

**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 8, 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;  
       50 Buswell Park, Newton, Massachusetts  
       -Applicant: Aliza Goren and Adam Frankel

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.: 25017C0556E, 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 (15<sup>th</sup> Edition), August 1, 2021 with site indicated; and

- 7) Resume; and
- b. Project Description and Analysis;
  - 1) Plant List, Goren / Frankel Landscape, 50 Buswell Park, Newton, MA, Referenced to Plan of 4/6/2022, prepared by Roger Washburn;
2. City of Newton Cons.Com. Wetland Application Coversheet/Checklist and Copy of Ordinance Filing Fee Check;
3. The Notice of Intent Form, Fee Transmittal Form, and Copy of Act Filing Fee Checks;
4. Existing Conditions Plan: "Topographic Plan of Land in Newton, Massachusetts for Frankel & Goren," Scale 1" = 10', prepared by Stamski and McNary, Inc., dated September 3, 2021, signed and stamped by Joseph March, PLS;
5. Landscaping Plan Set:
  - a. "Landscape Improvement Project, Residence of Aliza Goren & Adam Frankel, 50 Buswell Park, Newton, MA 02458," Proposed Plan, Sheet One of Two; Scale: 1" = 10', prepared by Roger Washburn Landscape Architecture LLC, dated April 6, 2022, signed and stamped by Roger L. Washburn, RLA; and
  - b. "Landscape Improvement Project, Residence of Aliza Goren & Adam Frankel, 50 Buswell Park, Newton, MA 02458," Details: Porous Bluestone Path and Compost Sock, Sheet Two of Two; Scale: As Shown, prepared by Roger Washburn Landscape Architecture LLC, dated April 6, 2022, signed and stamped by Roger L. Washburn, RLA.

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 March 18, 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). John P. Rockwood, Ph.D., SPWS conducted the inspection.

The subject site consists of a 0.5568±-acre parcel located at the terminus of Buswell Park in Newton, Massachusetts (see attached Locus Map). Hyde Brook flows to the north across the western portion of the site within a walled channel (see attached Newton GIS Browser Map). The subject site is developed with a single-family house with an attached two-car garage and rear deck with stairs and step; paved driveway; brick and stone front walkway, stairs, and landing; accessory brick and stone steps and landing; stone and concrete retaining walls; AC pads and AC units; stockade fencing; and associated lawn and landscaping. Several trees are located along Hyde Brook in the western portion of the site; one recent Norway maple stump was observed near the stonewall in the west-central portion of the site; and several additional trees are located in the eastern portion of the site. Parts of two substantial wooden bridges that cross Hyde Brook occur in the western portion of the site. The wetland resources observed on and near the site are described below.

***Methodology:***

The subject site and adjacent areas were inspected, and areas suspected to qualify as wetland resources were identified. Hyde Brook flows to the north across the western portion of the site. Bordering Vegetated Wetlands were not observed on or within 100 feet of the subject site. The upper boundary of Bank of Hyde Brook was identified in the field as the inner face of the vertical wall that contains Hyde Brook. As such, no flags were placed in the field to delineate this resource. The Regulations at 310 CMR 10.54(2)(c) state: “The upper boundary of Bank is the first observable break in the slope or the mean annual flood level, whichever is lower.” 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 identified Bank. As Bordering Vegetated Wetlands were not observed or delineated on the site or along the subject stream reach, DEP Bordering Vegetated Wetland Delineation Field Data Forms were not completed and are not attached to this letter.

***Findings:***

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Hyde Brook, an intermittent stream, flows to the north across the western portion of the site. The subject reach of Hyde Brook is contained within vertical stone and masonry walls. Bordering Vegetated Wetlands were not observed along the subject reach of Hyde Brook or within 100 feet of the subject site. Hyde Brook 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 Bank 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 25017C0556E, Effective Date June 4, 2010 (attached), the subject site and surrounding area are mapped as Other Areas: Zone X (i.e., areas located outside of the 0.2% annual chance flood/areas outside of the 500-year floodplain). As such, Bordering Land Subject to Flooding does not occur on the site.

Under Section 22-22 of the Ordinance which identifies the Floodplain/Watershed Protection District, under Section (g)3. Open brooks and their tributaries, (11) Hyde Brook has a protected zone (i.e., Ordinance Floodplain) that extends 30 feet horizontally outward on both sides of the stream from its centerline. Section 22-22 does not establish any form of buffer zone.

Riverfront Area: The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map (i.e., Boston South Quadrangle, dated 1987, attached) and observations made during the site inspection, a stream (i.e., Hyde Brook) that is not shown on the current USGS Map flows generally to the north across the western portion of the subject site. Based upon Massachusetts StreamStats, the watershed area for this stream to a point located well downstream of the site is 0.20 square miles (see attached StreamStats Report). Based upon stream mapping and its small drainage area, Hyde Brook at the site would be designated as intermittent and would not have an associated 200' Riverfront Area 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*, 15<sup>th</sup> 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 project consists of landscaping activities associated with an existing single-family house. Some of the proposed activities occur within the 100' Buffer Zone while others occur outside of geographical jurisdiction. The activities proposed within the 100' Buffer Zone and outside of the 100' Buffer Zone are shown on the Site Plan and are listed at the bottom of the Site Plan. The activities proposed within the 100' Buffer Zone are detailed as follows:

The work proposed within the 100' Buffer Zone has been generally categorized by distance from the Bank of Hyde Brook: within 25 feet; between 25 and 50 feet; and between 50 and 100 feet. The work proposed within the 100' Buffer Zone is detailed as follows:

- The work proposed within 25 feet of the brook consists of the removal of a 14" Norway maple tree to reduce competition with the remaining trees in the area by cutting the trunk close to the ground surface and leaving a stump to be treated with herbicide to prevent resprouting; the removal and treatment of oriental bittersweet and euonymus vines proximate to the brook; the corrective pruning of five trees near the brook to create healthier branch structure; the removal of a large privet shrub; and the planting of fifteen native shrubs of three species in two clusters, one on each side of the brook. This work is not intrusive and will result in the removal of invasive species from the area and will introduce two clusters of native shrubs to this area.

The methodology to be used to treat woody invasive plant species is provided on the Site Plan and will consist of a cut and blot methodology using a concentrated herbicide (25 to 30% glyphosate-based herbicide such as Accord) conducted by a licensed herbicide applicator under the supervision of a certified arborist or wetland scientist.

- The work proposed between 25 and 50 feet of the brook consists of the past removal of a 30" Norway maple and the proposed removal of a large, two stem euonymus shrub. Two native shrubs will be planted in this area. The Norway maple was removed as it was deemed by the arborist to pose an imminent hazard to safety or health. The arborist is drafting a letter regarding this tree removal that will be provided to Commission Staff upon receipt. All proposed plantings within 50 feet of the brook are native.
- The work proposed between 50 and 100 feet of the brook consists of the removal of approximately 0.75 cubic yards of soil to eliminate a cross slope at the proposed porous bluestone path; the installation of piping to connect three existing roof downspouts to the perforated pipe proposed within the stone beneath the porous bluestone path; the excavation and installation of the required substrate and installation of 210 square feet of porous bluestone path with granite cobble edgers and five stone steppers within the path; the installation of 15 square feet of bluestone pavers at the end of the existing front walk; the installation of one new handrail and four concrete footings for two future handrails near the front walk; the installation of three path lights for safety at the front walk; the placement of approximately 600 square feet of sod to replace lawn that will be damaged by the proposed work; the removal of 635 square feet of lawn with the subsequent planting of trees, shrubs, ground cover, and perennials as specified on the Site Plan and in the Plant List; the pruning of three existing arborvitae; the removal of a rose of sharon and peegee hydrangea; the placement of one to two inches of shredded pine bark mulch at planting areas as specified on the Site Plan; and modification to the existing irrigation system to adapt to the proposed layout. A tulip poplar will be planted proximate to the removed Norway maple and an

Alleghany serviceberry will be planted within the 100' Buffer Zone to the north of the house. Significant native and horticultural plantings are proposed within confined planting beds between the proposed porous bluestone path and the house.

Access for this work will be from the paved driveway with access to construct the porous bluestone path to the east (i.e., upgradient) of the proposed erosion control barrier. Soil that is excavated as part of this work will be temporarily stockpiled outside of the 100' Buffer Zone or will be immediately removed from the site. Except for the planting of native shrubs by hand, there will be no soil disturbance to the west of the erosion control barrier.

Additional work on the site is proposed outside of the 100' Buffer Zone. Again, this work is not subject to jurisdiction but is shown on the Site Plan and is detailed at the bottom of the Site Plan. The measures taken to protect the adjacent resource areas for the work proposed within the 100' Buffer Zone will also protect the adjacent wetland resources for the work proposed outside of the 100' Buffer Zone. The plantings proposed on the site are shown on the Site Plan and are detailed on the attached Plant List. The list provides the common and scientific names for the proposed plantings and indicates the numbers proposed within the 100' Buffer Zone and outside of the 100' Buffer Zone. The proposed plantings are not found on the Massachusetts Prohibited Plant List and are not listed on the Invasives Plant Atlas of New England. No formal mitigation or enhancement areas are proposed as part of this project; the work that is proposed is best described as landscaping. Accordingly, a formal monitoring program has not been proposed under this submittal.

**Narrative Standard for Work in the Buffer Zone:**

Section 10.53(1) of the Regulations provides a narrative standard for work in the Buffer Zone and states "...If the issuing authority determines that a resource area is significant to an interest identified in M.G.L. c. 131, § 40 for which no presumption is stated in the Preamble to the applicable section, the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests. For work in the buffer zone subject to review under 310 CMR 10.02(2)(b)3., the issuing authority shall impose conditions to protect the interests of the Act identified for the adjacent resource area. The potential for adverse impacts to resource areas from work in the buffer zone may increase with the extent of the work and the proximity to the resource area. The issuing authority may consider the characteristics of the buffer zone, such as the presence of steep slopes, that may increase the potential for adverse impacts on resource areas. Conditions may include limitations on the scope and location of work in the buffer zone as necessary to avoid alteration of resource areas. The issuing authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the resource area and/or other measures commensurate with the scope and location of the work within the buffer zone to protect the interests of the Act. Where a buffer zone has already been developed, the issuing authority may consider the extent of existing development in its review of subsequent proposed work and, where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a



resource area to protect the interest of the Act. The purpose of preconstruction review of work in the buffer zone is to ensure that adjacent resource areas are not adversely affected during or after completion of the work.” As indicated in the Preface to the 2005 Revisions to the Regulations, “This standard is intended to provide better guidance to applicants, conservation commissions and DEP by identifying the measures that will ensure that adjacent wetland resource areas are not adversely affected during or after completion of the work.”

Prior to the start of earth moving activities, an erosion control barrier consisting of staked 12” diameter compost sock will be located between the proposed porous bluestone path and the downgradient resource areas. 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. In addition to providing an access route around the house, the proposed bluestone path is intended to promote infiltration of roof runoff and overland flow and will serve to recharge runoff to the ground within the 100’ Buffer Zone. Within the 100’ Buffer Zone, limited grading associated with the installation of the porous bluestone path is proposed. With the exception of the proposed path, the majority of the work proposed within the 100’ Buffer Zone consists of the removal of invasive plant species and undesired landscape plantings and the establishment of native plantings and desired landscape plantings proximate to the house. The mowing of lawns and the pruning of landscaped areas is not subject to jurisdiction under the regulations. Lawn that is affected by the proposed project that is not converted to landscaping will be restored as lawn by seeding or sodding. Upon completion of the proposed work, the site will be vegetationally stable. The removal of invasive plant species and the establishment of native plant species in the inner Buffer Zone will serve to preserve and augment a potential wildlife corridor along Hyde Brook.

**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. The work proposed within the 25’ Buffer Zone consists of the removal of one 14” Norway Maple, which is crowding native trees in the area; the pruning of other existing trees along Hyde Brook; the removal of invasive plant species from the 25’ NVB, including oriental bittersweet and euonymus vines within the woody vegetation along Hyde Brook and a substantial privet near the brook; and the establishment of fifteen native shrubs of three species in two clusters in this area. This work will serve to protect the statutory interests associated with Hyde Brook in this area.

**Conclusions:**

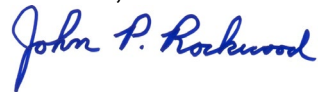
In conclusion, work associated with the proposed project will not occur in wetland resource areas subject to protection under the Act. Work is proposed within the 100’ Buffer Zone and outside of the 100’ Buffer Zone. Limited invasive species removal and the establishment of native shrubs is proposed within the Ordinance Floodplain and 25’ Buffer Zone. It is EcoTec’s opinion that the proposed work results in an improvement over the existing condition with regard to roof runoff,

Newton Conservation Commission  
April 8, 2022  
Page 8.

the removal of invasive species, and the establishment of native plant species within the 100' Buffer Zone and more specifically, within 50 feet of Hyde Brook. 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.



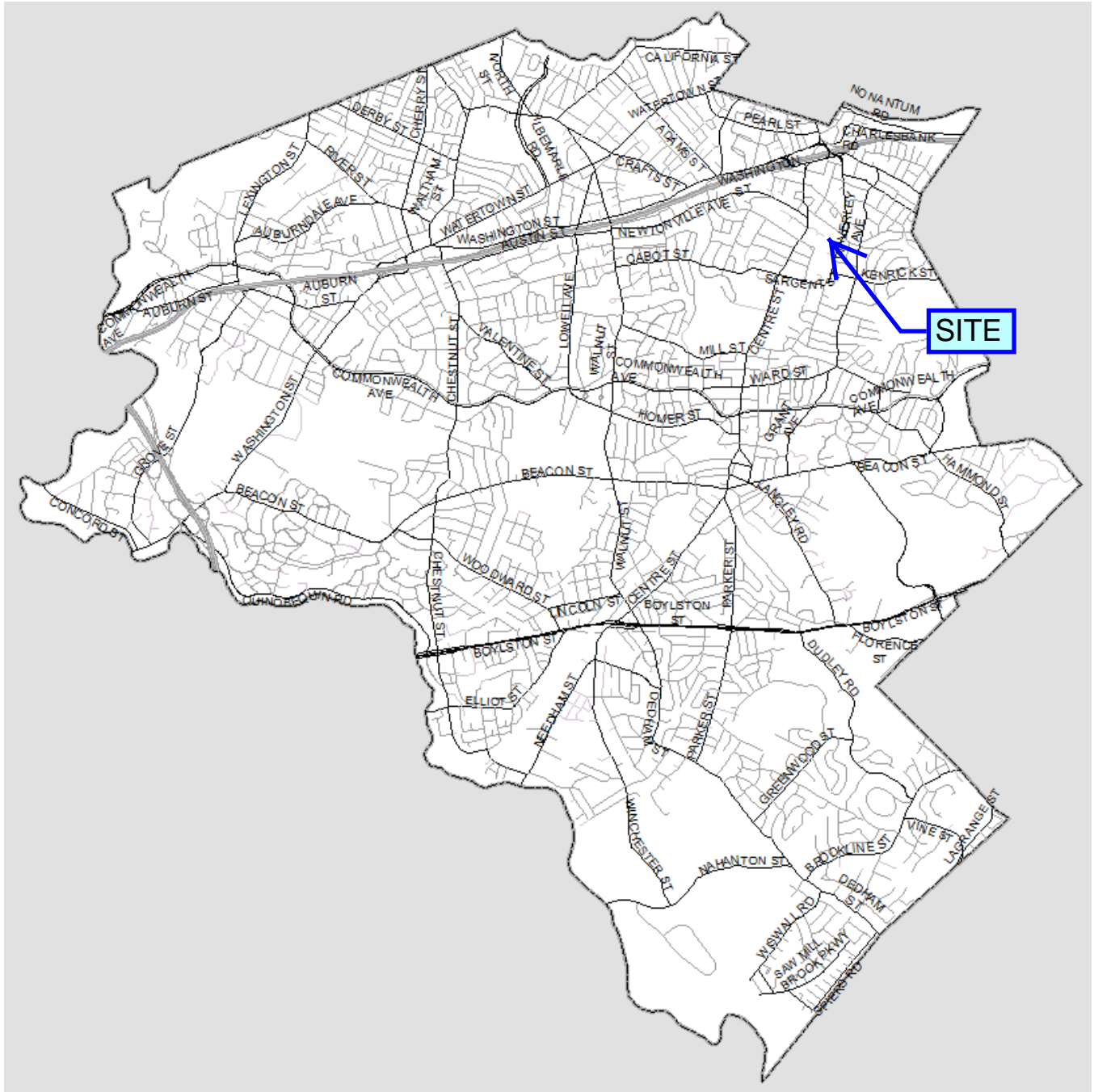
John P. Rockwood, Ph.D., SPWS  
Principal Environmental Scientist

Cc: Department of Environmental Protection, Northeast Regional Office (by Certified Mail  
/Return Receipt Requested)  
Aliza Goren and Adam Frankel (Via Email)  
Roger Washburn, RLA (Via Email)

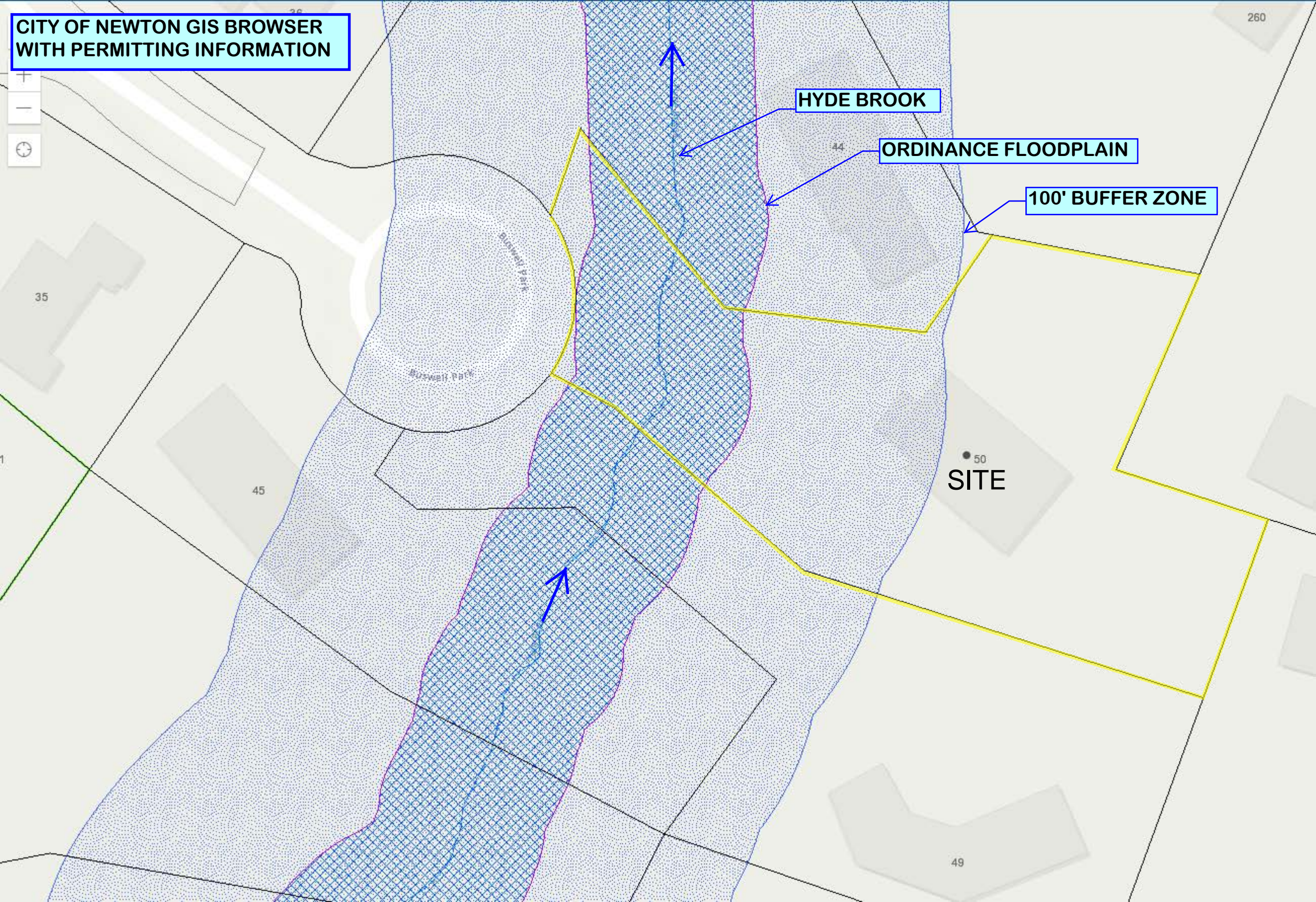
18/w/NEWTON50BUSWELL NOI CL



### Newton Locus Map





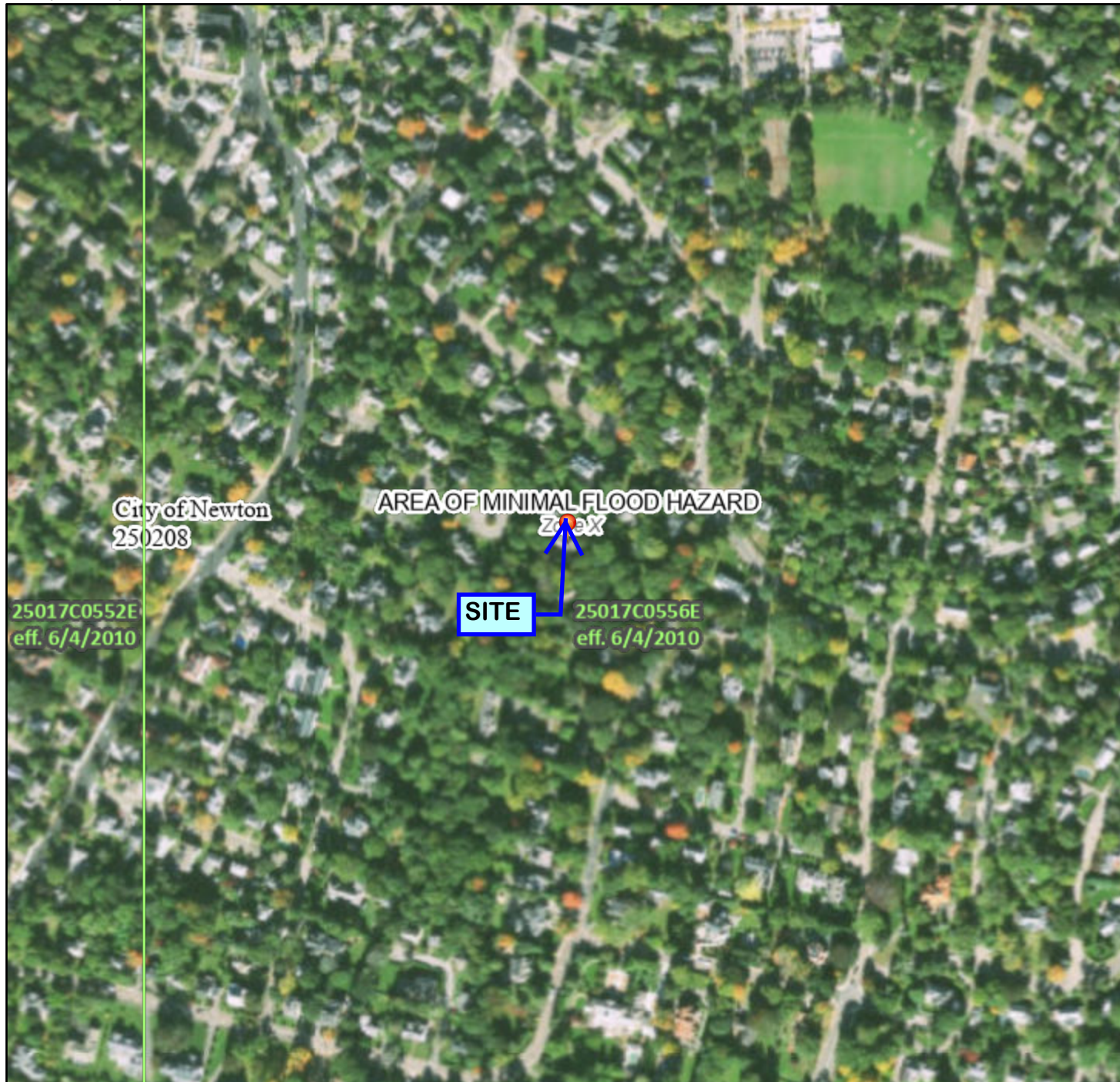




# National Flood Hazard Layer FIRMMette



71°11'20"W 42°21'13"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
		Area of Undetermined Flood Hazard <i>Zone D</i>
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
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.

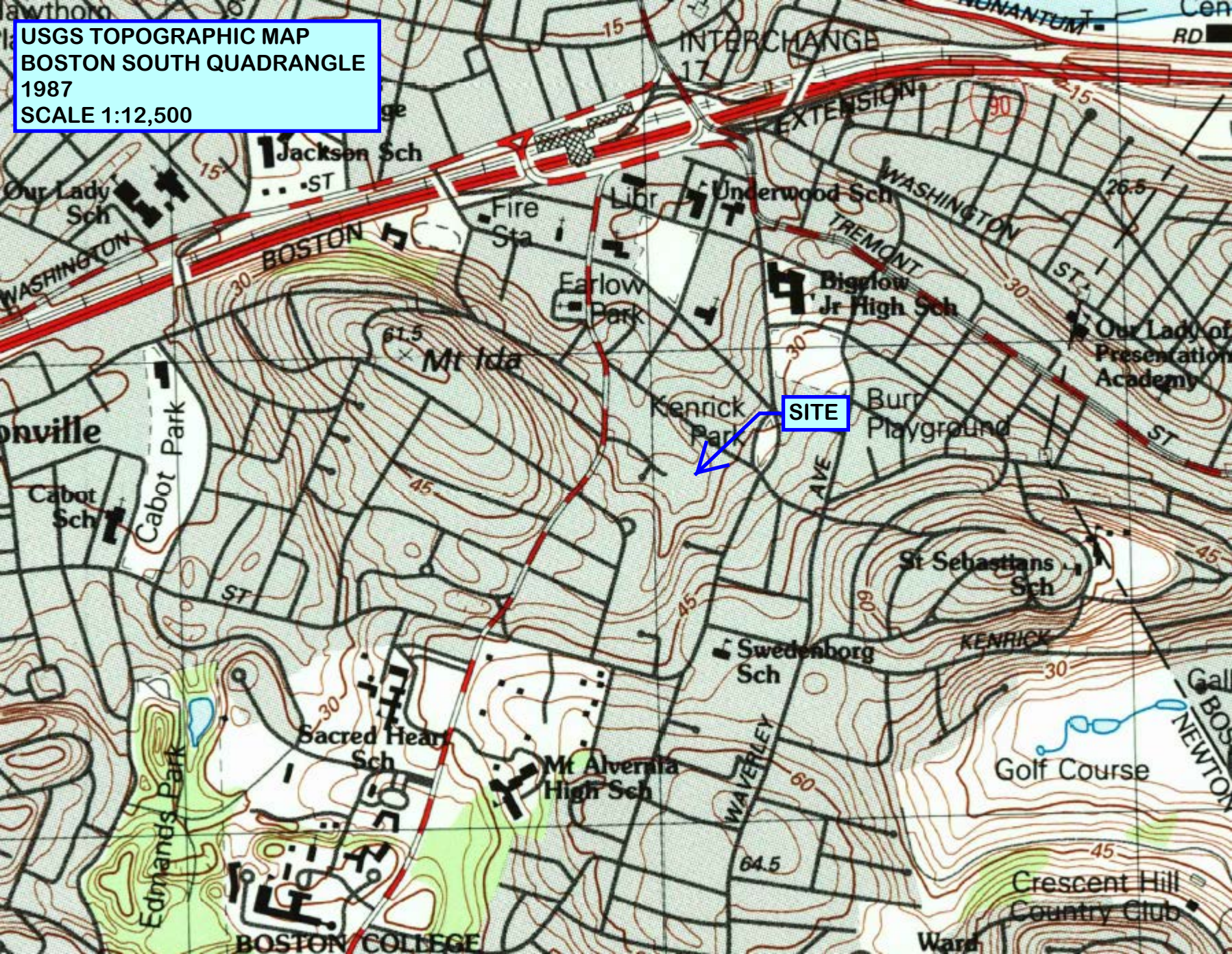
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/7/2022 at 9:46 AM 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 1:12,500

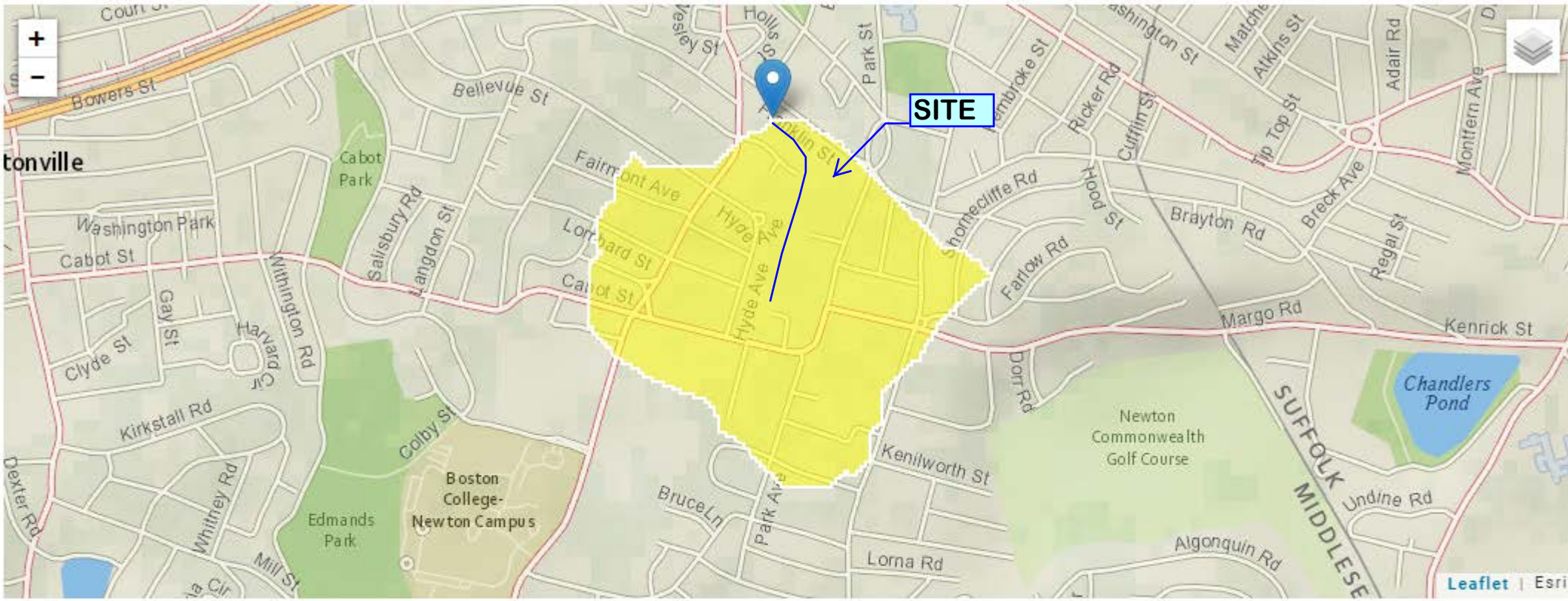




# StreamStats Report

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

MA  
MA20220407132636119000  
42.35117, -71.18510  
2022-04-07 09:27:05 -0400



## Basin Characteristics

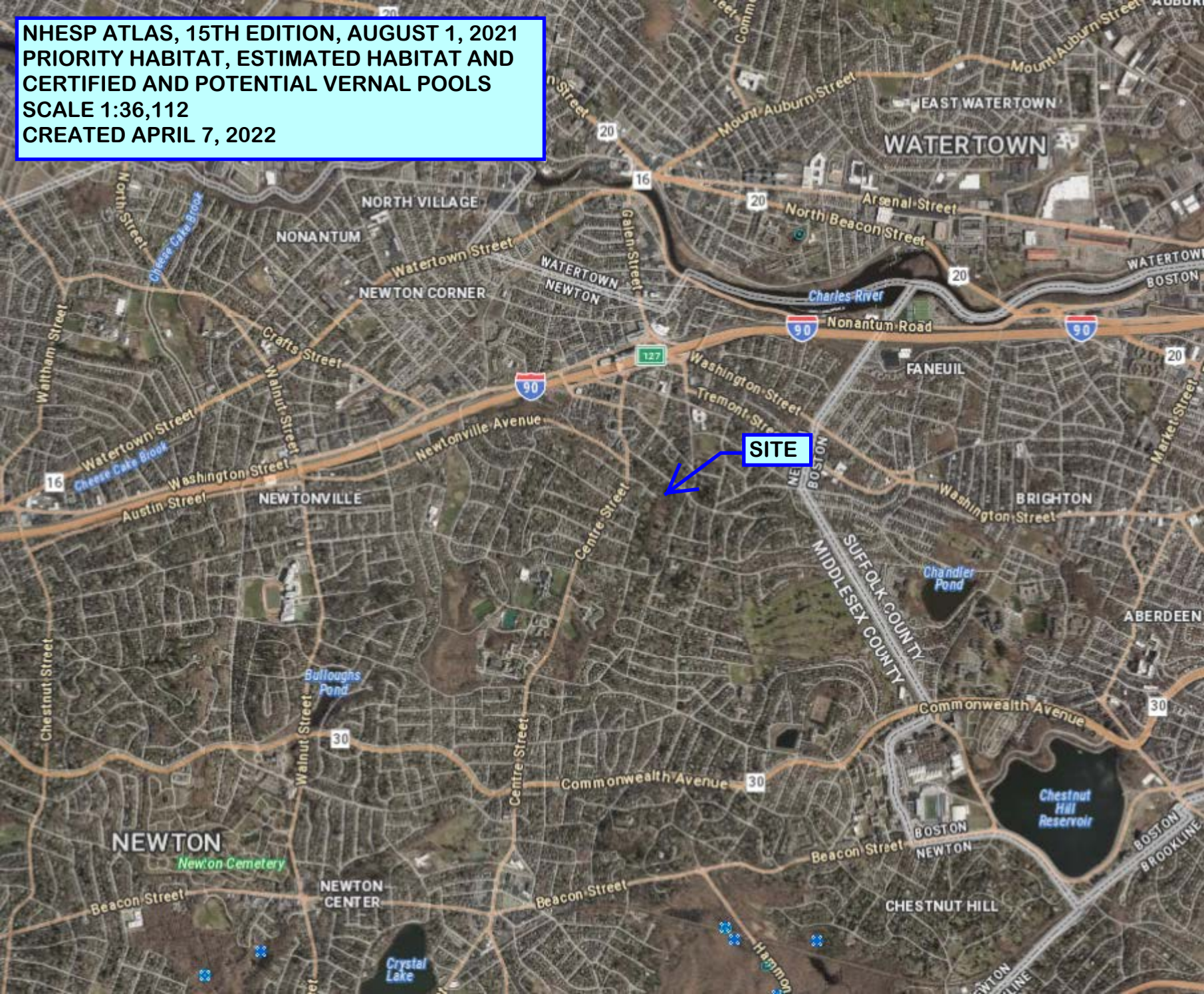
Parameter Code	Parameter Description	Value	Unit
ACRSDF	Area underlain by stratified drift	0	square miles
DRNAREA	Area that drains to a point on a stream	0.2	square miles

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 7, 2022**





**EcoTec, Inc.**  
**ENVIRONMENTAL CONSULTING SERVICES**  
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**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



PLANT LIST

Goren / Frankel Landscape  
50 Buswell Park, Newton, MA

REFERENCED TO  
PLAN OF 4/6/2022

	B	C	D	E	G
1	NAME	SIZE	QUANTITY INSIDE BUFFER ZONE	QUANTITY OUTSIDE BUFFER ZONE	COMMENTS
2	<b>EVERGREEN TREES</b>				
3	Thuja occidentalis 'Hetz Wintergreen', Hetz Wintergreen Arborvitae	4'-5'		14	
4	<b>DECIDUOUS CANOPY TREE</b>				
5	Liriodendron tulipifera, Tulip Poplar	2"-2.5"CAL	1		
6	<b>SMALLER DECIDUOUS TREES</b>				
7	Amelanchier laevis, Alleghany Serviceberry	8'-10'	1		Multi-stem
8	Halesia carolina, Carolina Silverbell	8'-10'		1	Multi-stem
9	Hamamelis x intermedia 'Arnold Promise'	4'-5'		1	Multi-stem
10	<b>EVERGREEN SHRUBS</b>				
11	Azalea, Delaware Valley White	#5 pot		5	
12	Azalea, Pleasant White.	15"-18"		23	
13	Ilex crenata 'Steeds', Steeds Japanese Holly	#5 pot	10	1	
14	Kalmia latifolia, Mountain Laurel	18"-24"	9		
15	Rhododendron maximum, Rosebay Rhododendron	18"-24"	5		
16	Taxus x media 'Densiformis', Dense Spreading Yew	18"-24"		14	
17	<b>DECIDUOUS SHRUBS</b>				
18	Aesculus parviflora, Bottlebrush Buckeye	#5 pot	1		
19	Aronia arbutifolia, Red Chokeberry	18"-24"	5		
20	Clethra alnifolia, Sweet Pepperbush	18"-24"	10		
21	Cornus sericea 'Farrow', Arctic Fire Dogwood	#3 pot		21	
22	Itea virginica 'Henry's Garnet', Virginia Sweetspire 'Henry's Garnet',	#5 pot size		8	
23	Itea virginica 'Little Henry', Virginia Sweetspire 'Little Henry'	#5 pot size	6		
24	<b>FERNS</b>				
25	Adiantum pedatum, Maidenhair Fern	2 quart	20	3	18"OC
26	Dennstaedtia punctilobula, Hay-scented Fern	2 quart	12	11	30" OC
27	Dryopteris marginalis, Marginal Wood Fern	2 quart	13	3	30" OC
28	Polystichum acrostichoides, Christmas Fern	2 quart	31	18	18"OC
29	<b>PERENNIALS AND GROUNDCOVER</b>				
30	Actaea racemosa, Black Snakeroot	#1 pot		6	30" OC
31	Epimedium x versicolor 'Sulphureum', Yellow Barrenwort	2 quart		12	18"OC
32	Geranium 'Rozanne'	#1 pot		5	24"OC
33	Hemerocallis x 'Happy Returns', Happy Returns Daylily	2 quart		13	18"OC
34	Iberis sempervirens 'Purity', Candytuft	#1 pot	8		18"OC
35	Pachysandra terminalis, Pachysandra	4"pot	112		12"OC
36	Polygonatum pubescens, Solomon's Seal	2 quart	5		24"OC
37	Waldsteinia fragarioides, Barren Strawberry	2 quart	30		30" OC



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**

<b>Date</b>	For 04/12/2022 Deadline
-------------	-------------------------

Fill in all white cells completely

<b>Parcel</b>		<b>Applicant name</b>	Aliza Goren / Adam Frankel
address	50 Buswell Park	Address	50 Buswell Park Newton, MA 02458
Sec/Block/Lot	72 / 023 / 0032B	Email	afgoren@gmail.com
Book & Page	72337 & 120	Phone	617-699-2273
<b>Owner name</b>	Aliza Goren / Adam Frankel	<b>Representative</b>	John P. Rockwood, Ph.D., SPWS EcoTec, Inc.
Address	50 Buswell Park Newton, MA 02458	Address	102 Grove Street Worcester, MA 01605
Email	afgoren@gmail.com	Email	jrockwood@ecotecinc.com
Phone	617-699-2273	Phone	508-752-9666 x 3

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

<b>State Form: NOI Form 3</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Plan* title(s)</b> 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.
<b>Narrative</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
<b>Proof that all relevant perf. standards are met</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
<b>Locus map</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Delineation lines (backup material)</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
<b>Fees</b>	
● 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
<b>Abutter Information</b>	
● 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>
<b>Other Attachments, e.g.</b>	
<b>Planting Plan</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Site Plan
<b>Floodplain analysis</b>	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
<b>Stormwater analysis</b>	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
<b>Riverfront Area Alternatives Analysis</b>	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
<b>Restoration or mitigation summary</b>	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
<b>Phasing/Sequencing plan, O&amp;M plan, etc.</b>	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable

Components of a Complete NOI Application

Components of a Complete NOI Application

## Conservation Commission Wetland Permit Process

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

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**



**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>50 Buswell Park</u>	<u>Newton</u>	<u>02458</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>72 023</u>	<u>42.34983</u>	<u>-71.18354</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>0032B</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Aliza / Adam</u>	<u>Goren / Frankel</u>	
a. First Name	b. Last Name	
--		
c. Organization		
<u>50 Buswell Park</u>		
d. Street Address		
<u>Newton</u>	<u>MA</u>	<u>02458</u>
e. City/Town	f. State	g. Zip Code
<u>617-699-2273</u>	<u>--</u>	<u>afgoren@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

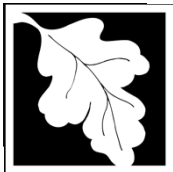
<u>Aliza / Adam</u>	<u>Goren / Frankel</u>	
a. First Name	b. Last Name	
--		
c. Organization		
<u>50 Buswell Park</u>		
d. Street Address		
<u>Newton</u>	<u>MA</u>	<u>02458</u>
e. City/Town	f. State	g. Zip Code
<u>617-699-2273</u>	<u>--</u>	<u>afgoren@gmail.com</u>
h. Phone Number	i. Fax Number	j. Email 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>508-752-9666x3</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



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 landscaping activities associated with an existing single-family house. Erosion controls are proposed. Invasive species removal and native plantings are proposed near Hyde Brook. Please see Cover Letter and Site Plan for additional information.

### 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)
72337	120
c. Book	d. Page Number

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

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

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



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 3 – Notice of Intent**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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

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

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

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

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

2. Width of Riverfront Area (check one):
- 25 ft. - Designated Densely Developed Areas only
  - 100 ft. - New agricultural projects only
  - 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

<u>                    </u>	<u>                    </u>	<u>                    </u>
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

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

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

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



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 Bureau of Resource Protection - Wetlands

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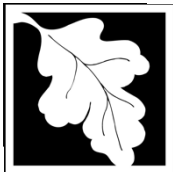
**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

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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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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MassDEP File Number
Document Transaction Number
NEWTON
City/Town

## C. Other Applicable Standards and Requirements

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

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

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

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

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

- August 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

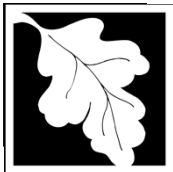
- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
  - Project description (including description 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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Bureau of Resource Protection - Wetlands

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Document Transaction Number
<b>NEWTON</b>
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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.

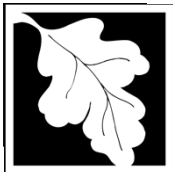
**D. Additional Information**

- 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.



Massachusetts Department of Environmental Protection  
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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 listing of materials included in this filing is provided in the Cover Letter.

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

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

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

8.  Attach NOI Wetland Fee Transmittal Form

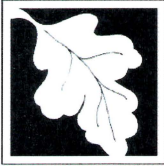
9.  Attach Stormwater Report, if needed.

## E. Fees

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

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

<u>21337</u>	<u>4/5/2022</u>
2. Municipal Check Number	3. Check date
<u>21339</u>	<u>4/5/2022</u>
4. State Check Number	5. Check date
<u>EcoTec, Inc.</u>	<u>--</u>
6. Payor name on check: First Name	7. Payor name on check: Last Name



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 3 – Notice of Intent**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

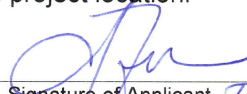
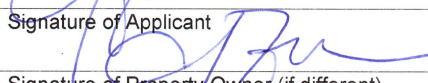
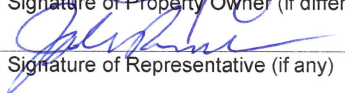
NEWTON

City/Town

**F. Signatures and Submittal Requirements**

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

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

 1. Signature of Applicant	4/7/22 2. Date
 3. Signature of Property Owner (if different)	4/7/22 4. Date
 5. Signature of Representative (if any)	4/7/2022 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:**

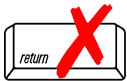
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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:

50 Buswell Park	Newton
a. Street Address	b. City/Town
21339	\$ 42.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Aliza / Adam	Goren / Frankel	
a. First Name	b. Last Name	
--	c. Organization	
50 Buswell Park		
d. Mailing Address		
Newton	MA	02458
e. City/Town	f. State	g. Zip Code
617-699-2273	--	afgoren@gmail.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

Aliza / Adam	Goren / Frankel	
a. First Name	b. Last Name	
--	c. Organization	
50 Buswell Park		
d. Mailing Address		
Newton	MA	02458
e. City/Town	f. State	g. Zip Code
617-699-2273	--	afgoren@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**  
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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 <b>less</b> \$12.50 <u>\$ 67.50</u>
	c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

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

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

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

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