

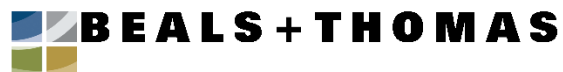
# Notice of Intent

## Restroom Conversion

**326 Fuller Street  
West Newton, Massachusetts**

*Prepared for:*  
**Brae Burn Country Club  
326 Fuller Street  
West Newton, MA, 02465**

*Prepared by:*



***Submitted in Compliance with the  
Massachusetts Wetlands Protection Act and  
the City of Newton Floodplain Ordinance***

**June 27, 2022**



June 27, 2022

Daniel Green, Chair  
c/o Ms. Jennifer Steel, Chief Environmental Planner  
Newton Conservation Commission  
1000 Commonwealth Avenue  
Newton, Massachusetts 02459

Via: NewGov Online Platform

Reference: Notice of Intent  
Restroom Conversion  
326 Fuller Street  
West Newton, Massachusetts  
B+T Project No. 0797.48

Dear Commissioners:

On behalf of the Applicant, Brae Burn Country Club (the Club), Beals and Thomas, Inc. (B+T) respectfully submits this Notice of Intent (NOI) for the implementation of a permanent restroom to replace a seasonal restroom trailer, located near an existing sewer line, within the 100-foot Buffer Zone to Bank associated with a portion of Cheesecake Brook.

This filing is submitted in accordance with the Massachusetts Wetlands Protection Act, MGL, Chapter 131, Section 40 and associated Regulations at 310 CMR 10.00 (collectively referred to as the Act) and the City of Newton Floodplain Ordinance (the Ordinance).

As required, enclosed are the below-listed components of the NOI submission package in electronic format (PDF). The following information is included for your review:

- Section 1: NOI Forms
- Section 2: Project Narrative
- Section 3: Plans and Exhibits

As required, a copy of this filing has been provided to the Northeast Regional Office of the Department of Environmental Protection (MassDEP).

Daniel Green, Chair  
c/o Ms. Jennifer Steel, Chief Environmental Planner  
Newton Conservation Commission  
June 27, 2022  
Page 2

Pursuant to 310 CMR 10.05(4)(a), *An applicant who proposes work solely within Land under Water Bodies or Waterways, or solely within a Lot with an area greater than 50 acres, is required to provide notification only to Abutters whose Lot is within one hundred feet from the Project Site.* There are no abutters within 100 feet of the proposed work.

Enclosed is a check payable to the City of Newton in the amount of \$262.50 for the appropriate filing fee as required by the Act. A separate check in the amount of \$237.50 has been forwarded to the MassDEP Lock Box to cover the state portion of the filing fee. An additional check in the amount of \$50.00 is included as required by the City of Newton for the City's filing fee.

We understand that the Conservation Office will place a legal advertisement and the Applicant will be billed directly for this service.

Should you have any questions regarding this matter or require additional information, please contact us at (508) 366-0560. We thank you for your consideration of this NOI and look forward to meeting with the Commission at the next available public hearing.

Very truly yours,

BEALS AND THOMAS, INC.



Sarah W. Stearns, PWS  
Associate

Enclosures

cc: MassDEP Northeast Regional Office (1 copy via Certified Mail)  
Sean McLaughlin, Brae Burn Country Club (via Email)

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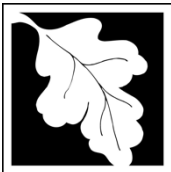
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**Section 1.0**  
**Notice of Intent Forms**

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Notice of Intent (WPA Form 3)  
Wetland Fee Transmittal Form  
Newton Conservation Commission Application Form and Checklist



**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>326 Fuller Street</u>	<u>Newton</u>	<u>02465</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>53040</u>	<u>42°20'06.26" N</u>	<u>71°14'00.69"</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>0013</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Sean</u>	<u>McLaughlin</u>	
a. First Name	b. Last Name	
<u>Brae Burn Country Club</u>		
c. Organization		
<u>326 Fuller Street</u>		
d. Street Address		
<u>West Newton</u>	<u>MA</u>	<u>02465</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u>seanpmclaughlin@braeburngolf.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></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Sarah</u>	<u>Stearns</u>	
a. First Name	b. Last Name	
<u>Beals and Thomas, Inc</u>		
c. Company		
<u>144 Turnpike Road</u>		
d. Street Address		
<u>Southboro</u>	<u>MA</u>	<u>01772</u>
e. City/Town	f. State	g. Zip Code
<u>508-366-0560</u>	<u>sstearns@bealsandthomas.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$500.00</u>	<u>\$237.50</u>	<u>\$262.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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## A. General Information (continued)

6. General Project Description:

Implementation of a permanent restroom to replace a temporary restroom on site

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

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

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

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Middlesex

a. County

3599

c. Book

b. Certificate # (if registered land)

417

d. Page Number

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

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

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



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

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

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

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

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

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

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

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

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

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





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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

\_\_\_\_\_

a. square feet of BVW

\_\_\_\_\_

b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

\_\_\_\_\_

a. number of new stream crossings

\_\_\_\_\_

b. number of replacement stream crossings



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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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](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:**

MassMapper

06/01/22

b. Date of map

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

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 \*\*

(a)  Project description (including description of impacts outside of wetland resource area & buffer zone)

(b)  Photographs representative of the site

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

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

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 3 – Notice of Intent

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

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

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

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

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

- (d)  Vegetation cover type map of site
- (e)  Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

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

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

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

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

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

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

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



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

**WPA Form 3 – Notice of Intent**

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

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**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: No significant change in cover type/drainage pattern
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.

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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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.

Restroom Conversion

a. Plan Title

Beals and Thomas, Inc.

Daniel M. Feeney, PE; Kenneth Conte, PLS

b. Prepared By

c. Signed and Stamped by

June 23, 2022

1"=10'

d. Final Revision Date

e. Scale

Locus and Aerial Exhibits

May 31, 2022

f. Additional Plan or Document Title

g. Date

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

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

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

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

## E. Fees

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

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

32611

June 15, 2022

2. Municipal Check Number

3. Check date

32612

June 15, 2022

4. State Check Number

5. Check date

Beals and Thomas, 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

### WPA Form 3 – Notice of Intent

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

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### 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.

Sam P. M. Jurgali  
1. Signature of Applicant

6/22/2022  
2. Date

3. Signature of Property Owner (if different)  
[Signature]

4. Date  
6/24/2022

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:**

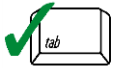
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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:

<u>326 Fuller Street</u>	<u>Newton</u>
a. Street Address	b. City/Town
<u>32612</u>	<u>\$237.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Sean</u>	<u>McLaughlin</u>	
a. First Name	b. Last Name	
<u>Brae Burn Country Club</u>		
c. Organization		
<u>326 Fuller Street</u>		
d. Mailing Address		
<u>West Newton</u>	<u>MA</u>	<u>02465</u>
e. City/Town	f. State	g. Zip Code
<u>617-244-0680</u>	<u>seanpmclaughlin@braeburngolf.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

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

**B. Fees**

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

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

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

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

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

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

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

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



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

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 2 j.) any other activity not in Category 1, 3, 4, 5, or 6	1	\$500	\$500
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Step 5/Total Project Fee:</b>			\$500

**Step 6/Fee Payments:**

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

**C. Submittal Requirements**

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

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

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

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





Ruthanne Fuller  
Mayor

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

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

Barney S. Heath  
Director

**Conservation Commission Wetland Application Coversheet/Checklist**

Date 06/27/2022

Fill in all white cells completely

<b>Parcel</b>		<b>Applicant name</b>	Brae Burn Country Club
Address	326 Fuller Street	Address	326 Fuller Street
Sec/Block/Lot	068NE 53040 0013	Email	West Newton, MA 02465
Book & Page		Phone	seanpmclaughlin@braeburngolf.com
			617-244-0680
<b>Owner name</b>	Brae Burn Country Club	<b>Representative</b>	Sarah Stearns, PWS
Address	326 Fuller Street	Address	144 Turnpike Road
Email	West Newton, MA 02465	Email	Southboro, MA 01772
Phone	seanpmclaughlin@braeburngolf.com	Phone	sstearns@bealsandthomas.com
	617-244-0680		508-366-0560

<b>Wetland type</b>	Buffer Zone only	<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>Wetland type</b>		<b>sf/cf affected</b>		<b>Relevant Perf. Standards</b>	10. _____

Components of a Complete NOI Application

<b>State Form: NOI Form 3</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Engineered Plan* title(s)</b>	
Plan date	06/23/2022
Plan stamped by	Daniel M. Feeney, PE; Kenneth Conte, PLS
*if legible, plans should be 11"x17"	
<b>Narrative</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Proof that all relevant perf. standards are met</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Locus map</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Delineation lines (backup material)</b>	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A
<b>Fees</b>	
● Fee Transmittal form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● City portion of state filing fee <u>\$ 262.50</u>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● City's separate filing fee <u>\$50</u>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Abutter Information</b>	
● Certified abutters list (within 100')	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A, see NOI
● Newton's Abutter notification form	Included? <input 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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
<b>Floodplain analysis</b>	Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
<b>Stormwater analysis</b>	Included? <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Phasing/Sequencing plan, O&amp;M plan, etc.</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable

Components of a Complete NOI Application

## Conservation Commission Wetland Permit Process

NOI	RDA	Process
1	-	<p><b>Submit applications (see bullets below) by noon of the Tuesday deadline</b> (16 days before the desired hearing):</p> <p>a. <u>To Newton Conservation Commission</u>: 1000 Comm Ave., Newton, MA 02459</p> <ul style="list-style-type: none"> <li>• <b>This coversheet</b> (1 paper copy)</li> <li>• <b>Complete application</b> -- see the checklist on the other side of this page (2 paper copies and 1 pdf) <ul style="list-style-type: none"> <li>• <i>IF LEGIBLE, plans should be provided in 11" x 17" format. Plans must be stamped by an engineer if any component of the project requires engineering.</i></li> </ul> </li> <li>• <b>Check</b> for city portion of the state fee</li> <li>• <b>\$50 check</b> for city filing fee</li> </ul> <p>b. <u>To Mass DEP Northeast Regional Office</u>: 205B Lowell Street, Wilmington, MA 01887</p> <ul style="list-style-type: none"> <li>• <b>Complete application</b> -- see the checklist on the other side of this page (1 paper copy)</li> <li>• <b>Photocopy of the two state checks</b></li> </ul> <p>c. <u>To DEP Lock Box</u>: Box 4062, Boston MA 02211</p> <ul style="list-style-type: none"> <li>• <b>Check</b> for state portion of the state fee</li> <li>• <b>Fee transmittal form</b></li> </ul>
	1	<p><b>Submit application (see a.-c. below) by noon of the Tuesday deadline</b> (16 days before the desired hearing):</p> <p>a. <b>DEP Form 1 (RDA)</b>, b. <b>plans</b>, and c. <b>\$50 check</b> made out to the City of Newton.</p>
-	-	<i>The Conservation Agent will schedule a Public hearing/meeting.</i>
2	-	<b>Get a certified list of all abutters within 100' of property lines from the Newton Assessor's Office.</b>
3	-	Once you know the date and time of the hearing, <b>notify all abutters within 100' of the property line</b> using the City's " <b>Notification to Abutters Form</b> " and <b>certified mail, certificate of mailing, or hand delivery with signatures</b> . (N.B. Present proof of notification at the beginning of the public hearing.)
4	2	<i>The Conservation Agent will place a legal ad in the TAB and the Applicant will be billed for the ad.</i>
5	-	<b>Stake the project.</b> 2 weeks in advance of the public hearing, stake all proposed structures, erosion control barriers, stormwater systems, etc. within Con Com jurisdiction.
-	-	<i>The Conservation Agent will perform a 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><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, or</li> <li>• <b>Approve a continuation</b> of the public hearing to allow time for additional information to be provided.</li> </ul>
7	4	<b>Receive and read the decision and understand the conditions.</b> Contact the Con Com if you have any questions. Some conditions are temporary (such as maintaining erosion controls), and some are perpetual (such as maintaining restoration planting areas or limiting the use of fertilizers and outdoor lighting).
8	-	<b>Wait-out the 10-Day appeal period.</b> A decision of the Con Com can be appealed to MassDEP by any abutter, applicant, or 10-citizen group within 10 business days of the decision.
9	-	<b>Record the Order</b> at the Registry of Deeds. Provide proof of recording to the Conservation office.
10	-	<b>Install MassDEP file number sign and erosion controls.</b>
11	-	<b>Schedule and attend a pre-construction site visit.</b> Contact the Conservation office to schedule the site visit.
12	5	<b>Execute the project.</b> The project must be completed within 3 years, unless an extension of the permit is issued; extensions must be requested least 30 days prior to the expiration of the permit.
13	-	<b>Request a Certificate of Compliance (COC).</b> Once the project is complete and all conditions have been satisfied, request a COC from the Conservation office by submitting at least: (1) <b>DEP Form 8a</b> , (2) a stamped <b>as-built plan</b> , and (3) a <b>letter from the engineer</b> stating that everything is in substantial compliance with the approved plans and OOC. The Con Com will perform a site visit to ensure compliance and will issue a COC if appropriate.
14	-	<b>Record the Certificate of Compliance (COC)</b> at the Registry of Deeds to remove the cloud from the title. <b>Provide proof of recording to the Conservation office.</b>

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

**Section 2.0**  
**Project Narrative**

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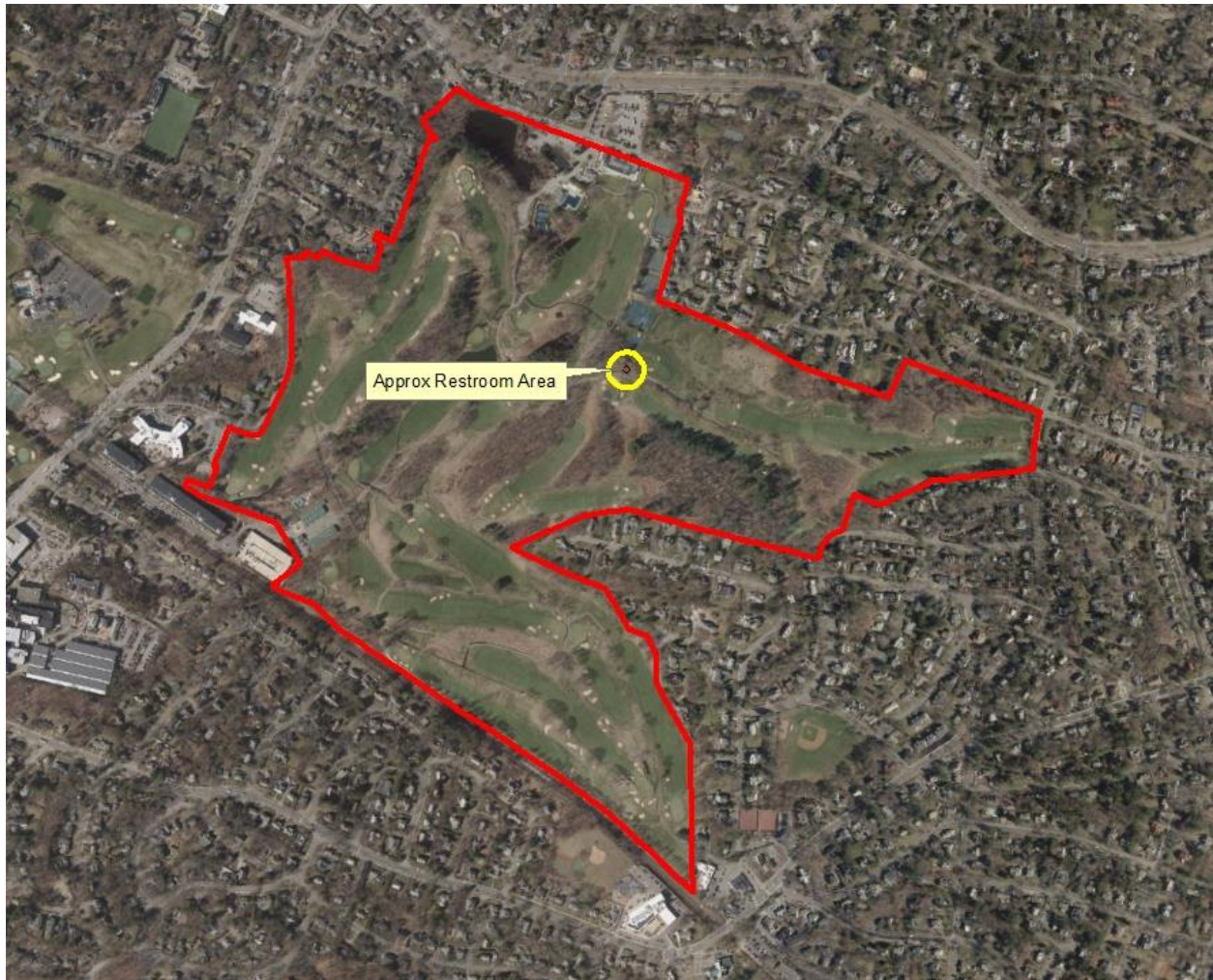
## **2.0 PROJECT NARRATIVE**

### **2.1 Introduction**

Brae Burn Country Club (the Club) proposes a ±150 square foot restroom facility located within the 100-foot Buffer Zone to the Bank of a portion of the intermittent stream as depicted in Figure 1 below and described herein. The Club has used this area as a seasonal restroom (trailer) and proposes to convert to a permanent structure. It is centrally located for use with nearby utilities for connections requiring minimal site work.

The Club is a 200+ acre country club located at 326 Fuller Street in West Newton, Massachusetts (Figure 1). The Subject Property is bounded by the MBTA rail line to the south, residential properties and Temple Reyim to the west, Fuller Street to the north and residential properties to the east (See Figures 1 and 2). The Club can be further identified as Newton Assessor's Parcel ID 53040 0013. The Club includes 27 holes and various related recreational amenities. Cheesecake Brook, a stream with numerous intermittent tributaries, flows north within the Subject Locus (see image below for location of proposed work) to a pond located near Fuller Street.

According to the most recent Natural Heritage Atlas (15th Edition; August 1st, 2021) prepared by the Massachusetts Natural Heritage and Endangered Species Program (NHESP), there are no areas of Estimated or Priority Habitats of Rare or Endangered Species within the Property. There are also no Potential or Certified Vernal Pools within the Property.



*Figure 1: Proposed restroom with 100-foot offset around proposed work, drawn using GIS. Map extent is 1"=700'.*

## 2.2 Existing Conditions

Currently, the area subject to this NOI consists of a maintained open area, with scattered trees and gravel cart paths, including an area used for a seasonal restroom trailer.

### 2.2.1 Wetland Resource Area Defined by 310 CMR 10.00

#### **Bank (310 CMR 10.54)**

Bank is associated with Cheesecake Brook, located to the north of the current temporary, and proposed permanent, restroom. Bank was not field delineated as part of this filing, as it is well defined.

### 2.2.2 Wetland Resource Areas Defined by Newton Conservation Commission

#### **Floodplain District**

The City of Newton Floodplain Ordinance (the Ordinance) defines and maps a 30-foot Floodplain District along portions of Cheesecake Brook. The area also includes an existing subsurface sewer line. Using available mapping from the City's GIS, the Club designed the restroom such that no structures are proposed within this District as shown in Figure 2 and the enclosed plan.

#### **Naturally Vegetated Buffer**

In addition to the previously described resource areas, the City of Newton also maintains a policy of protecting a 25-Foot Naturally Vegetated Buffer (NVB) around regulated resource areas (adopted by the Newton Conservation Commission on June 20, 2019). The area within 25 feet of the Bank is largely part of the existing ancillary golf grounds and primarily consists of maintained turf and gravel paths. The area also includes an existing subsurface sewer line.



*Figure 2: Project locus in relation to the local Floodplain District. The local Floodplain District is depicted in pink as derived from Newton GIS. Map extent is 1"=700'.*

### **2.3 Proposed Conditions**

Work proposed consists of the construction of a  $\pm 150$  square foot restroom replacing a seasonal restroom trailer. The restroom will connect to the existing nearby onsite subsurface sewer, water and electric utilities as shown on the plan attached herein. Additionally, permeable pavers are proposed on two sides of the restroom.

Sedimentation controls will be implemented as shown on the enclosed plans. These erosion and sedimentation control barriers will be removed after completion and stabilization of disturbed areas following approval of the Conservation Commission.

### **2.3.1 Work within Jurisdictional Areas**

#### **Buffer Zone**

Work is proposed within the 100-foot Buffer Zone to the Bank associated with a portion of Cheesecake Brook. Work proposed within the Buffer Zone includes the construction of the building, addition of permeable pavers, trenching and connecting the restroom from the existing sewer, water and electric lines. Once the utilities are connected, the trenches will be backfilled and stabilized.

#### **Floodplain District**

Using available mapping from the City's GIS, the Club designed the restroom such that no structures are proposed within this District as shown in Figure 2 and the enclosed plan. In accordance with the Ordinance, the project is not anticipated to increase the surface elevation of the 100-year flood at any point within the City of Newton.

#### **Naturally Vegetated Buffer**

As noted, the area within 25 feet of the Bank is largely part of the existing ancillary golf grounds and primarily consists of maintained turf and gravel paths. No additional vegetation is proposed. The area also includes an existing subsurface sewer line, which will serve the restroom.

### **2.4 Interests of the Massachusetts Wetlands Protection Act (and the City of Newton Floodplain Ordinance)**

The following is a discussion of the relationship of the project site to the interests of the Act as defined by 310 CMR 10.01(2) and the Ordinance.

#### **2.4.1 Protection of Public and Private Water Supply and Ground Water Supply**

The Site is not located within a Zone I or Zone II or other drinking water supply Area (as reviewed on MassMapper). The proposed restroom is anticipated to be connected to the existing sewer line; therefore, it will not result in any adverse impacts to public or private water supplies. Additionally, the Site will not implement infiltration and is not located within or adjacent to an Aquifer (stratified drift). Therefore, the public and private water supply and groundwater supply protection interests of the Act and the Ordinance will be upheld.



#### **2.4.2 Flood Control and Storm Damage Prevention**

The project area does not contain nor is adjacent to Bordering or Isolated Land Subject to Flooding (BLSF) (FEMA Firmette 25017C0553E) and the structure has been designed outside of the locally jurisdictional 30-foot Flood Plain District. Therefore, the flood control and storm damage prevention interests of the Act and the Ordinance will be maintained.

#### **2.4.3 Prevention of Pollution**

A sediment control barrier shall be installed along the edge of the proposed work as indicated on the plans prior to the commencement of construction. This sediment control barrier will be maintained for the duration of construction to ensure continued functionality by preventing material from entering the stream. Therefore, the pollution interests of the Act and the Ordinance will be upheld.

#### **2.4.4 Protection of Fisheries, Shellfisheries and Wildlife Habitat**

The Site is not located within any areas of Estimated or Priority Habitat for Rare and Endangered Species mapped by NHESP and does not contain any NHESP designated potential or certified vernal pools. The Site is not located upstream from shellfisheries or fisheries, and does not house any shellfisheries or fisheries. Therefore, the fisheries, shellfisheries, and wildlife habitat interests of the Act and the Ordinance will be protected.

### **2.5 Summary**

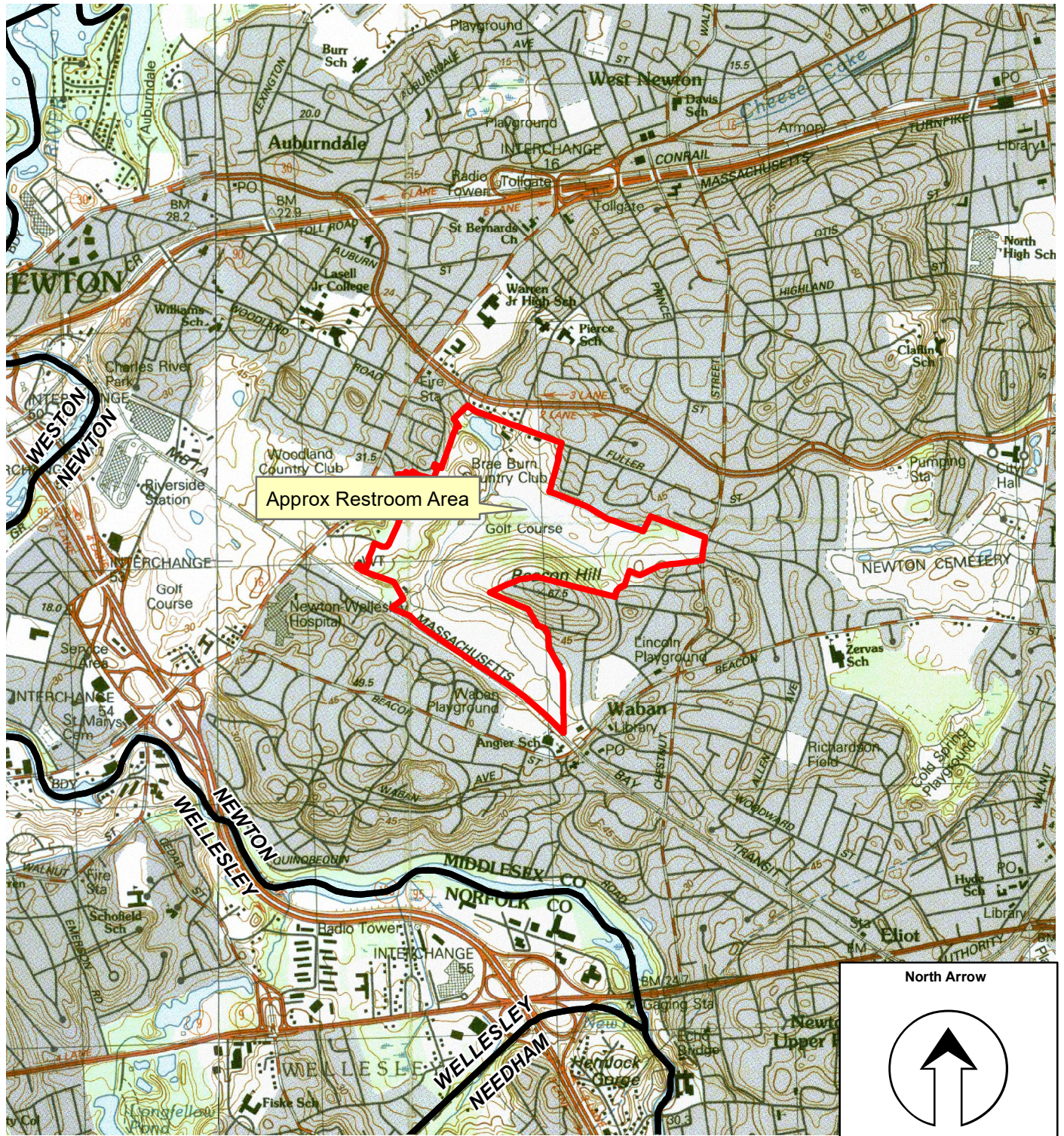
The Club proposes to convert the area used for a seasonal restroom trailer to a permanent restroom within the Buffer Zone to Bank associated with Cheesecake Brook. The small structure will connect to existing utilities and includes the use of pervious pavers for access, which will minimize site work and impacts within the Buffer Zone. An Order of Conditions is respectfully requested as part of this NOI.

**Section 3.0**  
**Plans and Exhibits**

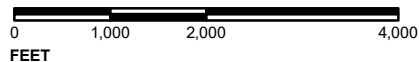
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Locus Map  
Aerial Map

Restroom Conversion  
Prepared by Beals and Thomas, Inc.  
In One Sheet  
Dated June 23, 2022



Digital USGS Map of Newton, MA, dated 1987, provided by the Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services.



North Arrow

**NORTH**

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PROJECT:

**Restroom Conversion**  
West Newton, Massachusetts

PREPARED FOR:

**Brae Burn Country Club**  
326 Fuller Street  
West Newton, Massachusetts

**Locus Map**  
Figure 1

Scale: 1" = 2,000'


Date: 05/31/2022

Source File 079748P087A.mxd

B+T Project No. 0797.48



**Legend**

 Subject Property

Approx Restroom Area

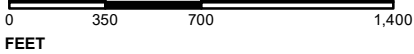
North Arrow



**NORTH**

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Digital orthophotograph, dated 2019, provided by the Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services.



**PROJECT:**

**Restroom Conversion**  
West Newton, Massachusetts

---

**Brae Burn Country Club**  
326 Fuller Street  
West Newton, Massachusetts

**Aerial Map**  
Figure 2

Scale: 1" = 700'      Date: 05/31/2022

Source File 079748P088A.mxd  
BTI Project No. 0797.48