

**EcoTec, Inc.**  
**ENVIRONMENTAL CONSULTING SERVICES**  
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508-752-9666 – Fax: 508-752-9494

Electronic Submittal to City of Newton  
Certified Mail to MassDEP-NERO

July 20, 2022

Newton Conservation Commission  
City of Newton Planning and Development Department  
Attn: Jennifer Steel  
1000 Commonwealth Avenue  
Newton, MA 02159-1499

RE: -Notice of Intent under the Massachusetts Wetlands Protection Act and Newton Floodplain Ordinance  
-Proposed House and Site Feature Demolition and Construction of New Single-family House with Site Features in Bordering Land Subject to Flooding and Buffer Zone; 190 Upland Avenue, Newton, Massachusetts  
-Applicant: Prasad Sathe and Shemina Jesani

To the Commission:

This Notice of Intent (NOI) has been filed with the Newton Conservation Commission electronically under the Massachusetts Wetlands Protection Act and the Newton Floodplain Ordinance. Two checks made payable to the City of Newton: (1) \$262.50 for the City Share of the Act Fee, and (2) \$50.00 for the filing fee under the Ordinance will be provided to Conservation Commission Staff by hand or via regular mail on or prior to the application deadline.

**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) Flood Insurance Rate Map, Map No. 25017C0554E, Dated June 4, 2010 with site indicated;
  - 3) Newton GIS Browser with site and mapped resources indicated;
  - 4) USGS Map, Boston South Quadrangle, 1987 with site indicated;
  - 5) Massachusetts NHESP Atlas (15<sup>th</sup> Edition), August 1, 2021 with site indicated;  
and
  - 6) Resume; and
- b. Project Description and Analysis;
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. Abutter Request, Abutters List, and Abutters Map;
  5. "Stormwater Report, 190 Upland Av., Newton, MA," prepared by Spruhan Engineering, P.C., dated July 14, 2022, stamped and signed by Edmond T. Spruhan, P.E., including "Stormwater Operation & Maintenance Plan," dated July 14, 2022 as Appendix C;
  6. Conservation Plan Set:
    - a. "Existing Conditions, 190 Upland Avenue, Newton, Massachusetts," Sheet 1 of 5, Scale 1" = 10', prepared by Spruhan Engineering, P.C., dated July 14, 2022, signed and stamped by Christopher C. Charlton, PLS;
    - b. "Civil Plan, 190 Upland Avenue, Newton, Massachusetts" [Proposed Condition Plan], Sheet 2 of 5, Scale 1" = 10', prepared by Spruhan Engineering, P.C., dated July 14, 2022, signed and stamped by Christopher C. Charlton, PLS and Edmond T. Spruhan, P.E.;
    - c. "Details, 190 Upland Avenue, Newton, Massachusetts," Sheet 3 of 5, Scale NTS, prepared by Spruhan Engineering, P.C., dated July 14, 2022, signed and stamped by Edmond T. Spruhan, P.E.; and
    - d. "Details, 190 Upland Avenue, Newton, Massachusetts," Sheet 4 of 5, Scale NTS, prepared by Spruhan Engineering, P.C., dated July 14, 2022, signed and stamped by Edmond T. Spruhan, P.E.; and
    - e. "Details, 190 Upland Avenue, Newton, Massachusetts," Sheet 4 of 5, Scale NTS, prepared by Spruhan Engineering, P.C., dated July 14, 2022, signed and stamped by Edmond T. Spruhan, P.E.

One copy of this filing and payment of \$237.50 have been sent by certified mail, return receipt requested and regular mail, respectively, to the Northeast Regional Office of the Department of Environmental Protection and to the DEP Lockbox, respectively. Documentation of all payments is included in the filing.

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In compliance with the Act and Regulations, all abutters within one hundred feet of the site shall be notified of this submittal via certificate of mailing immediately upon receipt of the meeting notice from the Conservation Commission Staff. Proof of timely notice to abutters, including the required abutters list, map, notification, and affidavit of service, shall be provided to the Conservation Commission Staff via Email well in advance of the hearing on this matter.

We look forward to meeting remotely (or in person, as applicable) with the Conservation Commission on this matter on August 11, 2022. If you have any questions, please feel free to contact me at any time.

#### **Wetland Resource Evaluation:**

On October 19, 2021, EcoTec, Inc. inspected the above-referenced property for the presence of wetland resources as defined by: (1) the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, S. 40; the "Act") and its implementing regulations (310 CMR 10.00 *et seq.*); and (2) the U.S. Clean Water Act. The City of Newton does not have a Wetlands Protection Ordinance but does have a Floodplain Ordinance (the "Ordinance"; Section 22-22). John P. Rockwood, Ph.D., SPWS conducted the inspection.

The subject site consists of a 0.232±-acre (10,120± square foot) parcel located to the east of Upland Avenue in the Newton Highlands section of Newton, Massachusetts. The western portion of the site is developed with a single-family house with attached one-car garage, covered front landing, and rear bulkhead; rear wooden deck with crushed stone beneath with two sets of stairs; paved driveway; concrete front walk; an AC unit; wooden retaining wall; and associated lawn and landscaping. Three stumps of various ages were noted within and near the developed portion of the site. The eastern portion of the site is deciduous upland forest; plant species observed in this area include red maple (*Acer rubrum*), Norway maple (*Acer platanoides*), box-elder (*Acer negundo*), black cherry (*Prunus serotina*), and apple (*Pyrus sp.*) trees, saplings, and/or shrubs; oriental bitter-sweet (*Celastrus orbiculata*) climbing woody vines; American elm (*Ulmus americana*), hickory (*Carya sp.*), common buckthorn (*Rhamnus cathartica*), and winged euonymus (*Euonymus alata*) shrubs; and garlic mustard (*Alliaria petiolata*) and myrtle (*Vinca minor*) ground cover. There is a concrete sidewalk in poor condition, lawn strip, and two small street trees located between the site and the concrete curb of Upland Avenue. 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. Bordering Vegetated Wetlands were not observed on the subject site or along the subject reach of South Meadow Brook to the north of the site. The upper boundary of Bank and the Mean Annual High-water Line of South Meadow Brook were delineated in the field with blue flags. 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). As Bordering Vegetated Wetlands were not observed on the subject site or observed or delineated along the subject reach of South Meadow Brook, DEP Bordering Vegetated Wetland Delineation Field Data Forms were not completed and are not attached to this letter. The table below lists the flag numbers and type and the resource area type and location for flags placed in the field.

Flag Numbers	Flag Type	Wetland Types and Locations
Start R1 to R6 Stop S1	Blue Flags	R-Series Flags: Upper boundary of Bank and Mean Annual High-water Line (MAHWL) of South Meadow Brook to the north of the eastern portion of the site. S1 simply marks the other side of the culvert across South Meadow Brook from R1.

**Findings:**

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Land Under Water Bodies, Bank, and Bordering Vegetated Wetlands were not observed on the subject site. South Meadow Brook is a perennially mapped stream that is located just off-site to the north of the eastern portion of the subject site; South Meadow Brook is carried through a greater than 200-foot-long culvert to the north of the central and eastern portions of the site to the point where it daylight to the west of Upland Avenue. Bordering Vegetated Wetlands were not observed or delineated along the subject reach of the South Meadow Brook. South Meadow Brook would be regulated as Bank and Land Under Water Bodies and Waterways under the Regulations. A 100’ Buffer Zone would extend horizontally outward from the edge of Bank under the Regulations and project into the eastern and northwestern portions of the site.

Bordering Land Subject to Flooding and Section 22-22 Floodplain: Based upon a review of the Flood Insurance Rate Map, Map Number 25017C0554E, Effective Date June 4, 2010 (attached), almost the entire site and surrounding area is 100-year floodplain associated with South Meadow Brook. This area is mapped Zone AE (i.e., 100-year floodplain) with a

100-year flood elevation of 112± feet (NAVD 1988). There is also a designated Floodway associated with South Meadow Brook in this area. Bordering Land Subject to Flooding does not have a 100' Buffer Zone under the Regulations.

Section 22-22 of the Ordinance identifies the Floodplain/Watershed Protection District. Under Section (g)1. Floodplain/Watershed Areas, the subject reach of South Meadow Brook [i.e., (25) Dedham Street (west side of culvert) to Upland Avenue] (see attached Newton GIS Browser) has a 100-year floodplain of elevation ranging from 119.3 to 118.8 feet City of Newton Datum. The elevation at the site is 118.8 feet, which is the 100-year flood elevation at Upland Avenue. Section 22-22 does not establish any form of buffer zone.

Riverfront Area: The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map, Boston South Quadrangle, dated 1987 (attached), South Meadow Brook, a perennially mapped stream, is located off-site to the north of the site. The stream reach to the north of the eastern portion of the site flows through an open channel; the balance of the stream reach to the north of the site until the stream daylight to the west of Upland Avenue flows through a culvert that is greater than 200 feet in length. The Riverfront Area associated with South Meadow Brook at the site would be truncated at both ends of the culvert (see Site Plan and Newton GIS Browser); as such, only the eastern portion of the site would be located within the Riverfront Area to South Meadow Brook. Riverfront Area does not have 100' Buffer Zone under the Act and Regulations.

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

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

### **Proposed Project and Analysis:**

The proposed project consists of the removal of the existing house and all site features and the construction of a new single-family house with attached two car garage with a limited foundation with one proposed egress window well; the balance of the proposed house will be supported above the 100-year flood elevation on piers. A post-supported wooden deck with wooden stairs down to the lawn is proposed to the rear of the house. A paved driveway and a paver front walk are proposed. The site will be graded as shown on the Site Plan and open graded areas will be loamed and seeded/hydroseeded or sodded as lawn and areas beneath the pier-supported portion of the house and the post-supported deck will be covered with crushed stone. A precautionary sump pump will discharge to a rip-rap apron beneath the pier-supported section of the proposed house. The pier-supported portions of the house and the deck will have lattice or narrow, vertical lath that meets Commission's Guidelines for Construction in the Flood Zone.

Prior to the start of work, the proposed limit of work will be demarcated in the field by the erosion control barrier consisting of entrenched siltation fence fronted by staked 12-inch diameter compost sock or by 12-inch compost sock only as indicated on the Site Plan. To prevent access to the wooded portion of the site to the east, a 4-foot-tall, orange snow fence will be installed immediately outside of the erosion control barrier at the eastern edge of the limit of work. Construction access will be from the existing paved driveway; once the pavement is removed, a construction entrance is proposed in this area. Tree protection is proposed for the two small street trees; the erosion control barrier and snow fence will serve to protect the trees in the eastern portion of the site. No trees are proposed to be removed from the site as part of this project. The existing edge of lawn will be maintained to the rear of the proposed deck; expansion of the lawn to the east is not proposed. Any disturbed lawn and landscaped areas will be brought to proposed grade shown on the Site Plan with loam and will be seeded/hydroseeded or sodded as lawn. Soil will be temporarily stored on-site in covered stockpiles within the limit of work in the northwestern and central portions of the site with excess soil trucked from the site. Concrete washout is proposed within the limit of work in the northwestern portion of the site near the street. These areas will be cleaned up following excavation activities and will be prepared for lawn or crushed stone, as appropriate.

As shown on the Site Plan, the proposed project will result in an increase of 984± square feet of total impervious surface on the site from 1,977± square feet under existing conditions to 2,961± square feet under proposed conditions. The project includes a trench drain, manhole with deep sump, and an infiltration system to address driveway and roof runoff as required by City of Newton drainage requirements. Details are provided in the July 14, 2022 Stormwater Report prepared by Spruhan Engineering, P.C. included with the

Notice of Intent. As indicated on the Site Plan, roof runoff from the proposed house will be collected in gutters and discharged via downspouts to drain lines to the proposed infiltration system or to splash blocks to the ground surface; the splash blocks will help to limit erosion at the downspouts. No such system is present under existing conditions; driveway runoff is uncontrolled and untreated and roof runoff is directed to the ground surface. Again, the area beneath the deck will be covered with crushed stone to promote infiltration and minimize runoff from the deck; the area beneath the pier-supported portions of the house will also be covered with crushed stone to minimize the potential for soil erosion.

### **Compliance Evaluation under the Regulations:**

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

Work proposed within Bordering Land Subject to Flooding is required to meet the general performance standards found at 310 CMR 10.57(4)(a). The proposed project has been designed as shown on the Site Plan and described within this letter to meet the general performance standards found at 310 CMR 10.57(4)(a) for Bordering Land Subject to Flooding. A discussion of compliance with the above-referenced Bordering Land Subject to Flooding standards as well as the narrative standard for the Buffer Zone are as follows:

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

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



*unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.*

The proposed project will temporarily or permanently alter 5,410± square feet of Bordering Land Subject to Flooding for the removal of the existing house and site features and for construction of the proposed house, driveway, and other site features and proposed grading. The existing house has a substantial footprint with a full foundation; the proposed house has a somewhat smaller foundation with the balance of the proposed house and associated deck supported on piers/posts. The reduction in footprint of the proposed foundation in concert with site grading have been proposed to provide the required incremental compensatory storage. Flood cuts and fills are addressed on the Site Plan within six incremental ranges: 113 to 114, 114 to 115, 115 to 116, 116 to 117, 117 to 118, and 118 to 118.8. The project proposes a total of 3,345± cubic feet of fill within the floodplain and proposes 3,701± cubic feet of cut or compensatory storage within the floodplain for a net gain of 356± cubic feet of flood storage on the site under the proposed condition compared to the existing condition. Again, excess total compensatory storage is provided with excess incremental storage provided for each of the six evaluated incremental ranges. The total compensatory storage provided across all increments is 110.6% of the proposed floodplain fill. The required Floodplain Impact & Mitigation Summary Table and supporting explanations certified by a Professional Engineer are provided on the Site Plan. The proposed compensatory storage is provided near the lost flood storage and is located within the same river reach and will have an unrestricted hydraulic connection to South Meadow Brook. As such, the proposed project complies with this standard and the Commission's Guidelines for Construction in the Flood Zone.

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

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

*3. Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for which Notice(s) of Intent is filed on or*



*after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.*

The existing Bordering Land Subject to Flooding on the site that is proposed to be altered consists of existing structure, site features, lawn, and landscaping, and are not important to the protection of wildlife habitat. As such, this standard is not applicable to the proposed project.

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

Section 10.53(1) of the Regulations provides a narrative standard for work in the Buffer Zone and states:

*...If the issuing authority determines that a resource area is significant to an interest identified in M.G.L. c. 131, § 40 for which no presumption is stated in the Preamble to the applicable section, the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests. For work in the buffer zone subject to review under 310 CMR 10.02(2)(b)3., the issuing authority shall impose conditions to protect the interests of the Act identified for the adjacent resource area. The potential for adverse impacts to resource areas from work in the buffer zone may increase with the extent of the work and the proximity to the resource area. The issuing authority may consider the characteristics of the buffer zone, such as the presence of steep slopes, that may increase the potential for adverse impacts on resource areas. Conditions may include limitations on the scope and location of work in the buffer zone as necessary to avoid alteration of resource areas. The issuing authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the resource area and/or other measures commensurate with the scope and location of the work within the buffer zone to protect the interests of the Act. Where a buffer zone has already been developed, the issuing authority may consider the extent of existing development in its review of subsequent proposed work and, where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a resource area to protect the interest of the Act. The purpose of preconstruction review of work in the buffer zone is to ensure that adjacent resource areas are not adversely affected during or after completion of the work.*

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

Prior to the start of earth moving activities, an erosion control barrier consisting of entrenched siltation fence fronted by staked compost sock or compost sock only, which will also serve as the limit of work, will be located around the work area as shown on the Site Plan. This erosion control barrier will be maintained until the work area is stabilized. To prevent incidental access to the wooded portion of the site, a 4-foot-tall, orange snow fence is proposed to be installed immediately outside of the erosion control barrier at the eastern edge of the limit of work. Approval of the issuing authority will be received prior to the removal of the erosion control barrier. Under existing conditions and proposed conditions, the site slopes moderately to gradually to the north and northeast. The proposed project maintains the existing edge of lawn to the rear of the proposed deck which is approximately 70 feet from South Meadow Brook; as such, a significant naturally vegetated area will remain between the proposed limit of work and South Meadow Brook. The proposed project results in an increase in impervious surface on the site and in the 100’ Buffer Zone; mitigation in the form of stormwater improvements required to meet City of Newton drainage requirements has been provided as part of the project.

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. There is extremely limited 25’ Buffer Zone in the eastern portion of the site and no 25’ Buffer Zone in the northwestern portion of the site. The proposed project maintains the existing edge of lawn to the rear of the proposed deck which is approximately 70 feet from South Meadow Brook. As such, the proposed project complies with this policy.

**Conclusions:**

In conclusion, it is EcoTec’s opinion, based upon the information provided on the Site Plan and in this letter, that the proposed project meets the general performance standards for Bordering Land Subject to Flooding and the narrative standard for work within the 100’ Buffer Zone. The proposed project results in an increase in total flood storage capacity on the site with increased capacity noted at all evaluated flood increments. The project results in an increase in impervious area on the site; mitigation in the form of stormwater improvements have been provided as part of the project. This project meets the applicable

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July 20, 2022  
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performance standards and narrative standard and by regulation serves to protect the statutory interests.

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)  
Prasad Sathe/Shemina Jesani (Via Email)  
Edmond Spruhan (Via Email)

18/w/NEWTON190UPLAND CL WRE PD COMP

# NEWTON LOCUS MAP

190 UPLAND AVENUE





# National Flood Hazard Layer FIRMette

71°12'46"W 42°18'59"N



## Legend

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

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE)  
*Zone A, V, A99*
- With BFE or Depth  
*Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile  
*Zone X*

Future Conditions 1% Annual Chance Flood Hazard  
*Zone X*

Area with Reduced Flood Risk due to Levee. See Notes.  
*Zone X*

Area with Flood Risk due to Levee  
*Zone D*

**OTHER AREAS OF FLOOD HAZARD**

NO SCREEN  
*Zone X*

Area of Minimal Flood Hazard  
*Zone X*

Effective LOMRs  
*Zone D*

Area of Undetermined Flood Hazard  
*Zone D*

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**Cross Sections with 1% Annual Chance Water Surface Elevation**

- 20.2
- 17.5
- 8
- 0.0

**OTHER FEATURES**

- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **7/7/2022 at 9:19 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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



71°12'8"W 42°18'32"N

Feet 0 250 500 1,000 1,500 2,000 1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020



190 UPLAND AVE, NEWTON HIGHL



Layers

SOUTH MEADOW BROOK

100' BUFFER ZONE

SOUTH MEADOW BROOK

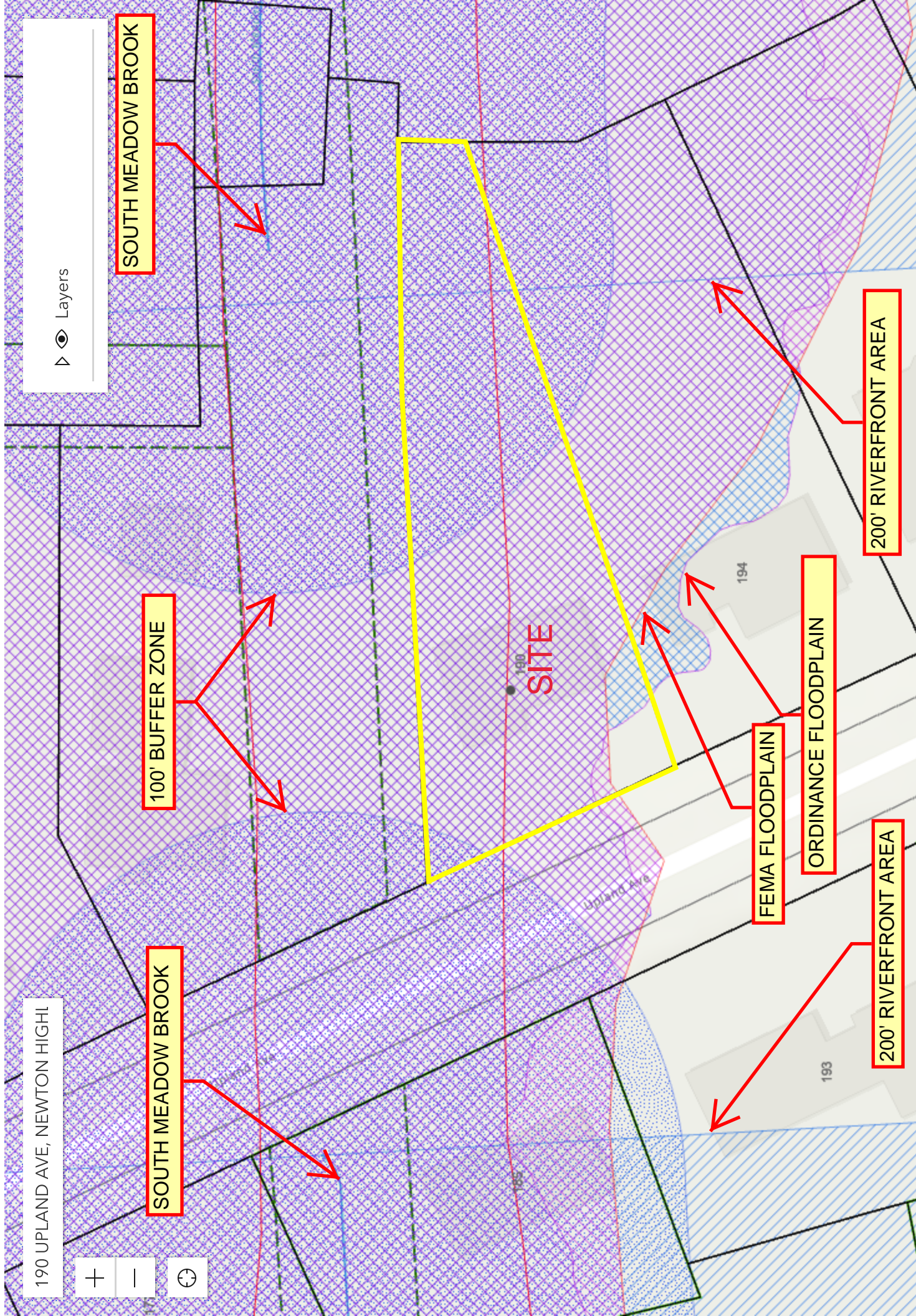
190  
SITE

FEMA FLOODPLAIN

ORDINANCE FLOODPLAIN

200' RIVERFRONT AREA

200' RIVERFRONT AREA



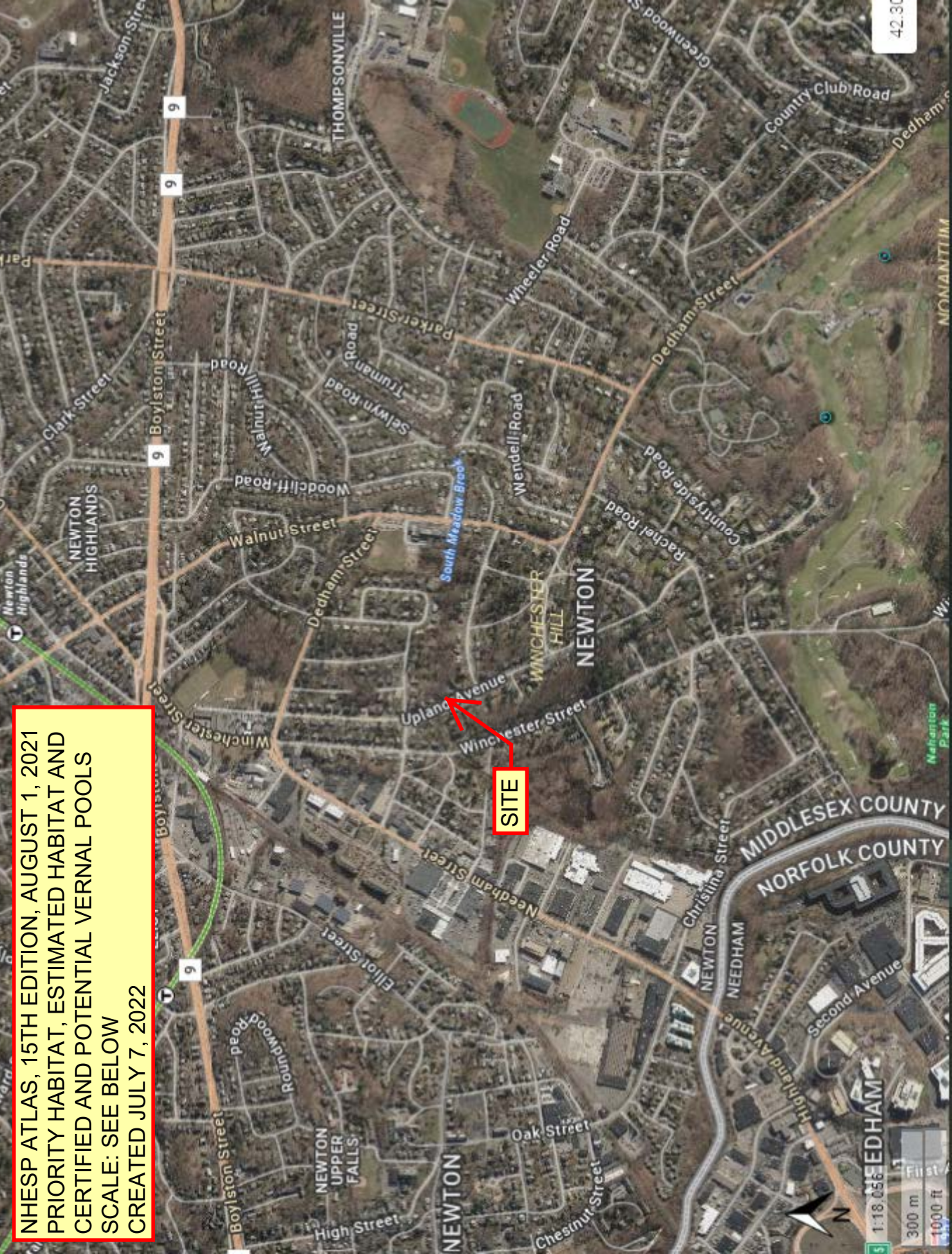


USGS TOPOGRAPHIC MAP  
BOSTON SOUTH QUADRANGLE  
1987  
ENLARGED  
1:12,500





NHESP ATLAS, 15TH EDITION, AUGUST 1, 2021  
PRIORITY HABITAT, ESTIMATED HABITAT AND  
CERTIFIED AND POTENTIAL VERNAL POOLS  
SCALE: SEE BELOW  
CREATED JULY 7, 2022





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**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



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 07/26/2022 Deadline
-------------	-------------------------

Fill in all white cells completely

<b>Parcel</b>		<b>Applicant name</b>	Prasad Sathe / Shemina Jesani
address	190 Upland Avenue	Address	56 Pratt Drive Newton, MA 02465
Sec/Block/Lot	83 / 020 / 0013	Email	prasadsathe@gmail.com
Book & Page	Certificate 278036 (Book 1582 / Page 66)	Phone	617-620-4262
<b>Owner name</b>	Prasad Sathe / Shemina Jesani	<b>Representative</b>	John P. Rockwood, Ph.D., SPWS
Address	56 Pratt Drive Newton, MA 02465	Address	EcoTec, Inc. 102 Grove Street Worcester, MA 01605
Email	prasadsathe@gmail.com	Email	jrockwood@ecotecinc.com
Phone	617-620-4262	Phone	508-752-9666 x 3

<b>Wetland type</b>	Bordering Land Subject to Flooding	<b>sf/cf affected</b>	5,410 sf	See NOI Form	<b>Relevant Perf. Standards</b>	10.57(4)(a)
<b>Wetland type</b>	Buffer Zone	<b>sf/cf affected</b>	3,345 cf		<b>Relevant Perf. Standards</b>	10.53(1)
<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>	See NOI Cover Letter for a complete listing of materials included as part of this filing.
Plan date	
Plan stamped by	
*if legible, plans should be 11"x17"	
<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 <u>\$237.50</u>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● City fee <u>\$50</u>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Abutter Information</b>	
● List (within 100')	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
● Abutter letter	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be provided once abutter notifications are sent.
● 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Site Plan
<b>Stormwater analysis</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Stormwater Report and Plans
<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 See Cover Letter Comp. Storage
<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 See Stormwater Report / O&M Plan

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) <b>DEP 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

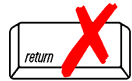
Document Transaction Number

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>190 Upland Avenue</u>	<u>Newton</u>	<u>02461</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.31269</u>	<u>-71.20746</u>	
d. Latitude	e. Longitude	
<u>83 020</u>	<u>0013</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Prasad / Shemina</u>	<u>Sathe / Jesani</u>	
a. First Name	b. Last Name	
--		
c. Organization		
<u>56 Pratt Drive</u>		
d. Street Address		
<u>Newton</u>	<u>MA</u>	<u>02465</u>
e. City/Town	f. State	g. Zip Code
<u>617-620-4262</u>	<u>--</u>	<u>prasadsathe@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

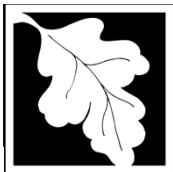
<u>Prasad / Shemina</u>	<u>Sathe / Jesani</u>	
a. First Name	b. Last Name	
--		
c. Organization		
<u>56 Pratt Drive</u>		
d. Street Address		
<u>Newton</u>	<u>MA</u>	<u>02465</u>
e. City/Town	f. State	g. Zip Code
<u>617-620-4262</u>	<u>--</u>	<u>prasadsathe@gmail.com</u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>John</u>	<u>Rockwood</u>	
a. First Name	b. Last Name	
<u>EcoTec, Inc.</u>		
c. Company		
<u>102 Grove Street</u>		
d. Street Address		
<u>Worcester</u>	<u>MA</u>	<u>01605</u>
e. City/Town	f. State	g. Zip Code
<u>508-752-9666 x3</u>	<u>--</u>	<u>jrockwood@ecotecinc.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
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Document Transaction Number
NEWTON
City/Town

## A. General Information (continued)

### 6. General Project Description:

The proposed project consists of the demolition of the existing SFH and associated site features and the construction of a new SFH and associated site features within BLSF and BZ. No work is proposed within RFA. Erosion controls and stormwater management are proposed. Please see Cover Letter and Site Plans 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:

Middlesex South	278036
a. County	b. Certificate # (if registered land)
1582	66
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**  
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 \_\_\_\_\_  
 City/Town

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	5,410 1. square feet 3,345 3. cubic feet of flood storage lost	0 (see Cover Letter) 2. square feet 3,701 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	South Meadow Brook: Inland 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: 1,570  
square feet

4. Proposed alteration of the Riverfront Area:

0 (See Cover Letter)      0      0  
 a. total square feet      b. square feet within 100 ft.      c. square feet between 100 ft. and 200 ft.

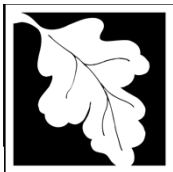
5. Has an alternatives analysis been done and is it attached to this NOI?       Yes  No

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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Provided by MassDEP:

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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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## 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

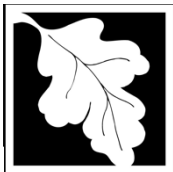
- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
  - Project description (including description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

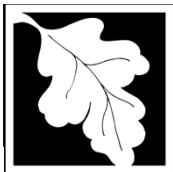
- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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.

**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

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
<b>NEWTON</b>
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 as part of this filing is provided in the Cover Letter.

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

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

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

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

## E. Fees

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

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

<u>240</u>	<u>5/4/2022</u>
2. Municipal Check Number	3. Check date
<u>241</u>	<u>5/4/2022</u>
4. State Check Number	5. Check date
<u>Prasad</u>	<u>Sathe</u>
6. Payor name on check: First Name	7. Payor name on check: Last Name



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

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

**F. Signatures and Submittal Requirements**

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

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

See Next Page

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

*John Rockwood*

7/20/2022

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

Provided by MassDEP:

# WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

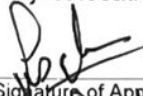

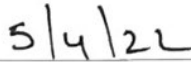
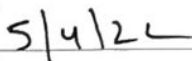
NEWTON

City/Town

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

<p>1. Signature of Applicant </p> <hr/> <p>3. Signature of Property Owner (if different) </p> <hr/> <p>5. Signature of Representative (if any)</p>	<p>2. Date </p> <hr/> <p>4. Date </p> <hr/> <p>6. Date</p>
--	--

### 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.

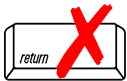
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.





**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:

190 Upland Avenue	Newton
a. Street Address	b. City/Town
241	\$ 237.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Prasad / Shemina		Sathe / Jesani	
a. First Name		b. Last Name	
--			
c. Organization			
56 Pratt Drive			
d. Mailing Address			
Newton	MA	02465	
e. City/Town	f. State	g. Zip Code	
617-620-4262	--	prasadsathe@gmail.com	
h. Phone Number	i. Fax Number	j. Email Address	

3. Property Owner (if different):

Prasad / Shemina		Sathe / Jesani	
a. First Name		b. Last Name	
--			
c. Organization			
56 Pratt Drive			
d. Mailing Address			
Newton	MA	02465	
e. City/Town	f. State	g. Zip Code	
617-620-4262	--	prasadsathe@gmail.com	
h. Phone Number	i. Fax Number	j. Email Address	

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

**B. Fees**

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

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

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

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

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

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

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



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

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
2a. Single Family House / Site Features in BLSF and/or BZ No work is Proposed in RFA	1	\$ 500.00	\$ 500.00

**Step 5/Total Project Fee:** \$ 500.00

**Step 6/Fee Payments:**

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

**Mailing Address**  
Assessing Department  
1000 Commonwealth Ave.  
Newton, MA 02459

**Assessment Administration  
City of Newton, MA**

**Phone Numbers**  
Main Office: 617-796-1160  
Facsimile: 617-796-1179

**REQUEST FOR ABUTTERS LIST  
AND MAILING LABELS**

**Purpose: (check one)**

- Conservation Commission Filing
- Filing for Victualler's/Restaurant or Liquor License
- Other: \_\_\_\_\_  
(Ordinances, laws, or regulations that require a citizen/organization to send a notice by mail to "parties of interest.")

**Name of organization:** EcoTec, Inc.

**Person filing request:** John Rockwood, Ph.D. **Title:** Principal Scientist

**Address:** 102 Grove Street, Worcester, MA 01605

**Telephone no. during day:** 508-294-2548 (to notify for pick-up)

**Subject property:** 190 Upland Avenue (SBL 83 020 0013)

**Abutters list requires owner names and addresses of: (check all that apply)**

- Abutters to subject property and abutters to abutters
- Abutters within user-specified distance from property line: within 100 feet
- Abutters along one or more streets (list below):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please verify spelling of street on City map on wall near front door of Assessors office.

**Mailing labels for abutters (as above):** (Charge: \$.50 per label sheet)

- 1 set
  - 2 sets
- I do not require labels. Please email letter, list, and map to [rockwood@ecotecinc.com](mailto:rockwood@ecotecinc.com) when ready.*

**Fees: Staff preparation time if request takes 2 hours or more to complete.**

**Staff Fee:** \$ 23.75 /hour (or portion thereof)

**Mailing labels:** \$ .50 per label sheet  
**Total:** *Calculated upon completion*

Please allow ten (10) business days for completion of this request.

**Signature:** *John P. Rockwood* **Date:** 06/28/2022

**Assessing Department, 1000 Commonwealth Ave, Newton, MA 02459  
Main Office: 617-796-1160 FAX No: 617-796-1179**

**Abutters List**[print this list](#)

Date: June 29, 2022

Subject Property Address: 190 UPLAND AVE Newton, MA

Subject Property ID: 83-020-0013

Search Distance: 100 Feet

-----  
Prop ID: 83-019-0011

Prop Location: 230 WINCHESTER ST Newton, MA

Owner: EDELSTEIN GREGG M

Co-Owner: EDELSTEIN KAREN M

Mailing Address:

230 WINCHESTER ST  
NEWTON, MA 02461  
----------  
Prop ID: 83-019-0018

Prop Location: 177 UPLAND AVE Newton, MA

Owner: TSUI HIU TOU

Mailing Address:

177 UPLAND AVE  
NEWTON, MA 02461  
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Prop ID: 83-019-0019

Prop Location: 185 UPLAND AVE Newton, MA

Owner: LEE JOHN JHE-YUN

Co-Owner: LIANG SUSAN SUWEN

Mailing Address:

185 UPLAND AVE  
NEWTON, MA 02461  
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Prop ID: 83-019-0020

Prop Location: 193 UPLAND AVE Newton, MA

Owner: GINSBERG NORMAN S

Co-Owner: GINSBERG DEBORAH R

Mailing Address:

193 UPLAND AVE  
NEWTON, MA 02461  
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Prop ID: 83-019-0022  
Prop Location: 201 UPLAND AVE Newton, MA  
Owner: PALMER HENRY ALAN  
Co-Owner: PALMER LOUISA JAYNE  
Mailing Address:  
201 UPLAND AVE  
NEWTON, MA 02461

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Prop ID: 83-020-0005  
Prop Location: 34 HEATHERLAND RD Newton, MA  
Owner: WU JEFFREY T  
Co-Owner: PORTER JANE M  
Mailing Address:  
34 HEATHERLAND RD  
NEWTON HGLDS, MA 02461

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Prop ID: 83-020-0007  
Prop Location: 40 HEATHERLAND RD Newton, MA  
Owner: LINDER BENJAMIN M  
Co-Owner: CHOW CONNIE S  
Mailing Address:  
40 HEATHERLAND RD  
NEWTON, MA 02461

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Prop ID: 83-020-0011  
Prop Location: 176 UPLAND AVE Newton, MA  
Owner: JOHN BARBARA G TR  
Co-Owner: 176 UPLAND AVE TRUST  
Mailing Address:  
662 BOYLSTON ST  
NEWTON, MA 02459

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Prop ID: 83-020-0012  
Prop Location: 184 UPLAND AVE Newton, MA  
Owner: WAN DONGYUN  
Co-Owner: ZHOU ZHENPING  
Mailing Address:  
184 UPLAND AVE  
NEWTON, MA 02461

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Prop ID: 83-020-0015  
Prop Location: 194 UPLAND AVE Newton, MA  
Owner: ZAFF JONATHAN F  
Co-Owner: ZAFF ESTHER P  
Mailing Address:  
194 UPLAND AVE  
NEWTON, MA 02461

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Prop ID: 83-020-0016  
Prop Location: 200 UPLAND AVE Newton, MA  
Owner: SHOOTING STAR LLC  
Mailing Address:  
200 UPLAND AVE  
NEWTON, MA 02461

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Prop ID: 83-020-0018  
Prop Location: 97 BOUND BROOK RD Newton, MA  
Owner: WORTHAM J & JOHNSON C TRS  
Co-Owner: J M WORTHAM TRUST  
Mailing Address:  
97 BOUND BROOK RD  
NEWTON, MA 02461

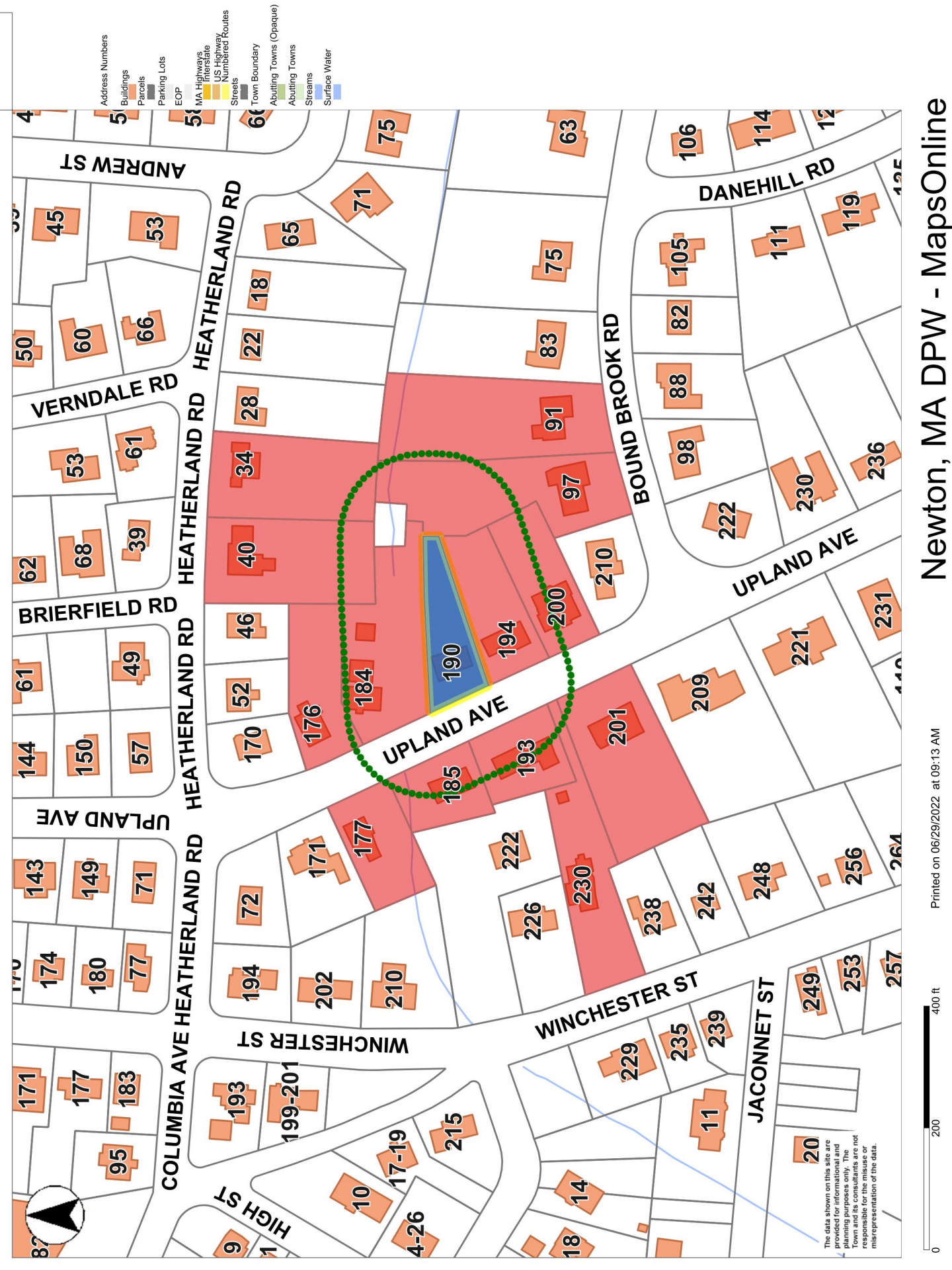
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Prop ID: 83-020-0019  
Prop Location: 91 BOUND BROOK RD Newton, MA  
Owner: BROITMAN SELWYN A TR  
Co-Owner: SELWYN A BROITMAN TRUST  
Mailing Address:  
P O BOX 810  
WEST TISBURY, MA 02575

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- Address Numbers
- Buildings
- Parcels
- Parking Lots
- EOP
- MA Highways
- Interstate
- US Highway
- Numbered Routes
- Streets
- Town Boundary
- Abutting Towns (Opaque)
- Abutting Towns
- Streams
- Surface Water

The data shown on this site are provided for informational and reference purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



Printed on 06/29/2022 at 09:13 AM