Associates, Inc., dated April 8, 2022, signed and stamped by Richard A. Volkin, PE.

One copy of this filing and payment of \$42.50 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 Staff. Proof of timely notice to abutters, including the required abutters list, map, notification, and affidavit of service, shall be provided to the Conservation Staff via Email well in advance of the hearing on this matter.

Wetland Resource Evaluation:

On January 6, 2022, EcoTec, Inc. inspected the above-referenced property for the presence of wetland resources as defined by: (1) the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40; the "Act") and its implementing regulations (310 CMR 10.00 *et seq.*; the "Regulations"); and (2)

the U.S. Clean Water Act. The City of Newton does not have a Wetlands Protection Ordinance but does have a Floodplain Ordinance (the "Ordinance"; Section 22-22). There was no snow cover at the time of the inspection. John P. Rockwood, Ph.D., SPWS conducted the inspection.

The subject site consists of a 0.55±-acre (23,990± square foot) parcel located to the south of Otis Street and to the east of Forest Avenue in Newton, Massachusetts (see attached Locus Map and Newton GIS Browser Map). The subject site is developed with a single-family house with a detached two-car garage, rear patio with concrete stairs, accessory front access with concrete landing and steps, and rear basement door with concrete retaining wall and steps with a filled catch basin; paved driveway from Otis Street with catch basin/dry well; front walkway with concrete landings and steps; loose stone/slate patio; stone retaining walls near the southern and eastern property lines; and associated lawn and landscaping. Various trees occur on the lot; the trees are concentrated near the southern and eastern property lines. A dumpster is located to the north of the house. EcoTec's inspection of the site occurred on January 6, 2022; work had occurred on the site prior to this inspection, including demolition associated with the existing house, removal of an apparent greenhouse at the southeastern corner of the house, removal of exterior stone steps near the southeastern corner of the house, tree removal outside the 100' Buffer Zone, sapling and landscape plant removal both within and outside the 100' Buffer Zone, and the placement of fill, boulder, and a concrete rubble pile within the 100' Buffer Zone. Two older stumps of apparent eastern white pines were observed in the southeastern portion of the site. There is no evidence that the fill has been eroded and there is no evidence of sedimentation of the adjacent wetland with materials from the subject site. The wetland resources observed on and near the site are described below.

Methodology:

The site was inspected, and areas suspected to qualify as wetland resources were identified. The boundary of Bordering Vegetated Wetlands was delineated in the field in accordance with the definition set forth in the regulations at 310 CMR 10.55(2)(c). Section 10.55(2)(c) states that "The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist." The methodology used to delineate Bordering Vegetated Wetlands is further described in: (1) the BVW Policy "*BVW: Bordering Vegetated Wetlands Delineation Criteria and Methodology*," issued March 1, 1995; and (2) "*Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act: A Handbook*," produced by the Massachusetts Department of Environmental Protection, dated March 1995. In this case, the boundary of the off-site wetland was based upon the extent of hydric soil characteristics within lawn and landscaping. 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. Due to the nature of the off-site Bordering Vegetated Wetlands (i.e., wetland boundary based upon extent of hydric soil characteristics within lawn and landscaping), DEP

Bordering Vegetated Wetland Delineation Field Data Forms were not completed and are not attached to this letter.

Flag Numbers	Flag Type	Wetland Types and Locations
Start A1 to A4 Stop	Blue Ground Flags	Upgradient edge of Bordering Vegetated Wetlands located off-site to the east near the southeastern property corner that is associated with an off-site intermittent stream.

Note: The delineated area is the western extent of a disturbed wetland that borders an intermittent stream off-site to the east-southeast. The minimum extent of the wetland boundary necessary to establish the 100' Buffer Zone on the 194 Otis Street property was delineated.

Findings:

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Based upon the Newton GIS Browser and observations made in the field, there is an intermittent stream located off-site to the east-southeast. This stream originates at a culvert and flows to the north and then east on properties to the east of 194 Otis Street. The area between the stream and the site consists of lawn and landscaping. In accordance with the Handbook, the wetland boundary in this area near 194 Otis Street was delineated based upon the extent of hydric soil characteristics within the lawn and landscaped area. The delineated 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 25017C0552E, Effective Date June 4, 2010 (Dynamic FIRMette attached), the site and vicinity are 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). When present, Bordering Land Subject to Flooding would occur in areas where the 100-year floodplain is located outside of or upgradient of the delineated Bordering Vegetated Wetlands boundary. Bordering Land Subject to Flooding does not have a 100' Buffer Zone under the Regulations.

Based upon review, it does not appear that any section of Section 22-22 of the Ordinance applies to the subject site (see attached Newton GIS Browser Map). As such, Ordinance Floodplain does not occur on the site. Section 22-22 does not establish any form of buffer zone.

Riverfront Area: The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map, Boston South Quadrangle, dated 1987 (attached), there are no mapped streams located on or within 200 feet of the site. Based upon observations made in the field, there is a small stream

located about 110 feet off-site to the east-southeast of the site. This stream has a watershed area of 0.055 square miles per Massachusetts StreamStats (see attached StreamStats Report) to Walden Street; as such, this stream would be designated as intermittent and would not have an associated 200' Riverfront Area. Riverfront Area does not have 100' Buffer Zone under the Act and Regulations.

Estimated Habitat and Certified Vernal Pools: The Regulations require that no project may be permitted that will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures set forth at 310 CMR 10.59. Based upon a review of the *Massachusetts Natural Heritage Atlas*, 15th edition, Priority Habitats and Estimated Habitats from the NHESP Interactive Viewer, valid from August 1, 2021, and Certified and Potential Vernal Pools from MassGIS (attached), there are no Estimated Habitats [for use with the Act and Regulations (310 CMR 10.00 *et seq.*)], Priority Habitats [for use with Massachusetts Endangered Species Act (M.G.L. Ch. 131A; "MESA") and MESA Regulations (321 CMR 10.00 *et seq.*)], or Certified and Potential Vernal Pools on or in the immediate vicinity of the site.

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

Proposed Project and Analysis:

The overall project consists of activities associated with an existing single-family house: some of the proposed activities occur outside of geographical jurisdiction (i.e., outside of the 100' Buffer Zone) while others, the subject of this Notice of Intent, occur within the 100' Buffer Zone. As shown on the Site Plan, the work proposed outside jurisdiction includes tree removal, removal of the existing detached garage, house demolition necessary to accommodate the proposed addition and attached garage, removing the existing paved driveway from Otis Street and converting that area to lawn, construction of a new driveway from Forest Avenue, construction of various retaining walls, removal and replacement of the existing hedges along Otis Street and Forest Avenue, installation of a proposed stormwater infiltration system, replacement of utilities, and associated grading, lawn, and landscaping. An erosion control barrier (i.e., 12" compost sock outside of the 100' Buffer Zone and entrenched siltation fence fronted by 12" compost sock within the 100' Buffer Zone) and catch basin inlet protection is proposed. Stockpiles and concrete washout associated with the addition and driveway will occur outside of the 100' Buffer Zone. The Applicant has submitted an application under the Newton Tree Preservation Ordinance; the application was approved with conditions on November 19, 2021. Again, the above work is located outside of geographical jurisdiction under the Act and Ordinance.

The activities that are the subject of this Notice of Intent are proposed within the 100' Buffer Zone to the off-site Bordering Vegetated Wetlands. No structures or impervious surfaces are proposed within the 100' Buffer Zone. The work proposed within the 100' Buffer Zone consists of limited grading near the 100' Buffer Zone boundary; removal of any excess fill, boulders, and concrete

rubble that was placed within the 100' Buffer Zone; the removal of the existing loose stone/slate patio within the 50' Buffer Zone; the removal of one 8" tree without stump removal or grinding located adjacent to the 36" eastern white pine near the southern site boundary; topdressing with high quality loam of the proposed lawn area within the limit of work within the 100' Buffer Zone and the seeding, hydroseeding, or sodding to establish lawn within this area; the establishment of a staggered screening planting of eleven (11) eight-foot-tall white spruce (*Picea glauca*) near the southern property boundary that will be mulched with a 3" thick layer of a 4:1 mixture of decomposed leaf litter and natural colored bark mulch; the installation of an approximately 40-foot-long by two-foot-wide by two-foot-deep fabric-lined stone trench in the southeastern portion of the site to promote infiltration of surface flows on the site; and the creation of a small boulder protected, bounded, 720± square foot invasive species removal and treatment and enhancement planting area in the southeastern corner of the site that encompasses an area in excess of the 25' Buffer Zone that occurs in that portion of the site. Although there is no significant change to the proposed grades within the 100' Buffer Zone, the above-mentioned infiltration trench has been proposed as part of the project design to prevent any increase in overland flows from the site to the properties to the east; a berm that directs surface flows to the southeast exists under existing and proposed conditions near the southern site boundary. The invasive species removal and treatment plan and the proposed enhancement planting area plan are provided on the attached "Invasive Species Removal and Treatment and Planting Schematic for Enhancement Planting Area," prepared by EcoTec, Inc., dated April 8, 2022; this plan requires invasive species removal and treatment in this area for two years and a two-year monitoring program, with annual reports to the Commission for the invasives species work and enhancement area plant monitoring.

Prior to the start of work under the Order of Conditions for this proposed work, an erosion control barrier comprising either 12" compost sock (outside of the 100' Buffer Zone) or entrenched siltation fence fronted by 12" compost sock within the 100' Buffer Zone) will be installed as shown on the Site Plan. The trees along the eastern site boundary will be protected by the placement of the proposed erosion control barrier and the area beneath these trees will be mulched with a 3" thick layer of 4:1 mixture of decomposed leaf litter and natural colored bark mulch. The other trees to be retained located within the limit of work within the 100' Buffer Zone (see Site Plan) will be protected with burlap and lumber on the trunks and by limiting work with heavy equipment and soil disturbance proposed near these trees.

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 as detailed and shown on the Site Plan will be located at the proposed limit of work. 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, the area within the 100' Buffer Zone, which was lawn and landscaping under pre-existing conditions, slopes moderately to gradually to the southeast. Under proposed conditions, the area will be top dressed in loam and will be seeded, hydroseeded, or sodded as lawn. This area will still slope moderately to gradually to the southeast. Under proposed conditions, a stone trench has been proposed to prevent any increase in surface flows off-site to the southeast. One 8" tree is proposed to be removed from the 100' Buffer Zone; eleven eight-foot-tall white spruce are proposed as a staggered screening near the southern site boundary. Lastly, the southeastern 720± square foot portion of the site will be bounded and protected by a row of boulders and have invasive species removed and treated and plantings consisting of five native saplings of two species and thirty native shrubs of five species established to renaturalize the inner Buffer Zone on the site to the off-site wetland. The removal of invasive plant species and the establishment of native plant species, including both the enhancement area planting in the inner Buffer Zone and the proposed white spruce plantings in the Buffer Zone will serve to augment wildlife habitat characteristics in this area compared to the existing condition.

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

This Policy was implemented in June 2019 and is intended to protect the functions of Newton's wetland resource areas by protecting and or re-establishing a naturally vegetated buffer proximate to protected wetland resource areas. As part of this project, the inner Buffer Zone to an off-site wetland is proposed to be completely renaturalized. Under existing conditions, this area is vegetated almost completely with invasive plant species or landscape species, including Norway

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maple saplings and shrubs, winged euonymus, glossy buckthorn, multiflora rose, English ivy, and oriental bittersweet invasives, and yew, boxwood, Japanese andromeda, Hercules club, and pachysandra landscape plantings. As detailed in the attached Planting Schematic, the invasive and landscape species will be removed and treated or removed, respectively, from the area and the areas will be planted with five native saplings of two species and thirty native shrubs of five species. The entire 25' Buffer Zone on the site will be renaturalized. The invasive species removal treatment program has a two-year duration and annual reports that address invasive species removal and treatment and the enhancement plantings will be provided to the Commission annually for two years. This work will serve to protect the statutory interests associated with the off-site wetland.

Conclusions:

In conclusion, work associated with the proposed project will not occur in wetland resource areas subject to protection under the Act or the Newton Floodplain Ordinance. Work is proposed within the 100' Buffer Zone and outside of the 100' Buffer Zone. Invasive species removal and the establishment of native saplings and shrubs is proposed within the 100' Buffer Zone and within and near the 25' Buffer Zone. It is EcoTec's opinion that the proposed work results in an improvement over the existing condition with regard to surface runoff, the removal of invasive species, and the establishment of native plant species within the 100' Buffer Zone and more specifically, within the southeastern corner of the site near the off-site wetland. 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 April 28, 2022. If you have any questions, please feel free to contact me at any time.

Cordially,
ECOTEC, INC.



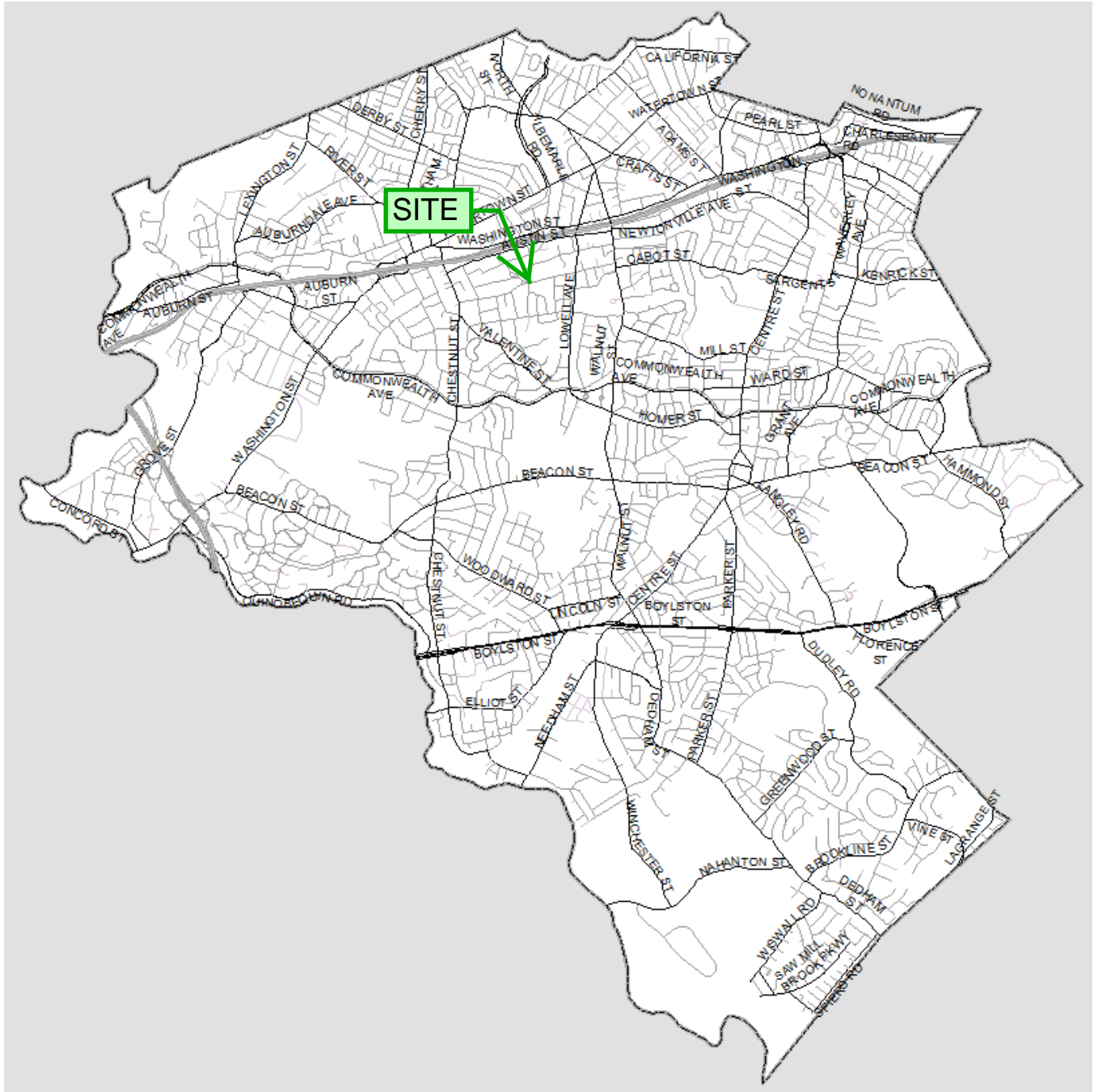
John P. Rockwood, Ph.D., SPWS
Principal Environmental Scientist

Cc: Department of Environmental Protection, Northeast Regional Office (by Certified Mail
/Return Receipt Requested)
Fernando Alves, Alfon Properties Corp./194 Otis LLC (Via Email)
Richard A. Volkin PE, RAV & Associates, Inc. (Via Email)

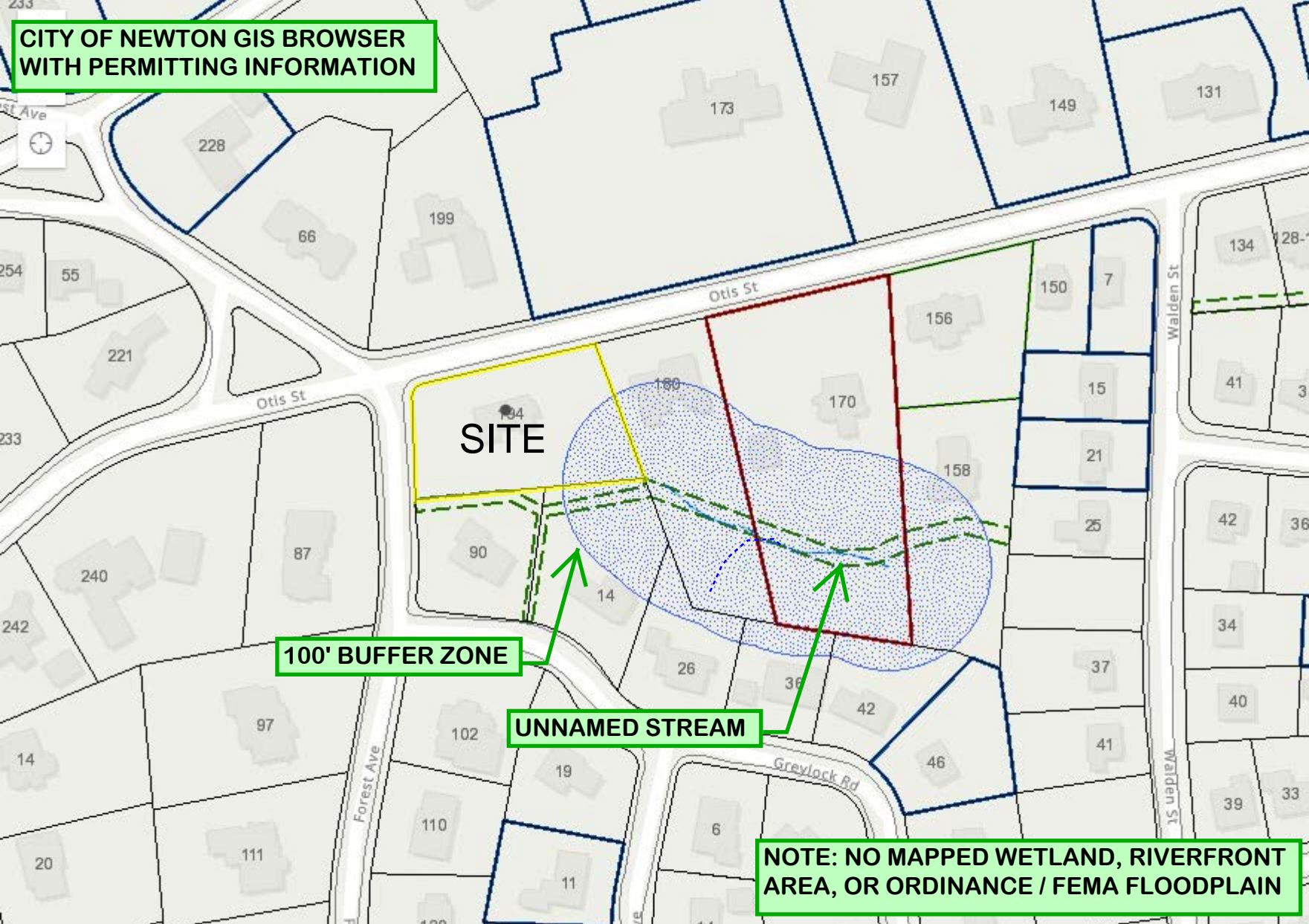
18/w/NEWTON194OTIS NOI CL

EcoTec, Inc.

Newton Locus Map



**CITY OF NEWTON GIS BROWSER
WITH PERMITTING INFORMATION**



100' BUFFER ZONE

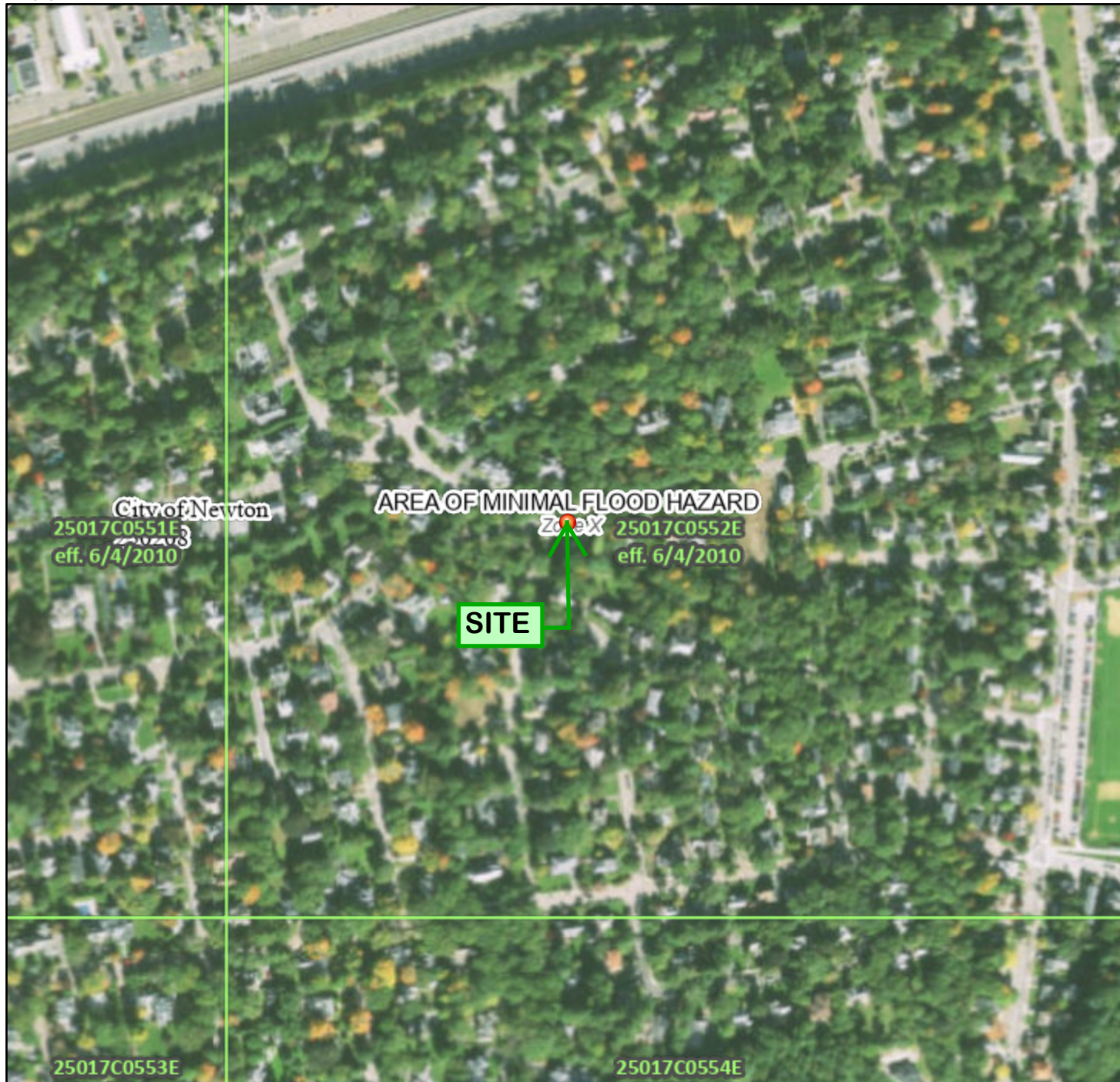
UNNAMED STREAM

**NOTE: NO MAPPED WETLAND, RIVERFRONT
AREA, OR ORDINANCE / FEMA FLOODPLAIN**

National Flood Hazard Layer FIRMMette



71°13'15"W 42°21'N



Legend

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		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 <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		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
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

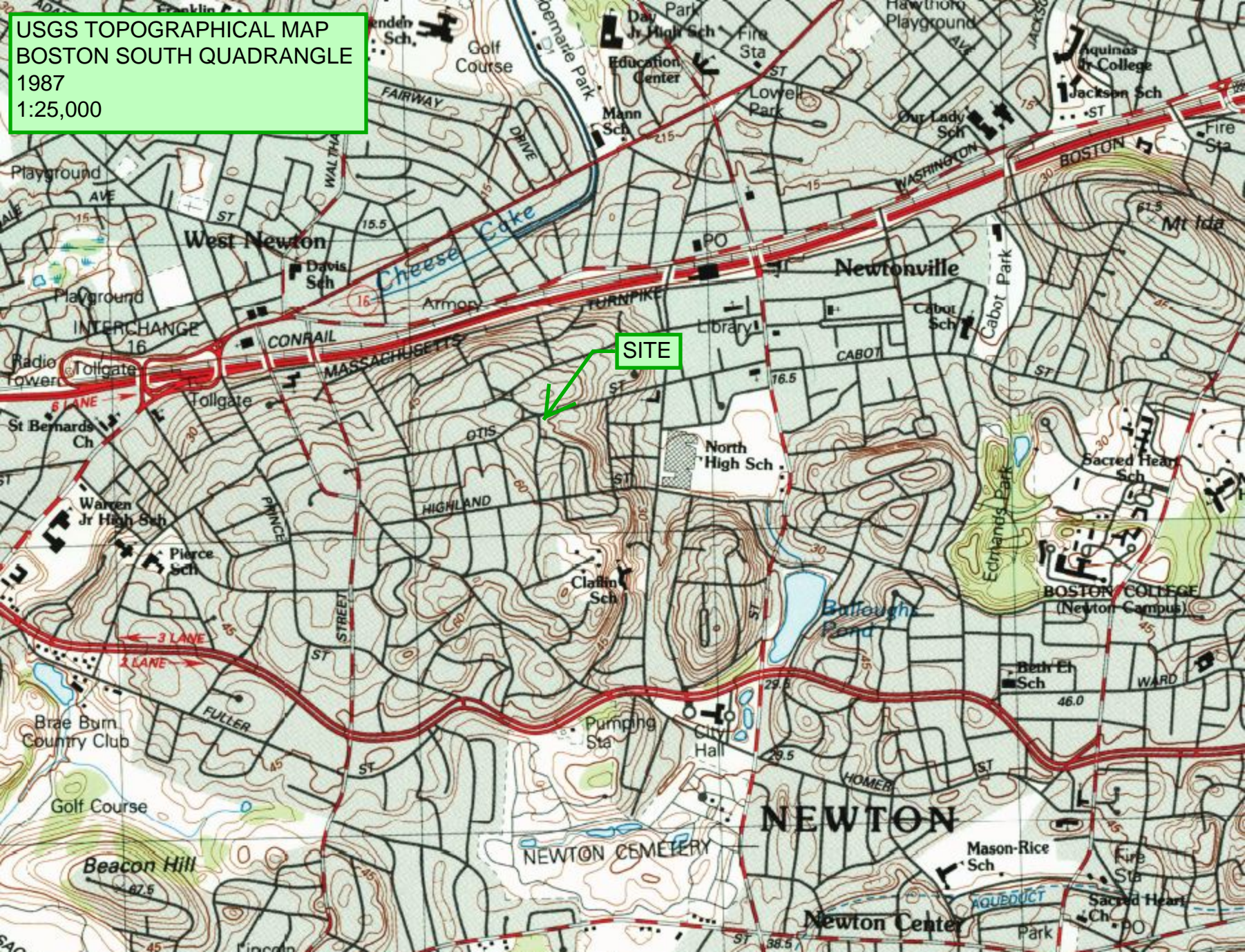
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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 **1/6/2022 at 6:44 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

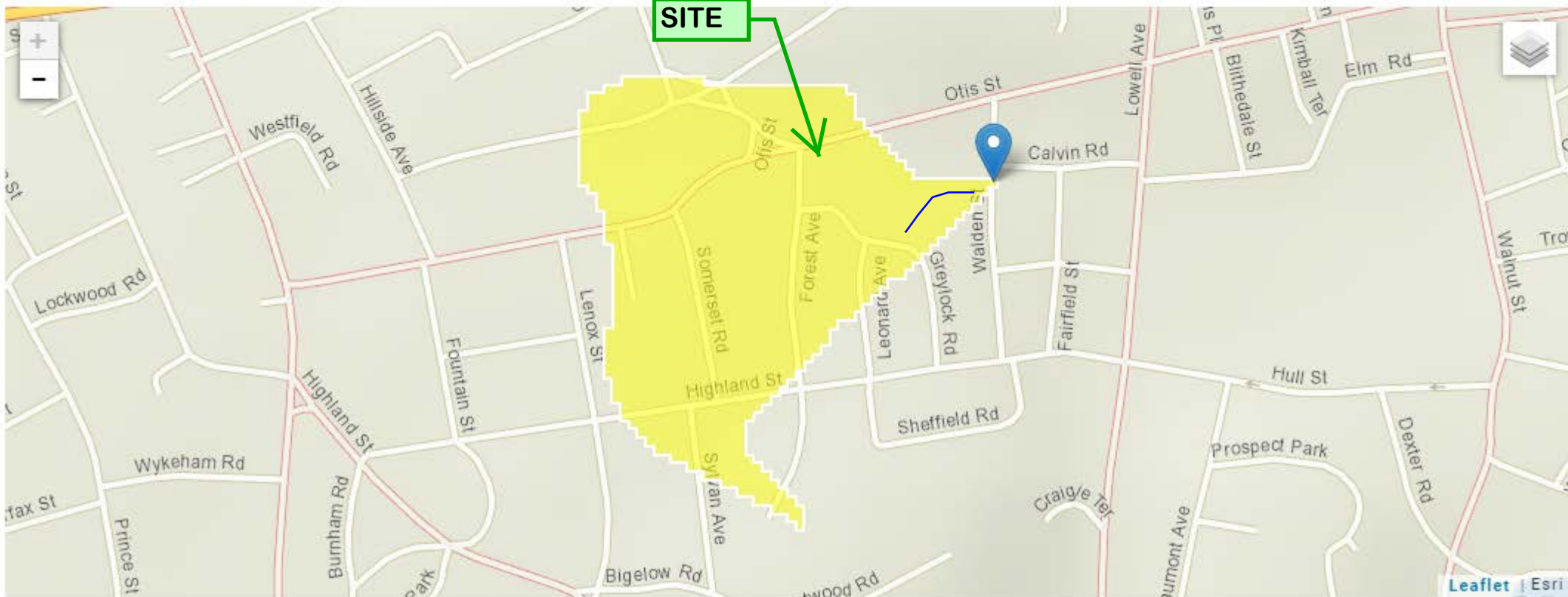
USGS TOPOGRAPHICAL MAP
BOSTON SOUTH QUADRANGLE
1987
1:25,000



StreamStats Report

Region ID:
Workspace ID:
Clicked Point (Latitude, Longitude):
Time:

MA
MA20211215000035246000
42.34605, -71.21321
2021-12-14 19:00:55 -0500



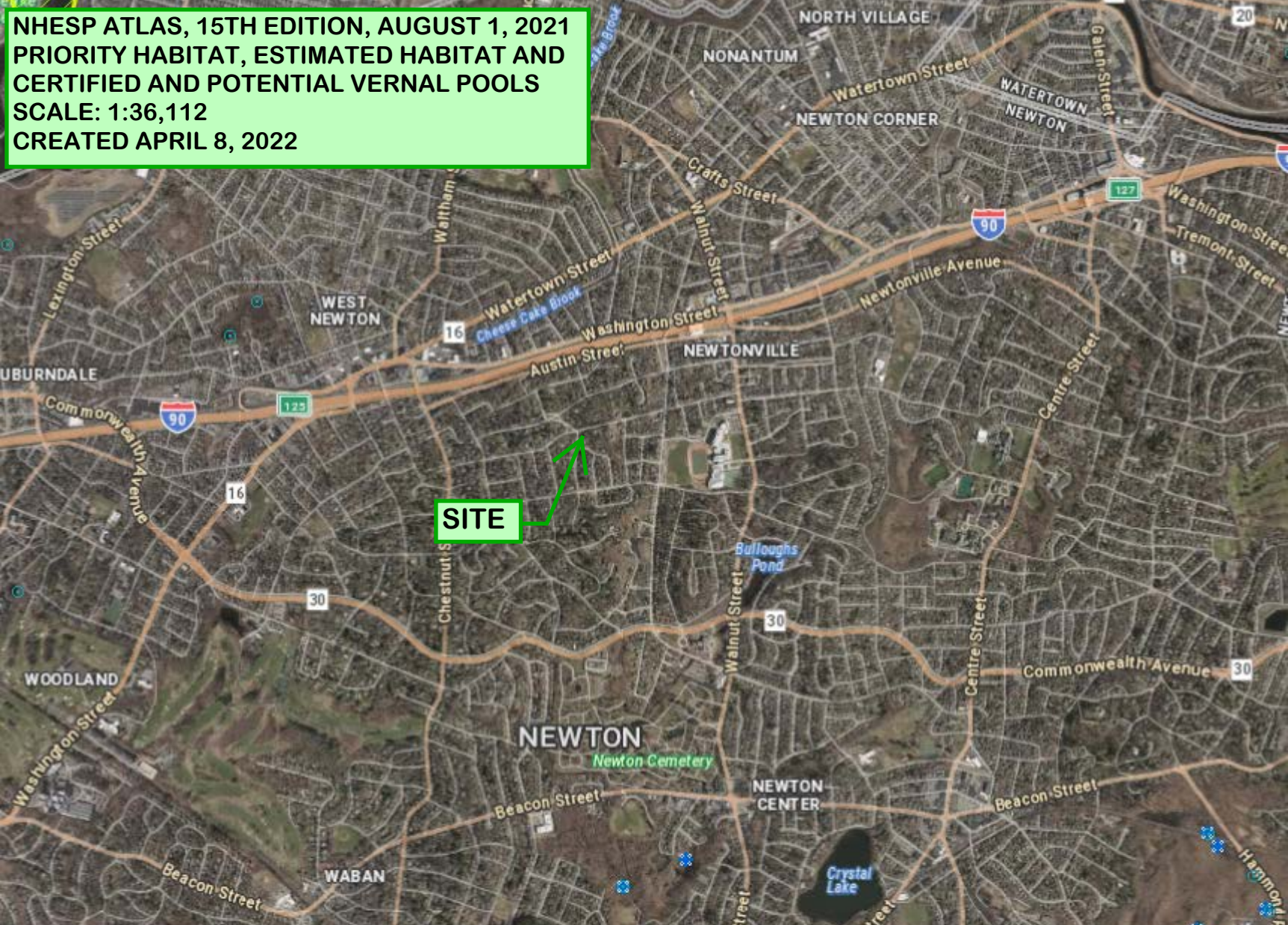
Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	0.055	square miles

USGS Data Disclaimer: Unless otherwise stated, all data, metadata and related materials are considered to satisfy the quality standards relative to the purpose for which the data were collected. Although these data and associated metadata have been reviewed for accuracy and completeness and approved for release by the U.S. Geological Survey (USGS), no warranty expressed or implied is made regarding the display or utility of the data for other purposes, nor on all computer systems, nor shall the act of distribution constitute any such warranty.

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NHESP ATLAS, 15TH EDITION, AUGUST 1, 2021
PRIORITY HABITAT, ESTIMATED HABITAT AND
CERTIFIED AND POTENTIAL VERNAL POOLS
SCALE: 1:36,112
CREATED APRIL 8, 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

**INVASIVE SPECIES REMOVAL AND TREATMENT AND
PLANTING SCHEMATIC FOR ENHANCEMENT PLANTING AREA
194 OTIS STREET ROAD, NEWTON**

PREPARED BY ECOTEC, INC.
APRIL 8, 2022

Invasive Species Removal and Treatment Plan:

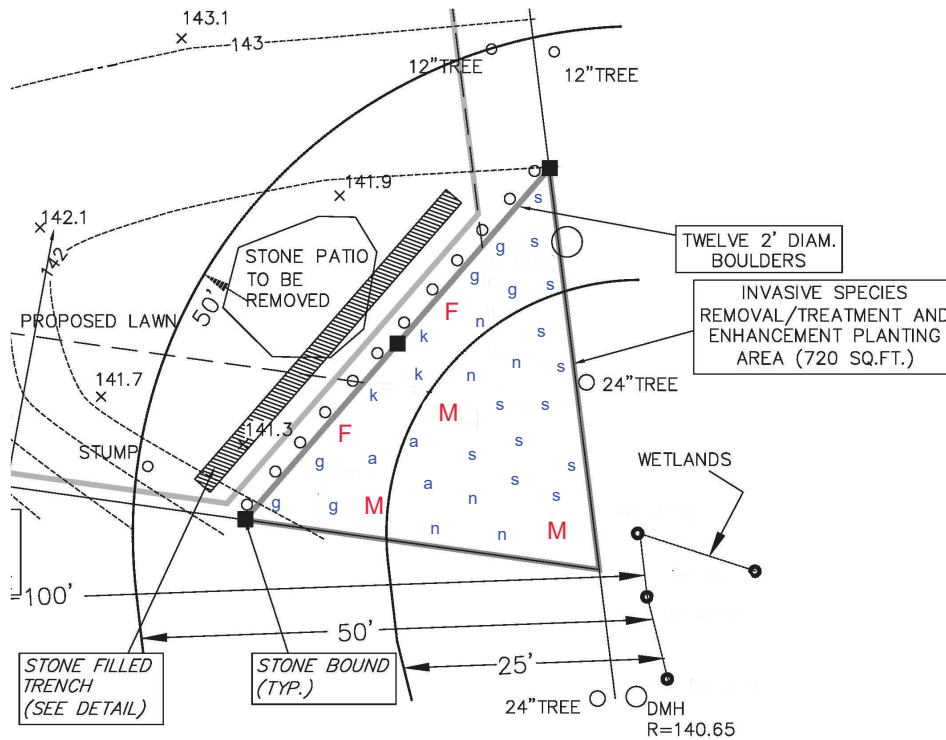
Invasive and landscape species that occur in the subject area will be pulled by hand or cut and blotted with herbicide. This work will be conducted by a licensed pesticide (herbicide) applicator under the supervision of a qualified wetland scientist. The herbicide to be used will be a 25 to 30% concentrated solution of glyphosate-based herbicide with a marker dye formulated for use near wetlands (e.g., Accord Concentrate). Prior to the start of work, the property lines will be clearly marked; no work shall occur beyond the property lines. The English ivy and pachysandra in the area will be pulled by hand; English ivy and oriental bittersweet growing up into the adjacent trees will be cut and the rooted portion pulled or blotted with herbicide. Care must be exercised in pulling English ivy as it may cause contact dermatitis. Landscape shrubs (e.g., yew, boxwood, Japanese andromeda, Hercules club) will be pulled from the ground using equipment; invasive saplings and shrubs (e.g., Norway maple saplings and shrubs, winged euonymus, glossy buckthorn, multiflora rose) will be cut 4 inches above the ground surface and the cut stem will be blotted with herbicide. Foliar application of herbicide is not permitted under this plan. Such treatment will occur in the late summer/fall of 2022 and will be repeated in the late summer/fall of 2023. Brief reports will be provided to the Commission in a timely manner following each treatment.

Planting Schematic:

Enhancement Planting Area (720± S.F.)

Stratum; Species; Size; Spacing	
Saplings ; 1.5 to 2" Caliper; 12' on-center	5
M Red Maple (<i>Acer rubrum</i>) (2" Caliper)	3
F Flowering Dogwood (<i>Cornus florida</i>) (1.5" Caliper)	2
Shrubs (Evergreen and Deciduous); 3-4' height; 5' on-center	30
k Mountain Laurel (<i>Kalmia latifolia</i>)	3
a Serviceberry (<i>Amelanchier canadensis</i>)	3
n Northern Spicebush (<i>Lindera benzoin</i>)	6
g Inkberry (<i>Ilex glabra</i>)	6
s Sweet Pepperbush (<i>Clethra alnifolia</i>)	12

- 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 qualified wetland scientist.

The planting area will be monitored annually for two years after it is established. The area is expected to be planted in fall 2022 following the first invasive species removal/treatment; as such, monitoring by a qualified wetland scientist would occur in fall 2023 and fall 2024. The threshold for success is 100% survival of the saplings and 75% survival of the shrubs (or as specified in the Order of Conditions). A brief report will be provided to the Commission in a timely manner after each annual inspection. A Request for a Certificate of Compliance will be made following the second annual inspection.



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 04/12/2022 Deadline
-------------	-------------------------

Fill in all white cells completely

Parcel		Applicant name	Fernando Alves, Alfon Properties Corp.
address	194 Otis Street	Address	25 Clarendon Street Watertown, MA 02472
Sec/Block/Lot	24 / 013 / 0012	Email	fernando@alfonproperties.com
Book & Page	78017 & 290	Phone	617-744-0833
Owner name	Fernando Alves, 194 Otis LLC	Representative	John P. Rockwood, Ph.D., SPWS EcoTec, Inc.
Address	25 Clarendon Street Watertown, MA 02472	Address	102 Grove Street Worcester, MA 01605
Email	fernando@alfonproperties.com	Email	jrockwood@ecotecinc.com
Phone	617-774-0833	Phone	508-752-9666 x 3

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

Components of a Complete NOI Application

State Form: NOI Form 3	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Plan* title(s) Plan date Plan stamped by <i>*if legible, plans should be 11"x17"</i>	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 \$ 67.50	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● City fee \$50	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Abutter Information	
● List (within 100')	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be provided once abutter notifications are sent.
● Abutter letter	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● Affidavit & proof -- bring to hearing	<i>Present them at the hearing</i>
Other Attachments, e.g.	
Planting Plan	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <small>See Site Plan & Planting Schematic</small>
Floodplain analysis	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Stormwater analysis	Included? <input checked="" type="checkbox"/> Yes* <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <small>See Stormwater Report</small>
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 <small>See Cover Letter & Planting Schematic</small>
Phasing/Sequencing plan, O&M plan, etc.	Included? <input checked="" type="checkbox"/> Yes* <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <small>See Stormwater Report</small>

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
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WPA Form 3 – Notice of Intent

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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>194 Otis Street</u>	<u>Newton</u>	<u>02465</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.34633</u>	<u>-71.21556</u>	
d. Latitude	e. Longitude	
<u>24 013</u>	<u>0012</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Fernado</u>	<u>Alves</u>	
a. First Name	b. Last Name	
<u>Alfon Properties Corp.</u>		
c. Organization		
<u>25 Clarendon Street</u>		
d. Street Address		
<u>Watertown</u>	<u>MA</u>	<u>02472</u>
e. City/Town	f. State	g. Zip Code
<u>617-744-0833</u>	<u>--</u>	<u>fernando@alfonproperties.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

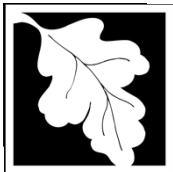
<u>Fernando</u>	<u>Alves</u>	
a. First Name	b. Last Name	
<u>194 Otis LLC</u>		
c. Organization		
<u>25 Clarendon Street</u>		
d. Street Address		
<u>Watertown</u>	<u>MA</u>	<u>02472</u>
e. City/Town	f. State	g. Zip Code
<u>617-744-0833</u>	<u>--</u>	<u>fernando@alfonproperties.com</u>
h. Phone Number	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>508-752-9666x3</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>\$ 110.00</u>	<u>\$ 42.50</u>	<u>\$ 67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Within the Buffer Zone (BZ), the work consists of landscaping activities (i.e., grading, top dressing, lawn, landscaping, & removal of one tree) associated with an existing single-family house. Erosion controls are proposed. Invasive species removal & native plantings within the inner BZ are proposed. Work outside geographical jurisdiction is also proposed as part of the project (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:

South Middlesex	--
a. County	b. Certificate # (if registered land)
78017	290
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.



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

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

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

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

2. Width of Riverfront Area (check one):

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

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

4. Proposed alteration of the Riverfront Area:

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

- 5. Has an alternatives analysis been done and is it attached to this NOI? Yes No
- 6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

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

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



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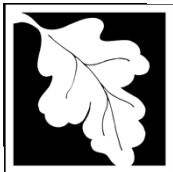
City/Town

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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	-- 1. square feet	
	-- 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	-- 1. square feet	-- 2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	-- 1. square feet	-- 2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	-- 1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	-- 1. square feet	
h. <input type="checkbox"/> Salt Marshes	-- 1. square feet	-- 2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	-- 1. square feet	
	-- 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	-- 1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	-- 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	-- 1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	-- a. square feet of BVW	-- b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings	-- a. number of new stream crossings	-- b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

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

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

- August 1, 2021
b. Date of map

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

- c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:

(a) within wetland Resource Area	--

	percentage/acreage
(b) outside Resource Area	--

	percentage/acreage

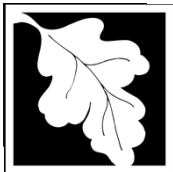
- Assessor's Map or right-of-way plan of site

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

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

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

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



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

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 --
 b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
 b. No. Check why the project is exempt:
 1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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D. Additional Information (cont'd)

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

4. List the titles and dates for all plans and other materials submitted with this NOI.
A complete listing of materials included in this filing is provided in the Cover Letter.

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

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

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

21335	4/5/2022
2. Municipal Check Number	3. Check date
21336	4/5/2022
4. State Check Number	5. Check date
EcoTec, Inc.	--
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.

	3/30/22
1. Signature of Applicant	2. Date
	3/30/22
3. Signature of Property Owner (if different)	4. Date
	4/8/2022
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:

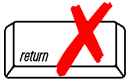
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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:

194 Otis Street	Newton
a. Street Address	b. City/Town
21336	\$ 42.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Fernando	Alves	
a. First Name	b. Last Name	
Alfon Properties Corp.		
c. Organization		
25 Clarendon Street		
d. Mailing Address		
Watertown	MA	02472
e. City/Town	f. State	g. Zip Code
617-744-0833	--	fernando@alfonproperties.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

Fernando	Alves	
a. First Name	b. Last Name	
194 Otis LLC		
c. Organization		
25 Clarendon Street		
d. Mailing Address		
Watertown	MA	02472
e. City/Town	f. State	g. Zip Code
617-744-0833	--	fernando@alfonproperties.com
h. Phone Number	i. Fax Number	j. Email Address

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

B. Fees

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

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

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

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

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

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

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



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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
1a. Landscaping Associated with Single-Family House in Buffer Zone	1	\$ 110.00	\$ 110.00

Step 5/Total Project Fee: \$ 110.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$ 110.00</u>
State share of filing Fee:	a. Total Fee from Step 5 <u>\$ 42.50</u>
City/Town share of filing Fee:	b. 1/2 Total Fee less \$12.50 <u>\$ 67.50</u>
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

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

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

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

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