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

July 18, 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 Single-family House and Site Feature Demolition and Construction of New Two-family House with Site Features in Riverfront Area and Buffer Zone; 34 Brookside Avenue, Newton, Massachusetts
 -Applicant: Bond Development LLC

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) \$800.00 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. 25017C0552E, 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 (15th Edition), August 1, 2021, with site indicated; and
 - 6) Resume; and
- b. Project Description and Analysis;
- 1) Planting Schematic, prepared by EcoTec, Inc., dated July 14, 2022;
2. City of Newton Cons.Com. Wetland Application Coversheet/Checklist and Copy of Ordinance Filing Fee Check (redacted);
 3. The Notice of Intent Form, Fee Transmittal Form, and Copy of Act Filing Fee Checks (redacted);
 4. Abutter Request, Abutters List, and Abutters Map;
 5. "Stormwater Report, 34 Brookside Ave., Newton, MA," prepared by Spruhan Engineering, P.C., dated July 18, 2022, stamped and signed by Edmond T. Spruhan, P.E., including "Storm Water Operations & Maintenance Plan as Appendix C;
 6. "Existing Conditions, 34 Brookside Avenue, Newton, Massachusetts," Sheet 1 of 1, Scale 1" = 10', prepared by Spruhan Engineering, P.C., dated July 18, 2022, signed and stamped by Christopher C. Charlton, PLS; and
 7. Proposed Conditions Plan Set:
 - a. "Proposed Plot Plan, 34 Brookside Avenue, Newton, Massachusetts," Sheet 1 of 4, Scale 1" = 10', prepared by Spruhan Engineering, P.C., dated July 18, 2022, signed and stamped by Christopher C. Charlton, PLS and Edmond T. Spruhan, P.E.;
 - b. "Details, 34 Brookside Avenue, Newton, Massachusetts," Sheet 2 of 4, Scale NTS, prepared by Spruhan Engineering, P.C., dated July 18, 2022, signed and stamped by Edmond T. Spruhan, P.E.;
 - c. "Details, 34 Brookside Avenue, Newton, Massachusetts," Sheet 3 of 4, Scale NTS, prepared by Spruhan Engineering, P.C., dated July 18, 2022, signed and stamped by Edmond T. Spruhan, P.E.; and
 - d. "Details, 34 Brookside Avenue, Newton, Massachusetts," Sheet 4 of 4, Scale NTS, prepared by Spruhan Engineering, P.C., dated July 18, 2022, signed and stamped by Edmond T. Spruhan, P.E.

One copy of this filing and payment of \$775.00 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 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 March 18, 2022, EcoTec, Inc. inspected the above-referenced property and the land located along Cheese Cake Brook across Brookside Avenue to the west of the subject site for the presence of wetland resources as defined by the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40; the "Act") and its implementing regulations (310 CMR 10.00 *et seq.*; the "Regulations"). 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 0.242± acres (10,539± square feet) of land located to the east of Brookside Avenue in the Newtonville section of Newton, Massachusetts (see attached Locus Map). The subject site is previously developed and partially degraded with a single-family house with a covered side porch, chimney, and window well; various access stairs and landings; a detached garage with paved driveway; gravel driveway with lawn; concrete front and rear walks; stone retaining walls and steps; chain-link and wooden fencing; and associated lawn and landscaping. On June 2, 2022, John P. Rockwood, Ph.D., SPWS and Edmond Spruhan, P.E. met on-site with Jennifer Steel to confirm which part of the existing gravel driveway could be treated as degraded area under the existing condition (see Existing Conditions Plan); the balance of this driveway/lawn area has been treated as lawn. Two trees occur within the Riverfront Area and six trees occur outside of the Riverfront Area. Several stumps of various ages occur on the subject site; the Tree Warden has indicated mitigation under the Tree Ordinance will not be required for these stumps. Roof runoff from the house and detached garage is discharged to the ground surface without gutters or downspouts, roof runoff from the porch is directed to the ground surface via gutters and downspouts; and runoff from the paved and gravel driveways are not controlled or treated. Granite curbing, one street tree, a concrete sidewalk, and strips of lawn occur between Brookside Avenue and the subject site. The wetland resources observed on or near the subject site are described below.

EcoTec, Inc.

Wetland Resource Evaluation - Methodology

The subject site and the land located directly across Brookside Avenue from the site 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 Cheese Cake Brook. The upper boundary of Bank and the Mean Annual High-water Line of Cheese Cake Brook were identified in the field as the inner face of the vertical wall that contains Cheese Cake Brook. As such, no flags were placed in the field to delineate these resources. The Regulations at 310 CMR 10.54(2)(c) state: "The upper boundary of Bank is the first observable break in the slope or the mean annual flood level, whichever is lower." The plant taxonomy used in this report is based on the *National List of Plant Species that Occur in Wetlands: Massachusetts* (Fish and Wildlife Service, U.S. Department of the Interior, 1988). Federal wetlands were presumed to have boundaries conterminous with the identified Bank. As Bordering Vegetated Wetlands were not observed or delineated on the subject site or along the subject stream reach, DEP Bordering Vegetated Wetland Delineation Field Data Forms were not completed and are not attached to this report.

Wetland Resource Evaluation - 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. Cheese Cake Brook, a perennially mapped stream, is located across Brookside Avenue to the west of the subject site and flows generally to the north proximate to the subject site. The subject reach of Cheese Cake Brook is contained within vertical concrete walls. Bordering Vegetated Wetlands were not observed or delineated along the subject reach of Cheese Cake Brook. Cheese Cake Brook would be regulated as Bank and Land Under Water Bodies and Waterways under the Regulations. A 100' Buffer Zone extends horizontally outward from the edge of Bank under the Regulations and projects slightly into the northwestern portion of the subject site.

Bordering Land Subject to Flooding and Section 22-22 Floodplain: Bordering Land Subject to Flooding is an area that floods due to a rise in floodwaters from a bordering waterway or water body. Where flood studies have been completed, the boundary of Bordering Land Subject to Flooding is based upon flood profile data prepared by the National Flood Insurance Program. Section 10.57(2)(a)3. states that "The boundary of Bordering Land Subject to Flooding is the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm." Based upon a review of the Flood Insurance Rate Map, Map Number 25017C0552E, Effective Date June 4, 2010 (attached), the entire subject site is mapped as Other Areas: Zone X, which is defined as areas located outside the 0.2% annual chance flood (i.e., outside the 500-year floodplain). As such, Bordering Land Subject to Flooding does not occur on the subject site. When present, Bordering Land Subject

to Flooding would occur in areas where the 100-year floodplain is located outside of or upgradient of the delineated Bordering Vegetated Wetlands or, in the absence of Bordering Vegetated Wetlands, Bank boundary. 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)3. *Open brooks and their tributaries*, the area within 30 feet of the centerline on both sides of (2) Cheese Cake Brook, would be subject to the Ordinance. Ordinance Floodplain does not occur on the subject site; the 30-foot zone is located off-site within the Cheese Cake Brook Greenway (see attached Newton GIS Browser). Section 22-22 does not establish any form of buffer zone from the identified area.

Riverfront Area: The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map (i.e., Boston South Quadrangle, dated 1987, attached), Cheese Cake Brook, a stream that is mapped as perennial at the subject site, is located across Brookside Avenue to the west of the subject site. As such, Cheese Cake Brook would be designated as perennial under the Regulations and would have an associated 200' Riverfront Area. The Mean Annual High-water Line of Cheese Cake Brook is the inner face of the vertical wall that confines the stream. Riverfront Area projects into the western and central portions of the subject site; the eastern part of the subject site is located outside of the Riverfront Area. Riverfront Area does not have a Buffer Zone under the Act and Regulations but may overlap other wetland resources and their Buffer Zones.

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

Project Description and Analysis:

The subject site is 10,539± square feet in size and 7,410± square feet in the western and central portions of the subject site occur within the 200' Riverfront Area to Cheese Cake Brook: 7,185± square feet between 100 and 200 feet and 225± square feet within 100 feet. No other wetland resource areas occur on the subject site. The 100' Buffer Zone to Cheese Cake Brook projects into the northwestern part of the subject site. Brookside Avenue occurs between the subject site and the Cheese Cake Brook; a chain-link fence and an upland wooded thicket occur between Brookside Avenue and Cheese Cake Brook.

The proposed project consists of the complete demolition of the existing single-family house; the detached garage; and associated site features including the paved and gravel driveways, access stairs and landings, front and rear walks, retaining walls, and fences located on the subject site and the construction of a new two-family house with two one-car garages, entry porches with walks, rear paver patios, three sections of retaining wall, and associated grading, lawn, and landscaping. The proposed project includes the capping of existing utilities at the mains and the installation of new utilities to mains located within Brookside Avenue. The proposed patio in the outer Riverfront Area is a minor exempt activity under 310 CMR 10.02(2)(b)2.e. and has been shown on the Site Plan for sake of completeness. The proposed utility disconnections and connections and pavement repairs within Brookside Avenue are exempt activities under 310 CMR 10.02(2)(b)2.i., j., and n., respectively; the utility work proposed within Brookside Avenue has been shown on the Site Plan for sake of completeness.

The impervious/degraded area in the Riverfront Area on the subject site that is subject to permitting is proposed to be increased by 1,392± square feet from 1,690± square feet under existing conditions to 3,082± square feet under proposed conditions. The intent of the project design is to limit degraded area located closer to Cheese Cake Brook to a nine-foot-wide paved driveway necessary to access the house and locate the proposed house as far from Cheese Cake Brook as possible with as much of the proposed house as possible located outside of the Riverfront Area. The existing gravel driveway/proposed paved driveway is 89 feet from Cheese Cake Brook and is the closest degraded surface on the site to Cheese Cake Brook. The existing front walk will be removed and will not be replaced in this area under proposed conditions. The proposed house is 147± feet from Cheese Cake Brook and is 3 feet further from Cheese Cake Brook than the existing house. Again, Brookside Avenue occurs between the subject site and Cheese Cake Brook.

Eight trees occur on the subject site; only two of these trees occur within the Riverfront Area. As a result of the project design, it was determined that the northern red oak tree located near the 200' Riverfront Area boundary could not be practically saved; as such, this tree, as

well as two smaller Norway maple trees located outside of the Riverfront Area, will be removed as part of this project. The Japanese maple in the front yard will be retained and made a part of the proposed restoration/enhancement planting area. The existing street tree will also be protected during construction. As noted below, a total of twelve native saplings will be planted on the subject site in the Riverfront Area as part of the proposed restoration/enhancement planting area. The project also includes a proposed deep sump catch basin and two infiltration systems to address driveway and roof runoff as required by City of Newton drainage requirements. Details are provided in the July 18, 2022 Stormwater Report prepared by Spruhan Engineering, P.C. included with the Notice of Intent. Lastly, a substantive 2,765± square foot restoration/enhancement planting area in the Riverfront Area in the western part of the subject site is proposed to mitigate for the 1,392± square foot increase in degraded surfaces within the Riverfront Area on the subject site. Restoration/enhancement calculations are provided on the Proposed Plot Plan.

Any disturbed lawn and landscaped areas will be graded and will be loamed and seeded with a grass seed mixture to provide permanent cover or will be landscaped. Alternatively, sod may be used to establish lawn areas. The proposed limit of work will be demarcated in the field by the erosion control barrier as shown on the Site Plan. Soil will be temporarily stored in covered stockpiles within the limit of work on the subject site as shown on the Site Plan with excess soil trucked from the subject site. The Site Plan also shows a proposed construction entrance and a concrete washout area. There are no existing catch basins within Brookside Avenue proximate to the subject site; as such, catch basin inlet protection has not been proposed.

Restoration/Enhancement Planting Area Plan:

A 2,765± square foot restoration/enhancement planting area is proposed in the western part of the subject site within Riverfront Area near Brookside Avenue. This area includes 162± square feet of concrete walk which is proposed to be removed and restored/renaturalized. The calculations for the Restoration/Enhancement Planting Area are shown on the Proposed Plot Plan. Under existing conditions, this area consists largely of maintained lawn and landscaping and a section of concrete walk; one Japanese maple, which is proposed to be retained, occurs in this area. The intent of this plan is to establish a diverse wooded habitat with twelve (12) native saplings of five species of various sizes including evergreen and deciduous species of both canopy and understory species; ninety (90) 3 to 5' tall shrubs of nine evergreen and deciduous species; and forty (40) 0.5 to 1.25' tall shrubs/ground cover species including evergreen and deciduous species to be established in four pockets within the restoration/enhancement planting area. These plantings will serve to stabilize the area and provide enhanced wildlife habitat, including cover, perching, and foraging habitat, compared to the existing condition.

Following removal of the concrete front walk and addition of loam to bring that area to grade, minimal grading of portions of the area, and the creation of a shallow swale to retain runoff, soil, and mulch in the area as shown on the Proposed Plot Plan, the proposed saplings and shrubs will be spaced in general conformance with the planting specification under the supervision of a qualified wetland scientist and planted in accordance with current landscaping practices (i.e., hole twice as wide and as deep as the root ball with the area around the root ball backfilled with high quality loamy top soil). The proposed plant species listing is provided on the Planting Schematic included with this letter; the listed species are native and have been selected based upon the conditions of the proposed planting area. If a species is not available, a substitution will be recommended by the wetland scientist and approved by Conservation Commission Staff. Any excess soil will be removed from the subject site. Following installation, the plants will be watered in well and the area should then be covered with a 3-inch-thick layer of partially decomposed leaf litter with some natural bark mulch as specified in the planting specifications. This will aid in keeping the plantings moist and will provide temporary cover and habitat value until leaves begin to accumulate in this area. The woody materials will be watered regularly for a period of four weeks, and will be watered, as necessary, if evidence of stress is observed. As shown on the Site Plan, the area will be demarcated with seven stone bounds.

Restoration/Enhancement Planting Area Monitoring: The restoration/enhancement planting area will be monitored near the end of the growing season for two years after it is established. During each inspection, which will be conducted by a qualified wetland scientist, the condition of the area and the number of saplings and shrubs and their condition will be documented. Photographs of the area shall be taken, and representative photographs shall be included in the report. To be considered a success, the sapling plantings shall have a 90% survival rate and the shrub plantings shall have a 75% survival rate (or survival rates specified in the Order) at the end of the second growing season after establishment. The findings of each inspection will be documented in a report that will be submitted in a timely manner to the Commission. Each report will include any necessary recommendations to bring the area into compliance.

Compliance Evaluation under the Regulations

The proposed project is a mixture of new and redevelopment activities within the Riverfront Area to Cheese Cake Brook. Brookside Avenue and an area of upland wooded thicket within the Cheese Cake Brook Greenway occur between the subject site and Cheese Cake Brook. Under the current regulatory interpretation by MassDEP, proposed projects located in the Riverfront Area are to be treated either as new development under 310 CMR 10.58(4) or as redevelopment under 310 CMR 10.58(5). As significant degraded area occurs on the subject site within the Riverfront Area, this project has been evaluated herein as a redevelopment

project pursuant to 310 CMR 10.58(5). Redevelopment projects are required to meet two applicable standards at 310 CMR 10.58(4) [i.e., Section 10.58(4)(a) and (b)] and all the performance standards at 310 CMR 10.58(5). The proposed project has been designed as shown on the Site Plan and described within this letter to meet applicable general performance standards for Riverfront Area found at 310 CMR 10.58(4) and the performance standards for redevelopment of the Riverfront Area at 310 CMR 10.58(5).

A discussion of compliance with the above-referenced Riverfront Area standards as well as the narrative standard for the 100' Buffer Zone are as follows:

Riverfront Area: Section 10.58(4) of the Regulations provides the general performance standards for work within the Riverfront Area, which states:

(4) General Performance Standard. Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c.131 § 40 and that the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. In the event that the presumption is partially overcome, the issuing authority shall make a written determination setting forth its grounds in the Order of Conditions and the partial rebuttal shall be taken into account in the application of 310 CMR 10.58 (4)(d)1.a. and c.; the issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.

(a) Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (coastal bank), 10.32 (salt marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.

Work is proposed within the outer part of the Riverfront Area to Cheese Cake Brook, which is located across Brookside Avenue to the west of the subject site. No other wetland resource areas occur on the subject site; as such, no work is proposed within Land Under Water Bodies and Waterways, Bank, Bordering Vegetated Wetlands, or Bordering or Isolated Land Subject to Flooding (or Ordinance Floodplain). The 100' Buffer Zone associated with the Bank of

Cheese Cake Brook extends into the northwestern part of the subject site; the 100' Buffer Zone is not a wetland resource area under the Regulations.

(b) Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.

Based upon the NHESP Atlas, 15th Edition, dated August 1, 2021, the subject site is not located within a mapped Estimated Habitat or Priority Habitat and no mapped Certified or Potential Vernal Pools occur on or near the subject site. As such, the proposed project will not have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, and will not have any adverse effect on vernal pool habitat.

(c) Practicable and Substantially Equivalent Economic Alternatives. There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40....”

As provided at 310 CMR 10.58(5), this standard is not applicable to a redevelopment project within the Riverfront Area. As such, a formal alternatives analysis has not been provided. A description of the project is provided in the Project Description and Analysis section of this letter above and compliance with the redevelopment standards is discussed below.

(d) No Significant Adverse Impact. The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40....”

As provided at 310 CMR 10.58(5), this standard is not applicable to a redevelopment project within the Riverfront Area. As such, a significant adverse impact analysis has not been provided. A description of the project is provided in the Project Description and Analysis section of this letter above and compliance with the redevelopment standards is discussed below.

Section 10.58(5) of the Regulations provides the performance standards for redevelopment within previously developed and degraded Riverfront Area, which states:

Redevelopment Within Previously Developed Riverfront Areas; Restoration and Mitigation. Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided

the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:

(a) At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.

The subject site is 10,539± square feet in size and 7,410± square feet in the western and central portions of the subject site occur within the 200' Riverfront Area to Cheese Cake Brook: 7,185± square feet between 100 and 200 feet and 225± square feet within 100 feet. No other wetland resource areas occur on the subject site. The 100' Buffer Zone to Cheese Cake Brook projects into the northwestern part of the subject site. Brookside Avenue occurs between the subject site and the Cheese Cake Brook; a chain-link fence and an upland wooded thicket occur between Brookside Avenue and Cheese Cake Brook. The subject site is previously developed and significant degraded area consisting of the existing house with side porch, chimney, and window well, access landings and steps, gravel driveway, and front walk occurs within the Riverfront Area on the subject site. Again, Brookside Avenue and an area of undeveloped upland wooded thicket occur between the subject site and Cheese Cake Brook. The proposed project has been designed to and will result in an improvement over the existing condition.

The proposed project consists of the complete demolition of the existing single-family house; the detached garage; and associated site features including the paved and gravel driveways, access stairs and landings, front and rear walks, retaining walls, and fences located on the subject site and the construction of a new two-family house with two one-car garages, entry porches with walks, rear paver patios, three sections of retaining wall, and associated grading, lawn, and landscaping. Degraded areas associated with the proposed project are located the same distance or further from Cheese Cake Brook than degraded areas under the existing condition. The house has been set at the eastern setback and is as far from the Cheese Cake Brook as possible. The proposed house is further from the Cheese Cake Brook than the existing house and the proposed house expansion is away from Cheese Cake Brook with a significant portion of the proposed house located outside of the 200' Riverfront Area. A consequence of moving the house further from Brookside Avenue and Cheese Cake Brook is a longer driveway; the driveway has been limited to a nine-foot-width to the point where

garage access is required; at that point, the proposed driveway has been minimized to the extent possible while providing necessary and safe garage access and egress. The proposed project results in an increase in degraded area in the Riverfront Area of 1,392± square feet.

One tree is proposed to be removed from within the Riverfront Area; twelve saplings are proposed within the Riverfront Area as part of the mitigation effort. The project includes a proposed deep sump catch basin and two infiltration systems to address driveway and roof runoff as required by City of Newton drainage requirements. No such system is present under existing conditions; driveway runoff is uncontrolled and untreated and roof runoff is directed to the ground surface. A 2,765± square foot restoration/enhancement planting area in the Riverfront Area in the western part of the subject site is proposed to mitigate for the 1,392± square foot increase in degraded surfaces within the Riverfront Area on the subject site. An erosion control barrier and construction entrance will be used to mitigate project impacts during construction. Accordingly, the proposed project will serve to improve the capacity of the Riverfront Area on the subject site to protect the statutory interests presumed to be significant within the Riverfront Area.

(b) Stormwater management is provided according to standards established by the Department.

The proposed project is exempt from stormwater management standards under the Regulations. The project includes a deep sump catch basin and two infiltration systems to address driveway and roof runoff as required by City of Newton drainage requirements. No such system is present under existing conditions; driveway runoff is uncontrolled and untreated and roof runoff is directed to the ground surface. Details are provided in the July 18, 2022 Stormwater Report prepared by Spruhan Engineering, P.C. included with the Notice of Intent. An Operations and Maintenance Plan is included as part of the above-referenced Stormwater Report.

(c) Within 200-foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25-foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).

The subject site is located 89 feet from Cheesecake Brook; with the exception of 90± square feet of proposed driveway and underlying utilities which is proposed within an area that currently consists largely of gravel driveway, all degraded areas associated with the proposed project are located greater than 100 feet from Cheese Cake Brook. The existing gravel driveway/proposed paved driveway is 89 feet from Cheese Cake Brook and is the closest

degraded surface to Cheese Cake Brook. Other degraded areas associated with the proposed project are no closer to Cheese Cake Brook than degraded areas under the existing condition.

(d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).

Degraded areas associated with the proposed project are located the same distance or further from Cheese Cake Brook than degraded areas under the existing condition. The house has been set at the eastern setback and is as far from the Cheese Cake Brook as possible. The proposed house is further from the Cheese Cake Brook than the existing house and the proposed house expansion is away from Cheese Cake Brook with a significant portion of the house located outside of the 200' Riverfront Area. The proposed paved driveway, which is no closer to Cheese Cake Brook than the existing gravel driveway, has been limited to a nine-foot-width to the point where garage access is required; at that point, the proposed driveway has been minimized to the extent possible while providing necessary and safe garage access and egress.

(e) The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).

The impervious/degraded area in the Riverfront Area on the subject site that is subject to permitting is proposed to be increased by 1,392± square feet from 1,690± square feet under existing conditions to 3,082± square feet under proposed conditions. A 2,675± square foot restoration/enhancement planting area is proposed under Sections 10.58(5)(f) and (g) to address this increase in impervious/degraded area within the Riverfront Area.

(f) When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:

- 1. removal of all debris, but retaining any trees or other mature vegetation;*
- 2. grading to a topography which reduces runoff and increases infiltration;*
- 3. coverage by topsoil at a depth consistent with natural conditions at the site; and*
- 4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site.*

Restoration of 162± square feet of degraded area consisting of concrete front walk is proposed as part of this project. The calculations for the Restoration/Enhancement Planting Area are shown on the Proposed Plot Plan; proposed plantings are provided in the Planting Schematic.

(g) When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 to 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Environmental Affairs.

A restoration/enhancement planting area totaling 2,765± square feet in size will be established within the Riverfront Area. The calculations for the Restoration/Enhancement Planting Area are shown on the Site Plan; proposed plantings are provided in the Planting Schematic. The intent of this plan is to establish a diverse habitat with twelve (12) native saplings of five species of various sizes including evergreen and deciduous species that include canopy and understory species; ninety (90) 3 to 5' tall shrubs of nine evergreen and deciduous species; and forty (40) 0.5 to 1.25' tall shrubs/ground cover species including evergreen and deciduous species to be established in four pockets within the enhancement planting area. These plantings will serve to stabilize this area, minimize stormwater runoff toward Brookside Avenue, and provide enhanced wildlife habitat, including cover, perching, and foraging habitat, compared to the existing condition. The restoration/enhancement planting area will be monitored near the end of the growing season for two years after it is established with 90% and 75% survival for saplings and shrubs, respectively (or the survival rate specified in the Order) after two growing seasons the threshold for success.

(h) The issuing authority shall include a continuing condition in the Certificate of Compliance for projects under 310 CMR 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area, except as may be required to maintain the

area in its restored or mitigated condition. Prior to requesting the issuance of the Certificate of Compliance, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.

Restoration/enhancement of Riverfront Area is proposed as part of this project in the form of a bounded 2,765± enhancement planting area as shown on the Site Plan. As such, the applicant is not averse to the above-referenced continuing condition on this bounded area.

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.”

There is limited Buffer Zone in the northwestern part of the subject site; this Buffer Zone is located a minimum of 89 feet from Cheese Cake Brook. The subject site is separated from Cheese Cake Brook by Brookside Avenue and an upland wooded thicket. Under existing conditions, the Buffer Zone on the subject site consists of gravel driveway, lawn, mulch, and a short section of concrete front walk. Under proposed conditions, this area will consist of paved driveway, lawn, and restoration/enhancement planting area.

Prior to the start of earth moving activities, an erosion control barrier consisting of entrenched siltation fence fronted by staked 12" compost sock (or 12" compost sock), which will also serve as the Limit of Work, will be located around the work area as shown on the Site Plan. This erosion control barrier will be maintained until the work area is stabilized. Approval of the issuing authority will be received prior to the removal of the erosion control barrier. A stone construction entrance is proposed at the existing gravel driveway location; this entrance will assist with runoff from the subject site and is intended to minimize soil tracking from the subject site. Under existing conditions and proposed conditions, the subject site slopes moderately to very gradually to the west-northwest. The project also includes a proposed deep sump catch basin and two infiltration systems to address driveway and roof runoff as required by City of Newton drainage requirements. Lastly, a substantive 2,765± square foot restoration/enhancement planting area in the Riverfront Area in the western part of the subject site, including 98± square feet of the 225± square feet of Buffer Zone on the subject site, is proposed to mitigate for the 1,392± square foot increase in degraded surfaces within the Riverfront Area on the subject site.

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 no 25-foot Buffer Zone on the subject site and a significant vegetated Buffer Zone of upland wooded thicket occurs within the Cheese Cake Brook Greenway located between Brookside Avenue and Cheese Cake Brook to the west of the subject site.

Conclusion:

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 applicable general performance standards and redevelopment standards for work within the Riverfront Area and the narrative standard for work in the Buffer Zone under the Regulations. The proposed project results in an increase in impervious/degraded area on the subject site and in the Riverfront Area; mitigation in the form of stormwater improvements and a 2,765± square foot

Newton Conservation Commission

July 18, 2022

Page 17.

restoration/enhancement planting area have been provided as part of the project. This plan, as proposed, meets the applicable general and narrative performance standards 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)
Anthony Gagliardi (Via Email)
Edmond Spruhan, P.E. (Via Email)

18/w/NEWTON34BROOKSIDE NOI CL WRE PD COMP

EcoTec, Inc.

NEWTON LOCUS MAP

34 BROOKSIDE AVENUE

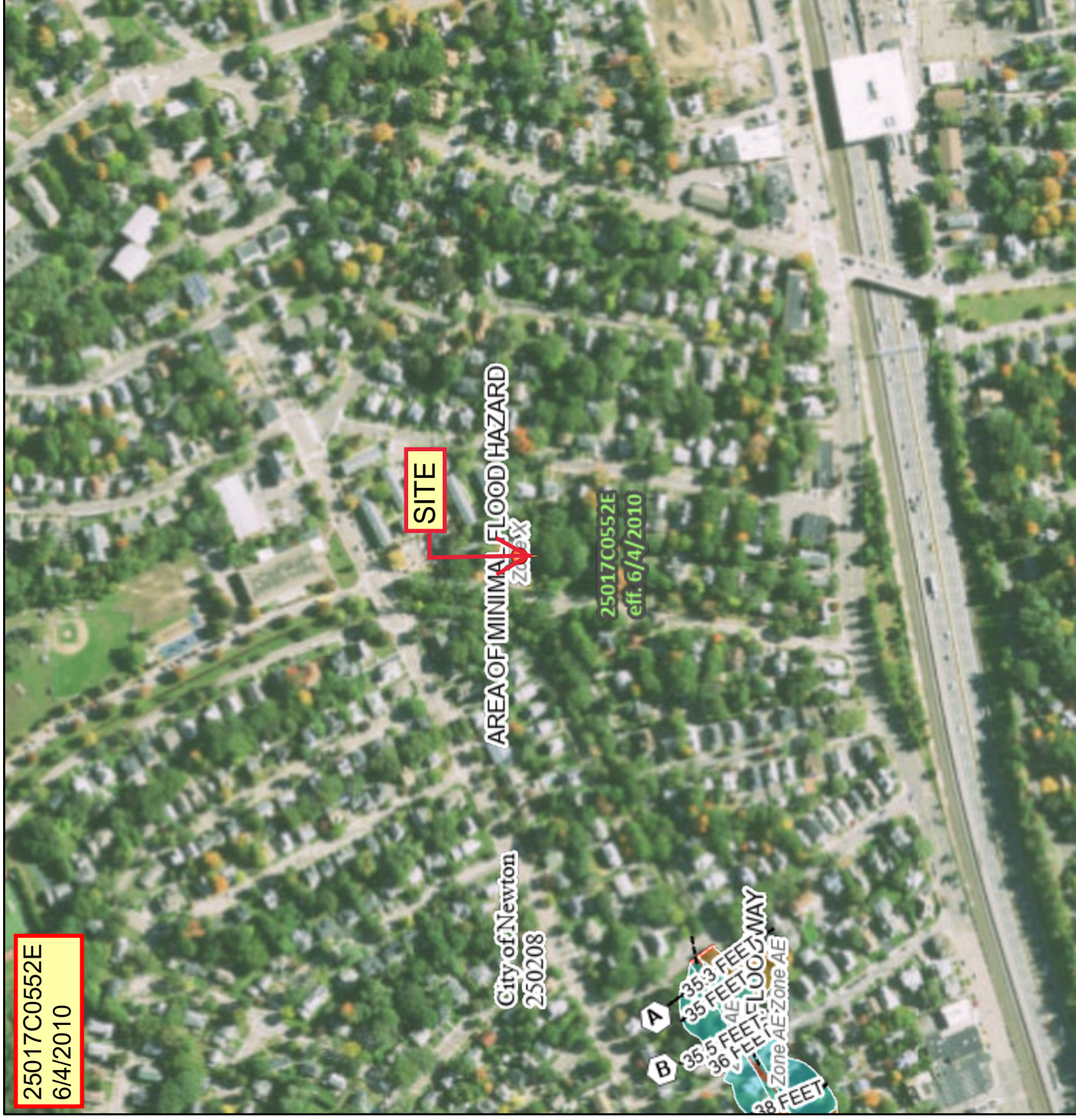


National Flood Hazard Layer FIRMette



71°13'7"W 42°21'24"N

25017C0552E
6/4/2010



Legend

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

SPECIAL FLOOD HAZARD AREAS



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

OTHER AREAS OF FLOOD HAZARD



0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
Future Conditions 1% Annual Chance Flood Hazard *Zone X*
Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
Area with Flood Risk due to Levee *Zone D*

OTHER AREAS



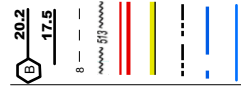
NO SCREEN *Zone X*
Area of Minimal Flood Hazard *Zone X*
Effective LOMR
Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES



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

OTHER FEATURES



Cross Sections with 1% Annual Chance Water Surface Elevation
Coastal Transect
Base Flood Elevation Line (BFE)
Limit of Study
Jurisdiction Boundary
Coastal Transect Baseline
Profile Baseline
Hydrographic Feature

MAP PANELS



Digital Data Available
No Digital Data Available
Unmapped

Legend



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

Map Accuracy

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 **6/18/2022 at 12:04 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

Map Disclaimer

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.

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°12'29"W 42°20'58"N

34 BROOKSIDE AVE, NEWTONVILL



CHEESE CAKE BROOK

ORDINANCE FLOODPLAIN

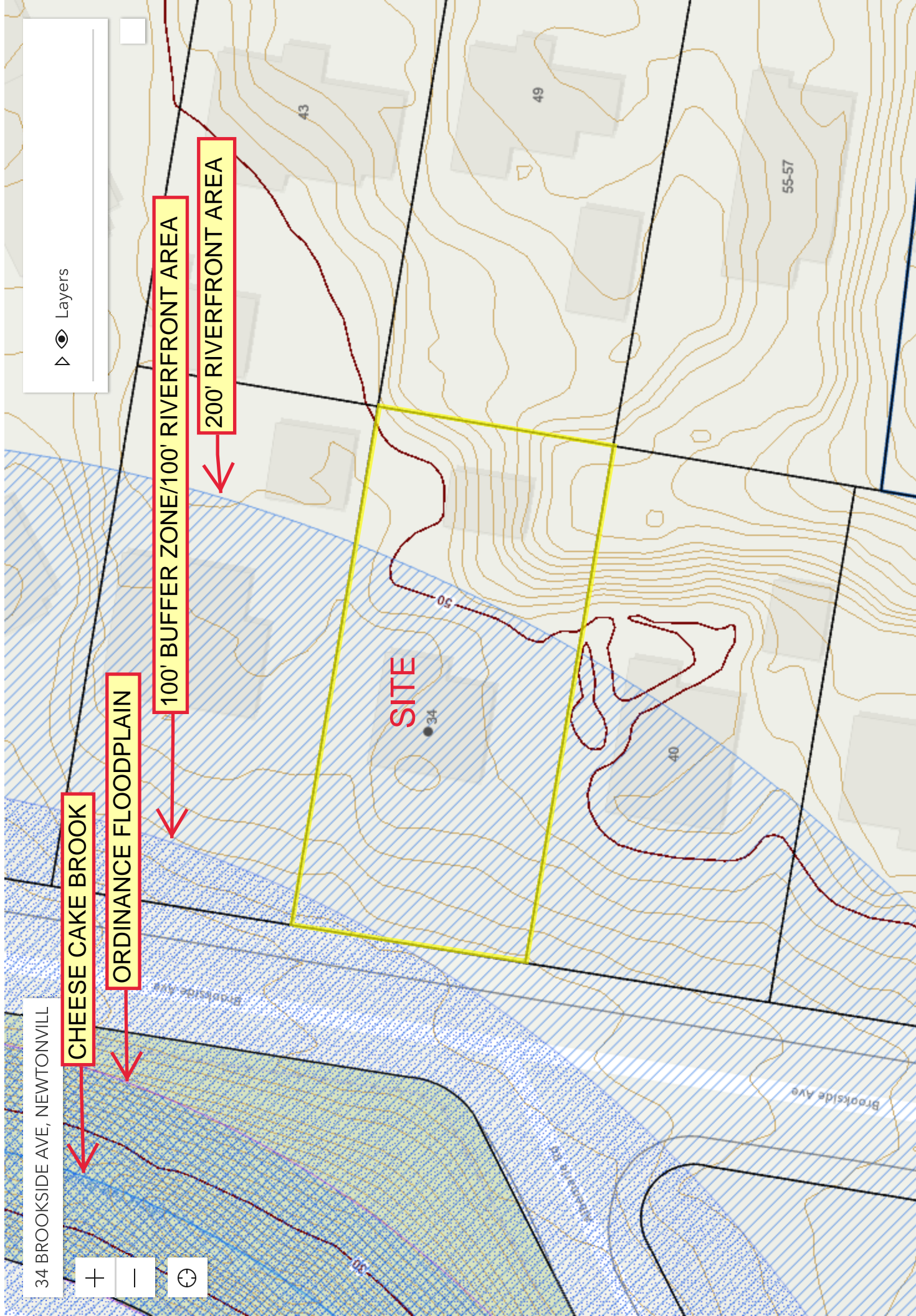
100' BUFFER ZONE/100' RIVERFRONT AREA

200' RIVERFRONT AREA

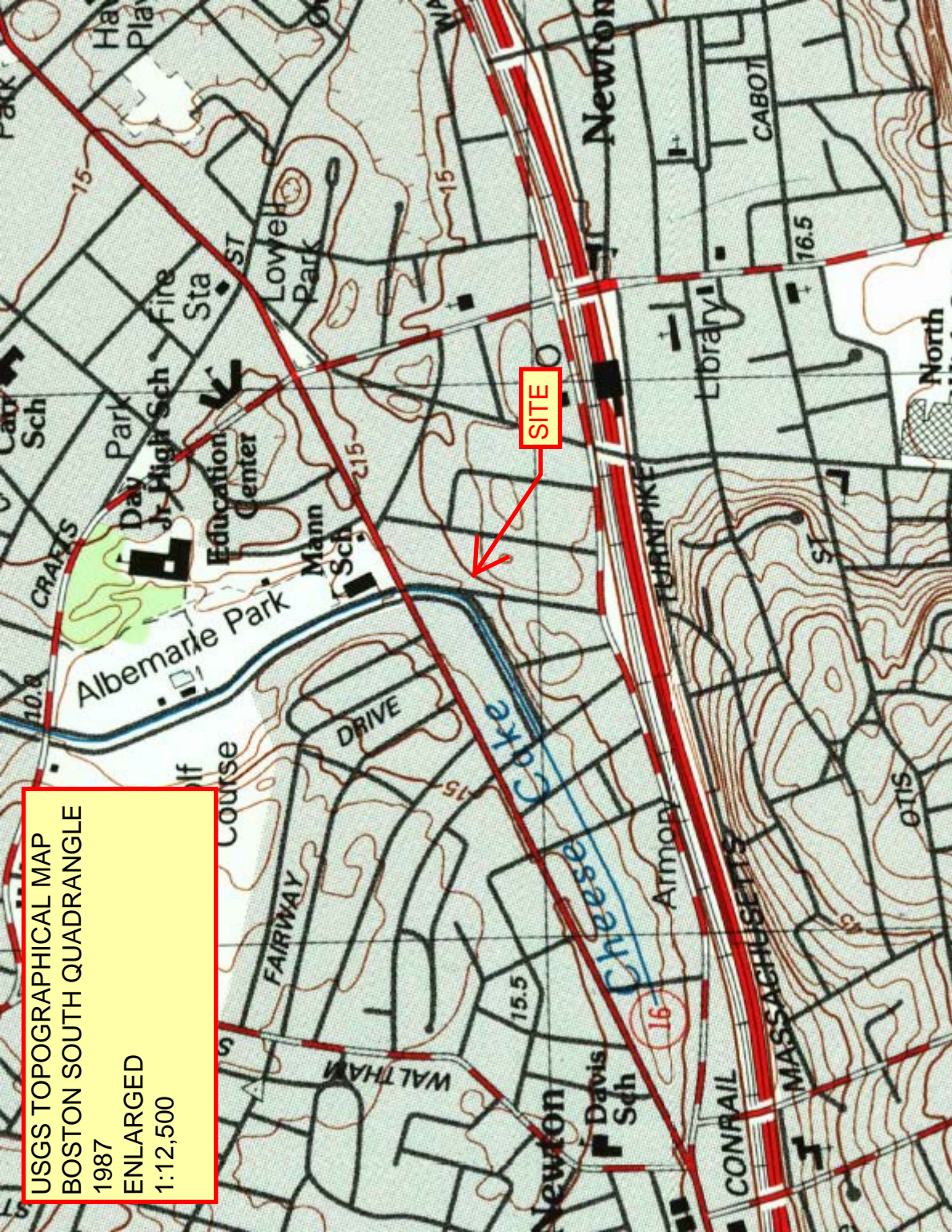
SITE



Layers



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



SITE

NHESP ATLAS, 15TH EDITION, AUGUST 1, 2021
PRIORITY HABITAT, ESTIMATED HABITAT AND
CERTIFIED AND POTENTIAL VERNAL POOLS
SCALE: AS BELOW
CREATED JUNE 17, 2022



SITE

42.34288

1:18,056

300 m

1000 ft

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

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

Dr. John P. Rockwood has been a Staff Scientist with EcoTec, Inc. since October 1999. He was previously a Chief Environmental Scientist at Sanford Ecological Services, Inc. of Southborough, Massachusetts from September 1990 to October 1999. Dr. Rockwood was certified in August 2002 and recertified in March 2008, January 2013, and June 2018 as a Professional Wetland Scientist (PWS) by the Society of Wetland Scientists Professional Certification Program (SWSPCP), and in April 2020, he was made a Senior Professional Wetland Scientist (SPWS) by the SWSPCP. His project experience includes wetland resource evaluation, delineation, and permitting at the local, state, and federal levels; wildlife habitat evaluation; pond and stream evaluation; vernal pool evaluation, certification, construction/replication, and monitoring; rare species habitat and impact assessment; wetland replacement, replication, and restoration area design, construction, and monitoring; invasive species removal and treatment protocols and monitoring; and expert testimony preparation. He has served as a consultant to municipalities, conservation commissions, the development community, engineering and survey firms, industry, and citizen's groups. He has managed and participated in a wide variety of wetlands-related projects ranging in scope from single-family house lots to subdivisions, commercial developments, mixed use developments, golf courses, a water park, MBTA commuter train station, and a regional mall. He has assessed the potential impacts of stormwater runoff, landfill leachate, and/or hazardous waste disposal sites on rare vertebrate and/or invertebrate species, and has conducted and/or directed surveys, delineated actual habitat, conducted habitat evaluations, and/or developed mitigation strategies necessary to protect rare vertebrate, invertebrate, and plant species and their habitats from proposed development-related impacts. He has designed and conducted drift fence studies for rare vertebrates. He has conducted and led preconstruction sweeps for the spotted turtle, wood turtle, and eastern box turtle. He has filed MESA Project Review Checklists for numerous species and has prepared applications for Conservation and Management Permits and Amendments for the eastern box turtle and marbled salamander under MESA. He has submitted rare animal and plant observation forms to NHESP for several vertebrate, invertebrate, and plant species. He has conducted environmental impact assessments and has prepared MEPA documentation related to an office park, an MBTA commuter train station, water park, residential subdivisions, skating rink facility, landfill, and regional mall. Dr. Rockwood also has extensive experience in environmental site assessment related to possible oil and/or hazardous material contamination. He has conducted numerous environmental assessments, several including subsurface investigations, for sites located in Massachusetts, and has conducted preliminary environmental assessments for properties located in New York, New Hampshire, and Rhode Island. He has conducted ecological risk assessments (i.e., Stage I Environmental Screenings and Stage II Environmental Risk Characterizations) for a number of disposal sites in Massachusetts, including several disposal sites that had the potential to affect state-listed vertebrate and invertebrate species, and has utilized the EPA Rapid Bioassessment Protocol for macroinvertebrates to assess potential impacts of disposal sites and hazardous material releases on streams and rivers in Massachusetts and New York. He has served as the environmental contractor to the Franklin Consolidated Office of the Federal Deposit Insurance Corporation (FDIC-FCO) for 16 months, where he reviewed environmental reports, prepared scopes-of-work for site assessments, and provided technical advice to FDIC employees related to environmentally compromised assets. Dr. Rockwood has designed, conducted, and evaluated numerous surface water and groundwater monitoring programs. His prior research includes laboratory studies of the effects of low pH and aluminum on dragonfly nymphs and a field survey of the impact of chlorinated sewerage effluent on algal periphyton community dynamics. Dr. Rockwood is the co-author of a textbook on aquatic biology and is the principal author of three peer-reviewed research publications in the field of aquatic toxicology that address the effect of low pH and aluminum on nymphs of the dragonfly *Libellula julia*. Dr. Rockwood served as the as the Editor of the AMWS Newsletter from November 2004 to October 2010 and as Assistant Editor from May 2003 to November 2004 and October 2010 to January 2012. He served as President of the Association of Massachusetts Wetland Scientists from November 2013 to December 2015 and as Immediate Past President from December 2015 to December 2017. He was twice awarded by AMWS with their President's Award.

Education: Doctor of Philosophy (Ph.D.): Aquatic Pollution Biology – Plant and Soil Sciences
University of Massachusetts at Amherst, 1989
Bachelor of Science (B.S.): Environmental Sciences, *Summa Cum Laude*
University of Massachusetts at Amherst, 1984

Professional Affiliations: Society for Freshwater Science
Sigma Xi, Full Member
Association of Massachusetts Wetland Scientists, Voting Member
Society of Wetland Scientists
Massachusetts Association of Conservation Commissions

Certifications: Society of Wetlands Scientists Senior Professional Wetland Scientist, Certification Number 1349
OSHA Health and Safety Training, 40-Hour Training, 29 CFR 1910.120
OSHA Health and Safety Training, 8-Hour Supervisor Training
OSHA Health and Safety Training, 8-Hour Refresher Training

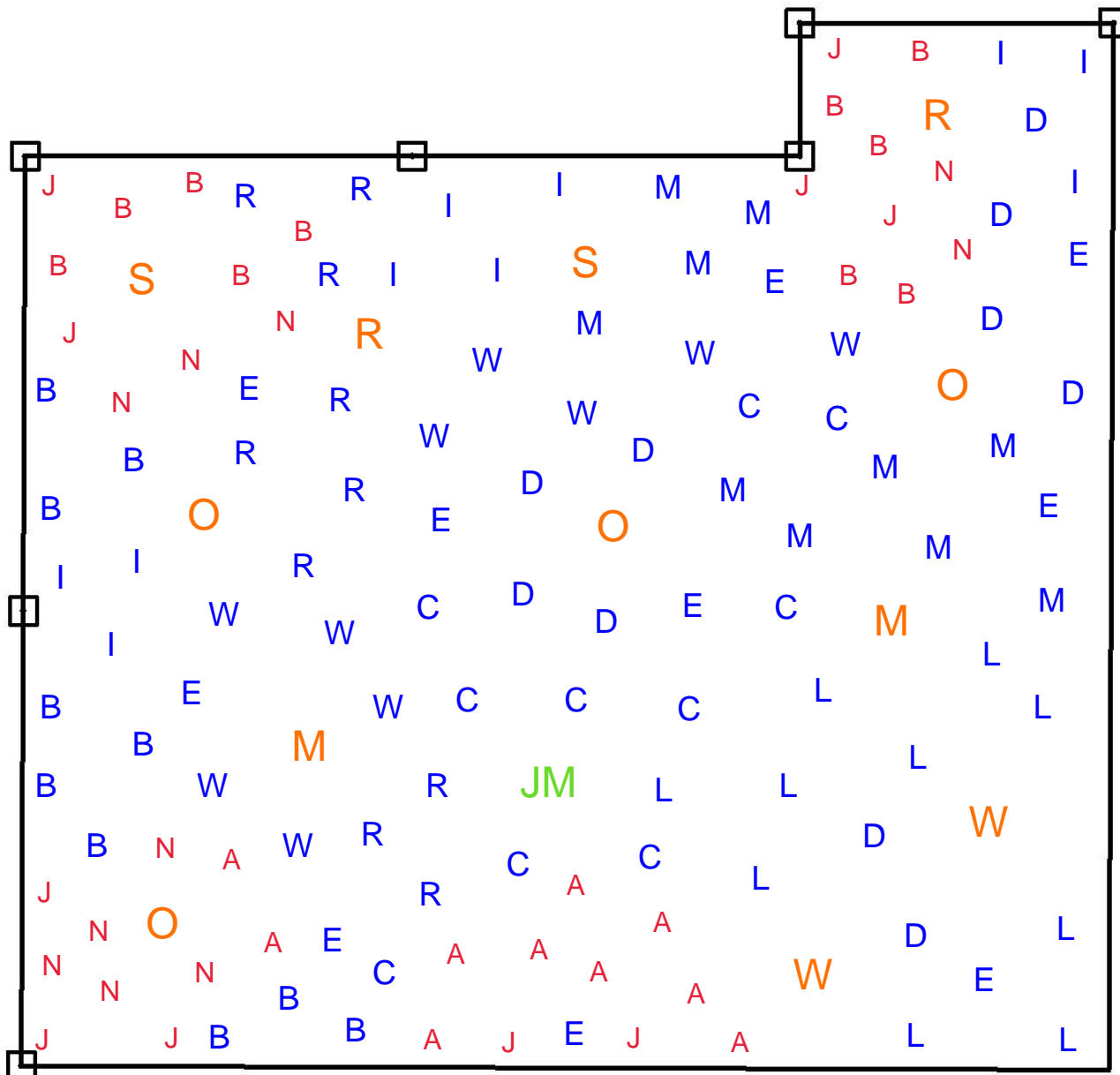
**PLANTING SCHEMATIC FOR ENHANCEMENT PLANTING AREA
34 BROOKSIDE ROAD, NEWTON**

PREPARED BY ECOTEC, INC.
JULY 14, 2022

Enhancement Planting Area (2,765± S.F.)

| Stratum; Species; Size; Spacing | |
|--|----|
| Saplings ; Various; 15' on-center | 12 |
| O Northern Red Oak (<i>Quercus rubra</i> ; 3" Caliper) | 4 |
| M Red Maple (<i>Acer rubrum</i> ; 3" Caliper) | 2 |
| W White Spruce (<i>Picea alba</i> ; 4" Caliper) | 2 |
| R Eastern Redbud (<i>Cercis canadensis</i> ; 1.5" Caliper) | 2 |
| S Sweetbay Magnolia (<i>Magnolia virginiana</i> ; 1.5" Caliper) | 2 |
| Shrubs (Evergreen and Deciduous); 3-5' height; 5.5' on-center | 90 |
| E Eastern Red Cedar (<i>Juniperis virginiana</i>) | 10 |
| L Mountain Laurel (<i>Kalmia latifolia</i>) | 10 |
| W Winged Sumac (<i>Rhus coppalinum</i>) | 10 |
| C Gray Dogwood (<i>Cornus racemosa</i>) | 10 |
| D Alternate-leaved Dogwood (<i>Cornus alternifolia</i>) | 10 |
| M Black Chokeberry (<i>Aronia melanocarpa</i>) | 10 |
| R Virginia Rose (<i>Rosa virginiana</i>) | 10 |
| I Inkberry (<i>Ilex glabra</i>) | 10 |
| B Bayberry (<i>Morella pensylvanica</i>) | 10 |
| Small Shrubs; Size Below; 4 Pockets of 10; 4' on -center in pockets | 40 |
| B Bearberry (<i>Arctostaphylos uva-ursi</i> ; 6-12") | 10 |
| A Lowbush Blueberry (<i>Vaccinium angustifolium</i> ; 6-12") | 10 |
| N New Jersey Tea (<i>Ceanothus americanus</i> ; 12-15") | 10 |
| J Common Juniper (<i>Juniperis communis</i> ; 12-15") | 10 |

- JM is an existing Japanese Maple to be retained in the area.
- Substitutions are subject to approval by Conservation Staff.
- Plants must be natives; cultivars and varieties will not be accepted.
- All excess soil must be removed and disposed of off-site.
- After planting, the area will be mulched with a 3" thick layer of a 4:1 mixture of decomposed leaf compost and natural bark mulch.
- After planting the plants must be watered in well and watered periodically until they are established.
- The final mulch surface at the sidewalk edge must be 2" below the top of concrete upon completion.



Note: The locations of the individual saplings and shrubs are shown for permitting and review purposes; the locations of the plantings in the field will be based on this plan subject to the discretion of the qualified wetland scientist. The planting area will be monitored annually for two years after it is established. A brief report will be provided to the Commission in a timely manner after each annual inspection. A Request for a Certificate of Compliance will be made following the second annual inspection.



Ruthanne Fuller
Mayor

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

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

Barney S. Heath
Director

Cons. Com. Wetland Application Coversheet/Checklist

| | |
|-------------|-------------------------|
| Date | For 07/26/2022 Deadline |
|-------------|-------------------------|

Fill in all white cells completely

| | | | |
|-------------------|---|-----------------------|---|
| Parcel | | Applicant name | Anthony Gagliardi Bond Development LLC |
| address | 34 Brookside Avenue | Address | 205 Union Street Natick, MA 01760 |
| Sec/Block/Lot | 21 / 034 / 0023 | Email | anthony@intdevcorp.com |
| Book & Page | 80051 & 134 | Phone | 617-908-6974 |
| Owner name | Anthony Gagliardi Bond Development LLC | Representative | John P. Rockwood, Ph.D., SPWS EcoTec, Inc. |
| Address | 205 Union Street Natick, MA 01760 | Address | 102 Grove Street Worcester, MA 01605 |
| Email | anthony@intdevcorp.com | Email | jrockwood@ecotecinc.com |
| Phone | 617-908-6974 | Phone | 508-752-9666 x 3 |

| | | | | | |
|---------------------|-----------------|-----------------------|----------|---------------------------------|----------------------------------|
| Wetland type | Riverfront Area | sf/cf affected | 3,550 sf | Relevant Perf. Standards | <u>10.58(4)(a&b)&(5)</u> |
| Wetland type | Buffer Zone | sf/cf affected | -- | Relevant Perf. Standards | <u>10.53(1)</u> |
| Wetland type | -- | sf/cf affected | -- | Relevant Perf. Standards | <u>10.--</u> |

Components of a Complete NOI Application

| | |
|---|---|
| State Form: NOI Form 3 | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Plan* title(s) Plan date Plan stamped by *if legible, plans should be 11"x17" | See NOI Cover Letter for a complete listing of materials included as part of this filing. |
| Narrative | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter |
| Proof that all relevant perf. standards are met | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter |
| Locus map | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter |
| Delineation lines (backup material) | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter |
| Fees | |
| ● Fee Transmittal form | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ● City portion of state fee <u>\$ 800.00</u> | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ● City fee <u>\$50</u> | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Abutter Information | |
| ● List (within 100') | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 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> |
| Other Attachments, e.g. | |
| Planting Plan | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Planting Specifications |
| Floodplain analysis | Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable |
| Stormwater analysis | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Stormwater Report and Plans |
| Riverfront Area Alternatives Analysis | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Cover Letter |
| Restoration or mitigation summary | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Cover Letter |
| Phasing/Sequencing plan, O&M plan, etc. | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See O & M Plan in Stormwater Report |

Components of a Complete NOI Application

Conservation Commission Wetland Permit Process

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

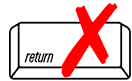
Document Transaction Number

NEWTON

City/Town

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

| | | |
|------------------------------|-----------------------|--------------|
| <u>34 Brookside Avenue</u> | <u>Newton</u> | <u>02460</u> |
| a. Street Address | b. City/Town | c. Zip Code |
| Latitude and Longitude: | | |
| <u>42.35303</u> | <u>-71.21344</u> | |
| d. Latitude | e. Longitude | |
| <u>21 034</u> | <u>0023</u> | |
| f. Assessors Map/Plat Number | g. Parcel /Lot Number | |

2. Applicant:

| | | |
|-----------------------------|------------------|-------------------------------|
| <u>Anthony</u> | <u>Gagliardi</u> | |
| a. First Name | b. Last Name | |
| <u>Bond Development LLC</u> | | |
| c. Organization | | |
| <u>205 Union Street</u> | | |
| d. Street Address | | |
| <u>Natick</u> | <u>MA</u> | <u>01760</u> |
| e. City/Town | f. State | g. Zip Code |
| <u>617-908-6974</u> | <u>--</u> | <u>anthony@intdevcorp.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

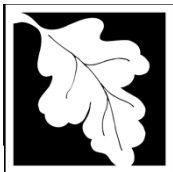
| | | |
|-----------------------------|------------------|-------------------------------|
| <u>Anthony</u> | <u>Gagliardi</u> | |
| a. First Name | b. Last Name | |
| <u>Bond Development LLC</u> | | |
| c. Organization | | |
| <u>205 Union Street</u> | | |
| d. Street Address | | |
| <u>Natick</u> | <u>MA</u> | <u>01760</u> |
| e. City/Town | f. State | g. Zip Code |
| <u>617-908-6974</u> | <u>--</u> | <u>anthony@intdevcorp.com</u> |
| h. Phone Number | i. Fax Number | j. Email address |

4. Representative (if any):

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

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

| | | |
|--------------------|-------------------|-----------------------|
| <u>\$ 1,575.00</u> | <u>\$ 775.00</u> | <u>\$ 800.00</u> |
| a. Total Fee Paid | b. State Fee Paid | c. City/Town Fee Paid |



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|-----------------------------|
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| NEWTON |
| City/Town |

A. General Information (continued)

6. General Project Description:

The project consists of the demolition of the existing single-family house and associated site features and the construction of a new two-family house with associated site features. Erosion controls, stormwater management, and renaturalization of lawn are proposed. Please see Cover Letter and Site Plan for additional information.

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

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

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

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

--

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

| | |
|-----------------|---------------------------------------|
| South Middlesex | -- |
| a. County | b. Certificate # (if registered land) |
| 80051 | 134 |
| c. Book | d. Page Number |

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

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

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



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

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

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

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

2. Width of Riverfront Area (check one):

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

3. Total area of Riverfront Area on the site of the proposed project: 7,410
square feet

4. Proposed alteration of the Riverfront Area:

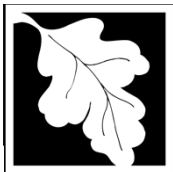
3,550 (See Cover Letter) 90 3,460
 a. total square feet b. square feet within 100 ft. c. square feet between 100 ft. and 200 ft.

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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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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| |
|-----------------------------|
| Provided by MassDEP: |
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| Document Transaction Number |
| NEWTON |
| City/Town |

C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

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

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

- August 1, 2021
b. Date of map

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

- c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:

| | |
|----------------------------------|--------------------|
| (a) within wetland Resource Area | -- |
| | _____ |
| | percentage/acreage |
| (b) outside Resource Area | -- |
| | _____ |
| | percentage/acreage |

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

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

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

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

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



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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:

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

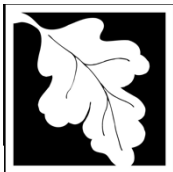
North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: 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).



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| City/Town |

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

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

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

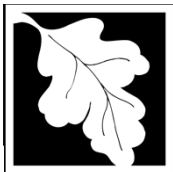
D. Additional Information

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

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

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

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



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|-----------------------------|
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| NEWTON |
| City/Town |

D. Additional Information (cont'd)

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

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

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

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

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

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

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

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

| | |
|------------------------------------|-----------------------------------|
| 1876 | 7/12/2022 |
| 2. Municipal Check Number | 3. Check date |
| 1877 | 7/12/2022 |
| 4. State Check Number | 5. Check date |
| Bond Development LLC | -- |
| 6. Payor name on check: First Name | 7. Payor name on check: Last Name |



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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.

See Next Page

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

John Rockwood

7/18/2022

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.

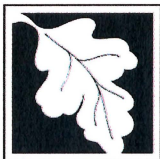
For MassDEP:

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.



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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.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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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>34 Brookside Avenue</u> | <u>Newton</u> |
| a. Street Address | b. City/Town |
| <u>1877</u> | <u>\$ 775.00</u> |
| c. Check number | d. Fee amount |

2. Applicant Mailing Address:

| | | |
|-----------------------------|------------------|-------------------------------|
| <u>Anthony</u> | <u>Gagliardi</u> | |
| a. First Name | b. Last Name | |
| <u>Bond Development LLC</u> | | |
| c. Organization | | |
| <u>205 Union Street</u> | | |
| d. Mailing Address | | |
| <u>Natick</u> | <u>MA</u> | <u>01760</u> |
| e. City/Town | f. State | g. Zip Code |
| <u>617-908-6974</u> | <u>--</u> | <u>anthony@intdevcorp.com</u> |
| h. Phone Number | i. Fax Number | j. Email Address |

3. Property Owner (if different):

| | | |
|-----------------------------|------------------|-------------------------------|
| <u>Anthony</u> | <u>Gagliardi</u> | |
| a. First Name | b. Last Name | |
| <u>Bond Development LLC</u> | | |
| c. Organization | | |
| <u>205 Union Street</u> | | |
| d. Mailing Address | | |
| <u>Natick</u> | <u>MA</u> | <u>01760</u> |
| e. City/Town | f. State | g. Zip Code |
| <u>617-908-6974</u> | <u>--</u> | <u>anthony@intdevcorp.com</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).



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B. Fees (continued)

| Step 1/Type of Activity | Step 2/Number of Activities | Step 3/Individual Activity Fee | Step 4/Subtotal Activity Fee |
|--|-----------------------------|--------------------------------|------------------------------|
| 3b. Construction of Townhouse Style Building and Associated Activities in RFA and BZ | 1 | \$ 1,050 x 1.5 | \$ 1,575.00 |

Step 5/Total Project Fee: \$ 1,575.00

Step 6/Fee Payments:

| | |
|--------------------------------|--|
| Total Project Fee: | <u>\$ 1,575.00</u> |
| State share of filing Fee: | a. Total Fee from Step 5 <u>\$ 775.00</u> |
| City/Town share of filing Fee: | b. 1/2 Total Fee less \$12.50 <u>\$ 800.00</u> |
| | c. 1/2 Total Fee plus \$12.50 |

C. Submittal Requirements

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

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

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

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

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: 34 BROOKSIDE AVENUE (SBL 21 034 0023)

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 actual labels. Please email letter, list, and map to 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:** 06/17/2022

**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 21, 2022

Subject Property Address: 34 BROOKSIDE AVE Newton, MA
Subject Property ID: 21-034-0023

Search Distance: 100 Feet

Prop ID: 21-034-0001
Prop Location: 674-690 WATERTOWN ST Newton, MA
Owner: NEWTON HOUSING AUTHORITY
Co-Owner: NEWTON HOUSING AUTH HORACE MANN
Mailing Address:

82 LINCOLN ST
NEWTON, MA 02461

Prop ID: 21-034-0002
Prop Location: 43 WALKER ST Newton, MA
Owner: ASWAD HERBERT L & LORRAINE E TRS
Co-Owner: THE ASWAD NOMINEE TRUST
Mailing Address:
43 WALKER ST
NEWTONVILLE, MA 02460

Prop ID: 21-034-0003
Prop Location: 49 WALKER ST Newton, MA
Owner: CEDRONE JAY M & ANNE K
Mailing Address:
49 WALKER ST
NEWTON, MA 02460

Prop ID: 21-034-0004
Prop Location: 55-57 WALKER ST Newton, MA
Owner: MEZZETTI WILLIAM & EMER C L/E
Co-Owner: MEZZETTI W L III & EMER C
Mailing Address:
57 WALKER ST
NEWTON, MA 02460

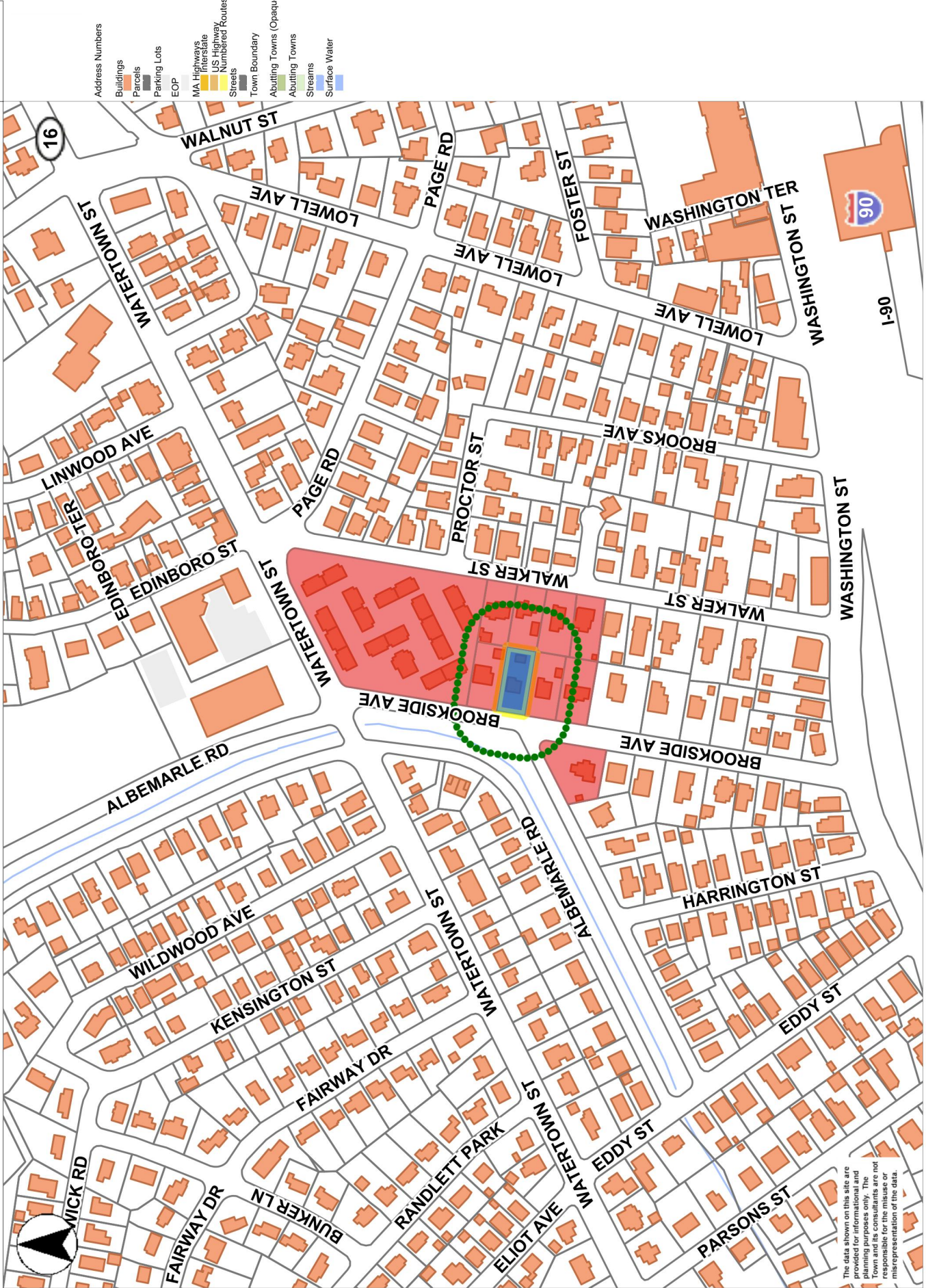
Prop ID: 21-034-0005
Prop Location: 61 WALKER ST Newton, MA
Owner: 61 WALKER STREET LLC
Mailing Address:
28 BROOKS ST
BRIGHTON, MA 02135

Prop ID: 21-034-0021
Prop Location: 46 BROOKSIDE AVE Newton, MA
Owner: LANE NANCY E
Mailing Address:
46 BROOKSIDE AVE
NEWTONVILLE, MA 02460

Prop ID: 21-034-0022
Prop Location: 40 BROOKSIDE AVE Newton, MA
Owner: BIDOLLARI ILDA & GERT
Mailing Address:
40 BROOKSIDE AVE
NEWTONVILLE, MA 02460

Prop ID: 21-034-0024
Prop Location: 28 BROOKSIDE AVE Newton, MA
Owner: GERMANI CLAUDE
Mailing Address:
200 EVELINA DR
MARLBOROUGH, MA 01752

Prop ID: 21-035-0001
Prop Location: 49 BROOKSIDE AVE Newton, MA
Owner: WANG FRANK
Co-Owner: TANG LUJIA
Mailing Address:
49 BROOKSIDE AVE
NEWTON, MA 02460



- 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. Town and its consultants are not responsible for the misuse or misrepresentation of the data.



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