EcoTec, Inc.

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

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

July 14, 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 Single-family House with Site Features in Riverfront Area Only; 518 Quinobequin Road, Newton, Massachusetts -Applicant: Vsevolod Vagodny

To the Commission:

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

Please have the legal notice billed to EcoTec, Inc. (508-752-9666 ext. 3).

Submitted Materials:

This submittal consists of the following:

- 1. This Cover Letter, which includes the
 - a. Wetland Resource Evaluation with1) City of Newton Locus Map;

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2) Flood Insurance Rate Map, Map No. 25017C0553E, 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 Specification, 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. "Storm Water Management Analysis for 518 Quinobequin Road, Newton, Massachusetts," prepared by Thomas A. Ryder, P.E., dated June 30, 2022, stamped and signed by Thomas A. Ryder, P.E., including;
 - a. Narrative, Summary and Results;
 - b. Construction Management and Operations and Maintenance;
 - c. TSS Removal Calculation Sheet;
 - d. Soil Survey Map;
 - e. Soil Report;
 - f. Hydrology Report Pre-existing;
 - g. Hydrology Report Post-development; and
 - h. "Site Plan Drawn for Alex Kogan located at 518 Quinobequin Road, Newton, MA," Sheets 1 to 3 of 3, prepared by Thomas A. Ryder, P.E., dated May 18, 2022, Sheets 1 and 3 revised June 24, 2022, stamped and signed by Thomas A. Ryder, P.E. (provided full-sized electronically and as 11 by 17" in print); and
- 6. Conservation Plan Set:
 - a. "Existing Conditions, 518 Quinobequin Road, Newton, Massachusetts 02468," Sheet 1 of 1, Scale 1" = 10', prepared by RAV & Associates, Inc., dated July 11, 2022, signed and stamped by A. Matthew Belski, Jr., PLS; and
 - b. "Proposed Site Plan, 518 Quinobequin Road, Newton, Massachusetts 02468," Sheet 1 of 1, Scale 1" = 10', prepared by RAV & Associates, Inc., dated July 11, 2022, signed and stamped by A. Matthew Belski, Jr., PLS.

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

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In compliance with the Act and Regulations, all abutters within one hundred feet of the site shall be notified of this submittal via certificate of mailing immediately upon receipt of the meeting notice from the Conservation Commission Staff. Proof of timely notice to abutters, including the required 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 December 15, 2021, EcoTec, Inc. inspected the above-referenced property and the land located along the Charles River across Quinobequin Road to the south 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 0.275± acres (11,997± square feet) of land located to the north of Quinobequin Road and east of Gould Road in the Waban section of Newton, Massachusetts. The site is previously developed and partially degraded with a single-family house with attached one-car garage, various access stairs and landings, and bulkhead; gravel driveway with cobble edge; bluestone front walk; vinyl and wooden fencing; and associated lawn and landscaping including three trees. Roof runoff from house is discharged to the ground surface via downspouts; driveway runoff is not controlled or treated. A concrete curb and two street trees, including one small, recently planted tree, occur between the site and Gould Road; there is no sidewalk along Gould Road. There is no curb or sidewalk but there is one street tree along Quinobequin Road. The wetland resources observed on or near the site are described below.

Wetland Resource Evaluation - Methodology

The subject site and the land located across Quinobequin Road to the south of the subject site were inspected and areas suspected to qualify as wetland resources were identified. Bordering Vegetated Wetlands were not observed on the subject site and were not observed or delineated along the subject reach of the Charles River to the south of the site. The upper boundary of Bank and the Mean Annual High-water Line of the Charles River

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were delineated in the field with blue flags. The Regulations at 310 CMR 10.54(2)(c) states: "The upper boundary of Bank is the first observable break in the slope or the mean annual flood level, whichever is lower." The plant taxonomy used in this report is based on the *National List of Plant Species that Occur in Wetlands: Massachusetts* (Fish and Wildlife Service, U.S. Department of the Interior, 1988). As Bordering Vegetated Wetlands were not observed on the subject site or observed or delineated along the subject reach of the Charles River, DEP Bordering Vegetated Wetland Delineation Field Data Forms were not completed and are not attached to this letter. The table below lists the flag numbers and type and the resource area type and location for flags placed in the field.

Flag Numbers	Flag Type	Wetland Types and Locations			
Start R1 to R16 Stop	Blue Flags	Mean Annual High-water Line (MAHWL) and upper boundary of Bank of the Charles River located across Quinobequin Road to the south of the site.			

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. The Charles River is a perennially mapped stream that is located across Quinobequin Road from the subject site. Bordering Vegetated Wetlands were not observed or delineated along the subject reach of the Charles River. The Charles River would be regulated as Bank and Land Under Water Bodies and Waterways under the Regulations. A 100' Buffer Zone would extend horizontally outward from the edge of Bank under the Regulations; however, this 100' Buffer Zone does not extend to 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 25017C0553E, Effective Date June 4, 2010 (attached), there is a mapped Zone AE (100-year floodplain with a 100-year flood elevation of 66 NAVD 1988 associated with the Charles River at the site. The Charles River and its mapped floodplain are located across Quinobequin Road to the south of the subject site. The site itself is mapped as Other Areas: Zone X (i.e., areas located outside of the 0.2% annual chance flood/areas outside of the 500-year floodplain). Based upon a review of the topography on the subject site, the 100-year floodplain does not extend onto the site; as

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such, Bordering Land Subject to Flooding does not occur on the subject site. Bordering Land Subject to Flooding does not have a 100' Buffer Zone under the Regulations.

Under Section 22-22 of the Ordinance which identifies the Floodplain/Watershed Protection District, under Section (g)1. Floodplain/ Watershed Areas, the subject reach of the Charles River [i.e., (5) Route 9 bridge to Route 128 Bridge] (see attached Newton GIS Browser) has a 100-year floodplain elevation of 72.5 feet City of Newton datum at the site. (The City of Newton datum is NAVD 1988 plus 6.53 feet.) Given the topography on the subject site, the Ordinance Floodplain does not extend onto the subject site. Section 22-22 does not establish any form of buffer zone.

<u>Riverfront Area</u>: The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map, Boston South Quadrangle, dated 1987 (attached), the Charles River, which is always a river, is located across Quinobequin Road to the south of the site. Riverfront Area under the Act and Regulations would extend 200 feet horizontally outward from the Mean Annual High-water Line, which is represented by the R-series flags. Riverfront Area does not have a 100' 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 $11,977\pm$ square feet in size and $9,550\pm$ square feet of the site occur within the outer portion of the 200' Riverfront Area of the Charles River. No other wetland resource areas or the 100' Buffer Zone to a resource area occur on the subject site.

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Quinobequin Road occurs between the subject site and the Charles River; a band of upland forest occurs between Quinobequin Road and the Charles River.

The proposed project consists of the complete demolition of the existing single-family house, bulkhead, landings, and AC units/pads and all associated site features including the gravel driveway with cobble edging, bluestone walk, slate stepping stones, and the existing vinyl and wooden fencing and the construction of a new single-family house with an attached two-car garage, front porch, and landings/steps; a paved driveway to Gould Road; proposed paver front walk, rear proposed paver patio, stockade fencing, and associated 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 Quinobeguin Road. Due to the setback along the northern property boundary and the configuration of the Riverfront Area on the site, the vast majority of the proposed project will occur within the previously developed/degraded portion of the outer Riverfront Area; a portion of the proposed paver patio will occur within existing lawn outside of the Riverfront Area. The proposed patio is a minor exempt activity under 310 CMR 10.02(2)(b)2.e.; the portion of the patio in the outer Riverfront Area does not require permitting under the Act and has been shown on the Site Plan for sake of completeness. The proposed utility disconnections and connections and pavement repairs within Gould Road and Quinobeguin Road occur outside of Riverfront Area or are exempt activities under 310 CMR 10.02(2)(b)2.i., j., and n., respectively; the utility work proposed within the adjacent roadways has been shown on the Site Plan for sake of completeness.

The total impervious/degraded area in the Riverfront Area on the site that is subject to permitting is proposed to be increased by 99± square feet from 3,185± square feet under existing conditions to 3,284± square feet under proposed conditions. The front walk is the closest existing and proposed degraded surface to the Charles River; the existing walk is 145 feet and the proposed walk is 146 feet from the Charles River. The projections on the front of the proposed house are about 5 feet closer to the Charles River than the existing house; the proposed paved driveway is 10 feet further from the Charles River than the existing gravel driveway. Again, Quinobequin Road occurs between the site and the Charles River.

Three trees occur on the site; only one of these trees occurs within the Riverfront Area. The tree in the Riverfront Area is located outside of the erosion control barrier and will be protected by the barrier. No trees are proposed to be removed as part of this project; the recently planted 2" street tree located along Gould Road at the outer edge of the Riverfront Area will be relocated or replaced in consultation with the Tree Warden. The project also includes a proposed trench drain, drainage manhole, and infiltration system to address driveway runoff and runoff from a portion of the roof as required by City of Newton drainage requirements. Details are provided in the June 30, 2022 Stormwater Report

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prepared by Thomas A. Ryder, P.E. included with the Notice of Intent. Lastly, a $350\pm$ square foot enhancement planting area in the Riverfront Area in the southeastern corner of the site is proposed to mitigate for the 99± square foot increase in total degraded surfaces within the Riverfront Area on the site.

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 site as shown on the Site Plan with excess soil trucked from the site. The Site Plan also shows a proposed construction entrance, catch basin inlet protection, and a concrete cleanout area.

Compliance with the applicable performance standards for work in the Riverfront Area is discussed in a subsequent section of this letter.

Enhancement Planting Area Plan:

A 350± square foot enhancement planting area is proposed in the southeastern portion of the site within Riverfront Area. Under existing conditions, this area is maintained lawn. The intent of this plan is to establish a diverse shrubby habitat containing fourteen (14) native shrubs of four species including evergreen and deciduous species and fourteen (14) small shrubs/ground cover of three species including evergreen and deciduous species in this 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.

The proposed 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 Specification included with this letter; the selected 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 Staff. Any excess soil will be removed from the 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 four stone bounds.

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Mitigation Planting Area Monitoring: The mitigation 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 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 shrub plantings shall have a 75% survival rate (or survival rate 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 the Charles River. Quinobequin Road and an area of undeveloped upland forest occur between the subject site and the Charles River. 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 the 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 Riverfront Area found at 310 CMR 10.58(5). A discussion of compliance with the above-referenced standards is 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) <u>General Performance Standard</u>. 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

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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) <u>Protection of Other Resource Areas.</u> 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 portion of the Riverfront Area to the Charles River, which is located across Quinobequin Road to the south of the subject site. No other wetland resource areas occur on the 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 the Charles River does not project onto the subject site; the 100' Buffer Zone is not a wetland resource area under the Regulations.

(b) <u>Protection of Rare Species.</u> 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 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) <u>Practicable and Substantially Equivalent Economic Alternatives.</u> 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

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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) <u>No Significant Adverse Impact.</u> 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:

<u>Redevelopment Within Previously Developed Riverfront Areas; Restoration and</u> <u>Mitigation</u>. 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 11,977± square feet in size and 9,550± square feet of the site is located within the outer Riverfront Area of the Charles River. The subject lot is previously developed and significant degraded area consisting of the existing house with landings and steps, gravel driveway, and front walk occurs on the subject site within the Riverfront Area. Quinobequin Road and an area of undeveloped upland forest occur between the site and the Charles River. The proposed project has been designed to and will result in an improvement over the existing condition.

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The proposed project consists of the complete demolition of the existing single-family house, bulkhead, landings, and AC units/pads and all associated site features including the gravel driveway with cobble edging, bluestone walk, slate stepping stones, and the existing vinyl and wooden fencing and the construction of a new single-family house with an attached two-car garage, front porch, and landings/steps; a paved driveway to Gould Road; proposed paver front walk, rear proposed paver patio, stockade fencing, and associated lawn and landscaping. Degraded areas associated with the proposed project are located further from the Charles River than degraded areas under the existing condition. The house has been set at or near the northern and western setbacks and is as far from the Charles River as possible. The house is shorter and deeper than the existing house and the majority of the proposed house expansion is away from the Charles River. The proposed driveway is located further from the Charles River than the existing driveway. The proposed project results in an increase in degraded area that requires permitting of 99± square feet. No trees are proposed to be removed from the site as part of this project. The project includes a proposed trench drain, drainage manhole, and infiltration system to address driveway runoff and runoff from a portion of the roof 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 via gutters and downspouts. A 350± square foot enhancement planting area in the Riverfront Area in the southeastern corner of the site is proposed to mitigate for the 99± square foot increase in total degraded surfaces within the Riverfront Area on the site. An erosion control barrier, construction entrance, and catch basin inlet protection 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 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 proposed trench drain, drainage manhole, and infiltration system to address driveway runoff and runoff from a portion of the roof 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 via gutters and downspouts. Details are provided in the June 30, 2022 Stormwater Report prepared by Thomas A. Ryder, P.E. included with the Notice of Intent. An Operations and Maintenance Plan is included as part of the above-referenced Stormwater Report.

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(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 over 100 feet from the Charles River; as such, proposed project components on the site cannot be located within 100 feet of the Charles River. Degraded areas associated with the proposed project are no closer to the Charles River than degraded areas under the existing condition. The closest degraded surface under existing conditions is the front walk which is 145 feet from the Charles River; under proposed conditions, the front walk is 146 feet from the Charles River.

(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 further from the Charles River than degraded areas under the existing condition. The house has been set at or near the northern and western setbacks and is as far from the Charles River as possible. The house is narrower side-to-side and deeper front to back than the existing house and the majority of the proposed house footprint expansion is away from the Charles River. The proposed driveway is located further from the Charles River than the existing driveway.

(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 total impervious/degraded area in the Riverfront Area on the site that is subject to permitting is proposed to be increased by 101± square feet from 3,185± square feet under existing conditions to 3,284± square feet under proposed conditions. A 350± square foot enhancement planting area is proposed under Section 10.58(5)(g) to address this slight increase in impervious/degraded area within the Riverfront Area.

(f) When an applicant proposes restoration on-site of degraded riverfront area, alteration ay 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;

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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 degraded Riverfront Area on the site is not proposed as part of this project.

(a) 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.

An enhancement planting area totaling 350± square feet in size will be established within the Riverfront Area. Proposed plantings include fourteen (14) native shrubs of four species 3 to 5 feet in height and fourteen (14) small native shrubs/ground cover of three species 0.5 to 2 feet in height which will be established within the Riverfront Area in the southeastern corner of the site. These plantings will serve to stabilize this area and provide enhanced wildlife habitat, including cover, perching, and foraging habitat, compared to the existing condition. The enhancement planting area will be monitored near the end of the growing season for two years after it is established with 75% survival (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.

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Enhancement of Riverfront Area is proposed as part of this project in the form of a bounded 350± 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.

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 under the Regulations. The proposed project results in a slight increase in impervious/degraded area on the site and in the Riverfront Area; mitigation in the form of stormwater improvements and a 350± square foot enhancement planting area have been provided as part of the project. This plan as proposed meets the applicable performance standards and by regulation serves to protect the statutory interests.

Cordially, ECOTEC. INC.

John P. Rockwood

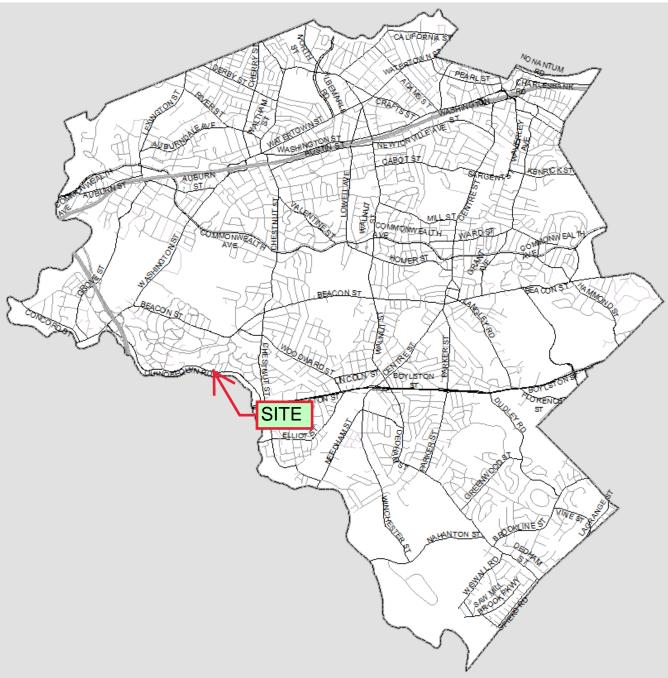
John P. Rockwood, Ph.D., SPWS Principal Environmental Scientist

Cc: Department of Environmental Protection, Northeast Regional Office (by Certified Mail/Return Receipt Requested) Alec Polnarev (Via Email) Vsevolod Vagodny (Via Email) Mikhail Deychman (Via Email)

18/w/NEWTON518QUINOBEQUIN NOI CL WRE PD COMP

NEWTON LOCUS MAP

518 QUINOBEQUIN ROAD



National Flood Hazard Layer FIRMette

FEMA

1°14'22"W 42°19'31"N



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location. Area of Undetermined Flood Hazard Zone D 0.2% Annual Chance Flood Hazard, Areas depth less than one foot or with drainage areas of less than one square mile Zone X of 1% annual chance flood with average Area with Flood Risk due to Levee Zone D Cross Sections with 1% Annual Chance SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT With BFE or Depth Zone AE, AO, AH, VE, AR Area with Reduced Flood Risk due to This map image is void if the one or more of the following map NO SCREEN Area of Minimal Flood Hazard Zone X Without Base Flood Elevation (BFE) authoritative NFHL web services provided by FEMA. This map reflect changes or amendments subsequent to this date and Channel, Culvert, or Storm Sewer Base Flood Elevation Line (BFE) time. The NFHL and effective information may change or The flood hazard information is derived directly from the was exported on 6/18/2022 at 12:08 AM and does not This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. Future Conditions 1% Annual Chance Flood Hazard Zone X The basemap shown complies with FEMA's basemap **Coastal Transect Baseline** No Digital Data Available GENERAL – – – Channel, Culvert, or Storr STRUCTURES IIIIII Levee, Dike, or Floodwall Water Surface Elevation Levee. See Notes. Zone X Digital Data Available Jurisdiction Boundary Hydrographic Feature Regulatory Floodway become superseded by new data over time. Effective LOMRs Coastal Transect **Profile Baseline** Limit of Study Unmapped (B) 20.2 17.5 ~~~~ 513 ~~~~ I I accuracy standards SPECIAL FLOOD HAZARD AREAS OTHER AREAS OF FLOOD HAZARD **OTHER AREAS** OTHER MAP PANELS FEATURES Legend

1:6,000

■ Feet

1,500

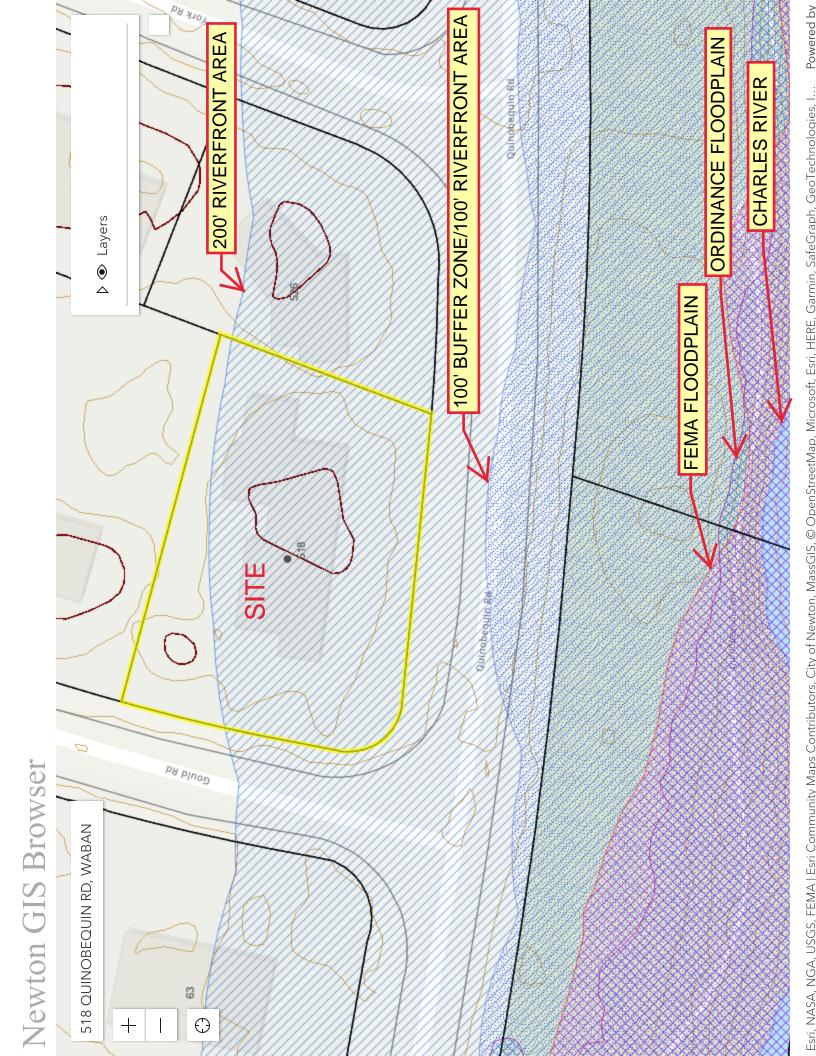
1,000

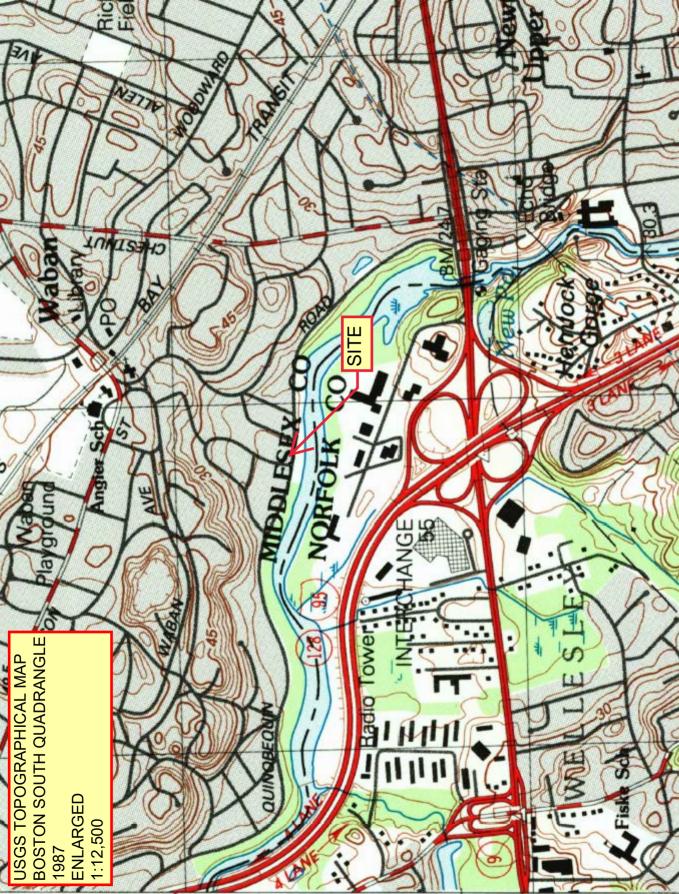
500

250

13'44"W 42°19'5

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 ummapped and unmodernized areas cannot be used for regulatory purposes.







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 peerreviewed 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 518 QUINOBEQUIN ROAD, NEWTON

PREPARED BY ECOTEC, INC. JULY 14, 2022

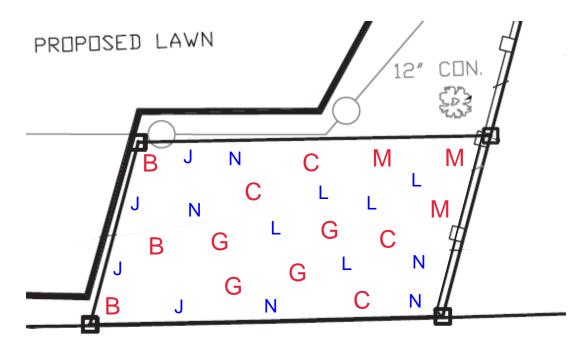
Enhancement Planting Area (350± sf)

Str	Numbe	r	
Sh	rubs (Evergreen and Deciduous); 3-5' height; 5' on-center		14
Μ	Mountain Laurel (Kalmia latifolia)	3	
С	Black Chokeberry (<i>Photinia melanocarpa</i>)	4	
G	Gray Dogwood (Cornus racemosa)	4	
В	Inkberry (<i>llex glabra</i>)	3	
Sm	nall Shrubs; Sizes Below; 5' on-center		14
L	Lowbush Blueberry (Vaccinium angustifolium; 6-12")	5	
J	Common Juniper (Juniperus communis; 18-24")	4	
Ν	Northern Bush Honeysuckle (Diervilla lonicera; 18-24")	5	

-Plants to be placed under direction of qualified wetland scientist.

-Substitutions will be from the above planting list subject to approval by Staff. -Plants must be natives; cultivars and varietals will not be accepted.

-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.



Note: The locations of the individual 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.



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

Parcel address	518 Quinobequin Road		Applicant name Address Email	Vsevolod Vagodny 171 Brookside Road Needham, MA 02492		
Sec/Block/Lot Book & Page	55 / 044 / 0001 49335 & 278		Phone	s.vagodony@gmail.com 508-904-2995		
Owner name Address Email Phone	Judith and Eugene Kohn, Tr. Judith G. Kohn Revocable Trust of 2007 518 Quinobequin Road Newton, MA 02468 jgkohn@rcn.com 617-795-1715		Representative Address Email Phone	John P. Rockwood, Ph.D., SPWS EcoTec, Inc. 102 Grove Street Worcester, MA 01605 jrockwood@ecotecinc.com 508-752-9666 x 3		
Wetland type Wetland type Wetland type	Riverfront Area 	sf/cf affecte sf/cf affecte sf/cf affecte	d	Relevant Perf. Standards Relevant Perf. Standards Relevant Perf. Standards	10. <u>58(4)(a&b)&(</u> 5 10 10	

State Form: NOI Form 3	Included?	🛛 Yes	🗆 No	
Plan* title(s)	See NOI Cov as part of thi		for a con	nplete listing of materials included
Plan date				
Plan stamped by				
*if legible, plans should be 11"x17"				
Narrative	Included?	🛛 Yes	🗆 No	See Cover Letter
Proof that all relevant perf. standards are met	Included?	🛛 Yes	🗆 No	See Cover Letter
Locus map	Included?	🛛 Yes	🗆 No	
Delineation lines (backup material)	Included?	🛛 Yes	🗆 No	See Cover Letter
Fees				
 Fee Transmittal form 	Included?	🛛 Yes	🗆 No	
 City portion of state fee <u>\$ 262.50</u> 	Included?	🛛 Yes	🗆 No	
 City fee <u>\$50</u> 	Included?	🛛 Yes	🗆 No	
Abutter Information				
 List (within 100') 	Included?	🛛 Yes	🗆 No	See Cover Letter
Abutter letter	Included?	🛛 Yes	🗆 No	To be provided once abutter
 Affidavit & proof bring to hearing 	Present the	em at the	e hearin	g notifications are sent.
Other Attachments, e.g.				
Planting Plan	Included?	🛛 Yes	🗆 No	Not Applicable See Planting Specifications
Floodplain analysis	Included?	🗆 Yes	🗆 No	🛛 Not Applicable
Stormwater analysis	Included?	🛛 Yes	🗆 No	Not Applicable See Stormwater Report and Plans
Riverfront Area Alternatives Analysis	Included?	🛛 Yes	🗆 No	Not Applicable See Cover Letter
Restoration or mitigation summary	Included?	🛛 Yes		□ Not Applicable See Cover Letter
Phasing/Sequencing plan, O&M plan, etc.	Included?	🛛 Yes	🗆 No	□ Not Applicable Stormwater Report

Components of a Complete NOI Application

V

----- Components of a Complete NOI Application

V

Conservation Commission Wetland Permit Process

NOI	RDA	Process
1	-	Submit applications (see bullets below) by noon of the Tuesday deadline (16 days before desired hearing):
		a. To Newton Conservation Commission: 1000 Comm Ave., Newton, MA 02459
		• This coversheet (1 paper copy)
		 Complete application (2 paper copies and 1 .pdf) see other side of this page for checklist 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
		b. <u>To Mass DEP Northeast Regional Office</u> : 205B Lowell Street, Wilmington, MA 01887
		• Complete application (see other side of this page): 1 paper copy
		Photocopy of the two state checks c. <u>To DEP Lock Box</u> : Box 4062, Boston MA 02211
		Check for state portion of the state fee
		Fee transmittal form
	1	Submit application by noon of the Tuesday deadline (16 days before the desired hearing):
		a. DEP Form 1 (RDA), b. plans, and c. \$50 check made out to the City of Newton.
-	-	The Conservation Agent will schedule a Public hearing/meeting .
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	The Conservation Agent will place a legal ad in the TAB and the Applicant will be billed for the ad.
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.
-	-	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.
6	3	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:
		 Issue a <u>Determination of Applicability</u> ("negative" determination means no further permitting is needed), Issue an <u>Order of Conditions</u> (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 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

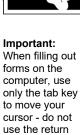
A. General Information

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





key.

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

518 Quinobequi	n Road	Newton	02468
a. Street Address		b. City/Town	c. Zip Code
Latitude and Lor	naitude:	42.32165	-71.23421
	igitudo.	d. Latitude	e. Longitude
55 044	at Namela an	0001	
f. Assessors Map/Pl	at Number	g. Parcel /Lot Number	
Applicant:			
Vsevolod		Vagodny	
a. First Name		b. Last Name	
c. Organization			
171 Brookside F	Road		
d. Street Address			00400
Needham		MA f. State	02492 g. Zip Code
e. City/Town 508-904-2995		s.vagodny@gmail.con	• •
h. Phone Number	i. Fax Number	j. Email Address	1
Property owner	(required if different from	applicant): Check if r	nore than one owner
Judith and Euge	ene	Kohn, Trustees	
a. First Name		b. Last Name	
	ohn Revocable Trust of 2	007	
c. Organization			
518 Quinobequi d. Street Address	n Road		
Newton		MA	02468
e. City/Town		f. State	
617-795-1715		jgkohn@rcn.com	9. Zip 0000
h. Phone Number	i. Fax Number	j. Email address	
–			
Representative	(if any):		
John		Rockwood	
a. First Name		b. Last Name	
EcoTec, Inc.			
c. Company			
102 Grove Stree d. Street Address	et		
Worcester		MA	01605
e. City/Town		f. State	
508-752-9666x3	3	jrockwood@ecotecinc	
h. Phone Number	i. Fax Number	j. Email address	
		-	
Total WPA Fee	Paid (from NOI Wetland I	-ee Transmittal Form):	

b. State Fee Paid

a. Total Fee Paid

c. City/Town Fee Paid





Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Provided by MassDEP:

MassDEP File Number

Document Transaction Number NEWTON City/Town

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

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 single-family house with associated site features partially within the Riverfront Area. Erosion controls, stormwater management facilities, and enhancement plantings 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)?

🗌 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

1.

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)
49335	278
c. Book	d. Page Number

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

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

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



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

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

	<u>Resour</u>	rce Area	Size of Proposed Alteration	Proposed I	Replacement (if any)	
	a. 🗌	Bank				
For all projects affecting other	a		1. linear feet	2. linear fee	t	
	b. 🔄	Bordering Vegetated				
Resource Areas,		Wetland	1. square feet	2. square fe	et	
please attach a narrative	с. 🗌	Land Under				
explaining how	0.	Waterbodies and	1. square feet	2. square fe	et	
the resource		Waterways				
area was delineated.		2	3. cubic yards dredged			
	<u>Resour</u>	<u>rce Area</u>	Size of Proposed Alteration Proposed Replacement (i		Replacement (if any)	
	d. 🗌	Bordering Land				
		Subject to Flooding	1. square feet	2. square fe	et	
		, ,				
			3. cubic feet of flood storage lost	4. cubic feet	t replaced	
	e. 🗌	Isolated Land				
		Subject to Flooding	1. square feet			
			2. cubic feet of flood storage lost	cubic feet	t replaced	
	f. 🖂	Riverfront Area	Charles River - Inland			
			1. Name of Waterway (if available) - specify coastal or inland			
	2.	Width of Riverfront Area	(check one):			
		🔲 25 ft Designated D	Densely Developed Areas only			
		🔲 100 ft New agricul	tural projects only			
		🛛 200 ft All other pro	niects			
			J0010			
	3.	Total area of Riverfront Ar	ea on the site of the proposed proje	-102	9,550 square feet	
	4.	Proposed alteration of the	Riverfront Area:			
	4,9	940 (see Cover Letter)	0	4,940		
	a. 1	total square feet	b. square feet within 100 ft.	c. square feet	between 100 ft. and 200 ft.	
	5.	Has an alternatives analys	sis been done and is it attached to t	his NOI?	🛛 Yes 🗌 No	
	6.	Was the lot where the acti	vity is proposed created prior to Au	gust 1, 1996?	? 🛛 Yes 🗌 No	
3	3. 🗌 Coa	astal Resource Areas: (Se	ee 310 CMR 10.25-10.35)			
	Note:	for coastal riverfront areas	s, please complete Section B.2.f . a	bove.		



Massachusetts Department of Environmental Protection Provided by MassDEP:

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 MassDEP File Number

Document Transaction Number NEWTON City/Town

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		Resource Area		Size of Propose	d Alteration	Proposed Replacement (if any)	
transaction number (provided on your receipt page) with all supplementary information you		а. 🗌	Designated Port Areas	Indicate size u	nder Land Unde	r the Ocean, below	
		b. 🗌	Land Under the Ocean	 1. square feet 2. cubic yards dredc	red		
submit to the Department.		c. 🗌	Barrier Beach	, ,		ches and/or Coastal Dunes below	
		d. 🗌	Coastal Beaches	 1. square feet		 2. cubic yards beach nourishment	
		e. 🗌	Coastal Dunes	 1. square feet		 2. cubic yards dune nourishment	
				Size of Propose	d Alteration	Proposed Replacement (if any)	
		f. 🗌	Coastal Banks	 1. linear feet			
		g. 🗌	Rocky Intertidal Shores	 1. square feet			
		h. 🗌	Salt Marshes	 1. square feet		 2. sq ft restoration, rehab., creation	
		i. 🗌	Land Under Salt Ponds	 1. square feet			
		j. 🗌	Land Containing	 2. cubic yards dredg 	jed		
			k. 🗌	Shellfish Fish Runs	Ocean, and/or ir above 	nland Land Unde	ks, inland Bank, Land Under the er Waterbodies and Waterways,
		I. 🗌	Land Subject to Coastal Storm Flowage	 cubic yards dredg square feet 	jed		
	4. 5.	If the p square				resource area in addition to the ve, please enter the additional	
		a. squar	e feet of BVW		 b. square feet of S	Salt Marsh	
		🗌 Pro	oject Involves Stream Cros	ssings			
		 a. numb	er of new stream crossings		 b. number of repla	acement stream crossings	
			Ū.			-	



Provided by MassDEP: 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

MassDEP File Number

Document Transaction Number NEWTON City/Town

C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. 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
August 1, 2021	1 Rabbit Hill Road Westborough, MA 01581
b. Date of map	Westborough, MA 01501

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*

(a) within wetland Resource Area

(b) outside Resource Area

percentage/acreage

percentage/acreage

- 2. Assessor's Map or right-of-way plan of site
- 2. 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 & (a) buffer zone)
 - Photographs representative of the site (b)

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

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

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



Massachusetts Department of Environmental Protection Provided by MassDEP:

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

MassDEP File Number

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

Document Transaction Number NEWTON City/Town

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

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

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, <u>https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat</u>; 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.
- 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
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If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and North Shore - Hull to New Hampshire border: the Cape & Islands:

Division of Marine Fisheries -Southeast Marine Fisheries Station Attn: Environmental Reviewer 836 South Rodney French Blvd. New Bedford, MA 02744 Email: <u>dmf.envreview-south@mass.gov</u> Division of Marine Fisheries -North Shore Office Attn: Environmental Reviewer 30 Emerson Avenue Gloucester, MA 01930 Email: <u>dmf.envreview-north@mass.gov</u>

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.

d

c. Is this	an aquaculture	project?
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	Yes	\bowtie	No

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



Provided by MassDEP: Massachusetts Department of Environmental Protection

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

Bureau of Resource Protection - Wetlands

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

Online Users: Include your document		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.
transaction number		b. ACEC
(provided on your receipt page) with all	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?
supplementary information you		a. 🗌 Yes 🖾 No
submit to the Department.	6.	Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
		a. 🗌 Yes 🖾 No
	7.	Is this project subject to provisions of the MassDEP Stormwater Management Standards?
		 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if: 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
		2. A portion of the site constitutes redevelopment
		3. Proprietary BMPs are included in the Stormwater Management System.
		b. No. Check why the project is exempt:
		1. Single-family house
		2. Emergency road repair
		3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.
	D.	Additional Information

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

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

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

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



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

MassDEP File Number

Document Transaction Number NEWTON City/Town

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

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. \square 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:

346	6/21/2022
2. Municipal Check Number	3. Check date
348	6/21/2022
4. State Check Number	5. Check date
Vsevolod	Vagodny
6. Payor name on check: First Name	7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection Provided by MassDEP:

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

MassDEP File Number
Document Transaction Number
NEWTON
City/Town

F. Signatures and Submittal Requirements

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

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

See Next Page		
1. Signature of Applicant	2. Date	
3. Signature of Property Owner (if different)	4. Date	
Signature of Representative (if any)	7/14/2022	
5 Signature of Representative (if any)	6. Date	

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



Massachusetts Department of Environmental Protection Pro

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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1. Signature of Applicant 2. Date 4. Date 3. Signature of Property Owner (if different) 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.

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Other:

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

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



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands **NOI Wetland Fee Transmittal Form**

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

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

A. Applicant Information

use only the tab key to move your cursor - do not	
use the return	
key.	
tab	2.

return

1.	Location of Project:				
	518 Quinobequin Road	Newton			
	a. Street Address	b. City/Town			
	348	\$ 237.50			
	c. Check number	d. Fee amount			
2.	Applicant Mailing Address:				
	Vsevolod	Vagodny			
	a. First Name	b. Last Name			
	c. Organization	c. Organization			
	171 Brookside Road				
	d. Mailing Address				
	Needham	MA	02492		
	e. City/Town	f. State	g. Zip Code		
	508-904-2995	s.vagodny@gmail.com			
	h. Phone Number i. Fax Number	j. Email Address			
3.	Property Owner (if different):				
	Judith and Eugene	Kohn, Trustees			
	a. First Name	b. Last Name			
	The Judith G. Kohn Revocable Trust of 2007				
	c. Organization				
	518 Quinobequin Road				
	d. Mailing Address				

Newton MA 02468 e. City/Town f. State g. Zip Code 617-795-1715 jgkohn@rcn.com i. Fax Number h. Phone Number j. Email Address

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

B. Fees

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

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

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

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

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

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

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



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
2a. Single-family House in RFA Only (Not in Other Resource Area or Buffer Zone)	1	\$ 500.00	\$ 500.00

Step 5/Total Project Fee:	\$ 500.00			
Step 6/Fee Payments:				
Total Project Fee:	\$ 500.00 a. Total Fee from Step 5			
State share of filing Fee:	\$ 237.50 b. 1/2 Total Fee less \$ 12.50			
City/Town share of filling Fee:	\$ 262.50 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)

- <u>X</u> 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: 518 QUINOBEQUIN ROAD (SBL 55 044 0001)

Abutters list requires owner names and addresses of: (check all that apply) _____ Abutters to subject property and abutters to abutters

- X 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 jrockwood@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
<i>Total:</i>	Calculated upon completion

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

Signature:	John P. Rockwood	Date: 06/14/2022

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

print this list

Abutters List Date: June 14, 2022

Subject Property Address: 518 QUINOBEQUIN RD Newton, MA Subject Property ID: 55-044-0001

Search Distance: 100 Feet

Prop ID: 55-042-0007 Prop Location: 55 GOULD RD Newton, MA Owner: LEVY JUDY L & ROBERT D Mailing Address:

55 GOULD RD WABAN, MA 02468

Prop ID: 55-042-0008 Prop Location: 63 GOULD RD Newton, MA Owner: GREENBERG LAWRENCE & BONNIE TRS Co-Owner: LAWRENCE J GREENBERG TRUST Mailing Address: 63 GOULD RD WABAN, MA 02468

Prop ID: 55-043-0002 Prop Location: 555 QUINOBEQUIN RD Newton, MA Owner: COMMONWEALTH OF MASSACHUSETTS Mailing Address: 20 SOMERSET ST BOSTON, MA 02108

Prop ID: 55-043-0003 Prop Location: 441 QUINOBEQUIN RD Newton, MA Owner: COMMONWEALTH OF MASSACHUSETTS Mailing Address: 20 SOMERSET ST BOSTON, MA 02108

1/2

6/14/22, 12:37 PM

Abutters Report

Prop Location: 56 GOULD RD Newton, MA Owner: GAVIN LAUREN Co-Owner: BUSHEY THOMAS V Mailing Address: 56 GOULD RD NEWTON, MA 02468

Prop ID: 55-044-0003 Prop Location: 50 GOULD RD Newton, MA Owner: GOYAL MANISH & SURABHI Mailing Address: 50 GOULD RD WABAN, MA 02468

Prop ID: 55-044-0008 Prop Location: 25 YORK RD Newton, MA Owner: VAN NIEL ANTHONY & MAUREEN TRS Co-Owner: VAN NIEL FAMILY TRUST Mailing Address: 25 YORK RD WABAN, MA 02468

Prop ID: 55-044-0009 Prop Location: 526 QUINOBEQUIN RD Newton, MA Owner: NORDGAARD CURTIS L Co-Owner: TSAI LULU M Mailing Address: 526 QUINOBEQUIN RD WABAN, MA 02468

