

# NOTICE OF INTENT

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## Residential Redevelopment 27 Cross Street Newton, Massachusetts



**SUBMITTED TO:**

City of Newton  
Conservation Commission  
1000 Commonwealth Avenue  
Newton, MA 02459

**PREPARED FOR:**

Gabriel Askarinam  
142 Bellingham Road  
Brookline, MA 02467

**PREPARED BY:**

Lucas Environmental, LLC  
500A Washington Street  
Quincy, Massachusetts 02169

**IN ASSOCIATION WITH:**

Spruhan Engineering, P.C.  
Peter Nolan & Associates, LLC

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REPORT DATE: September 6, 2022





September 6, 2022

Newton Conservation Commission  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Notice of Intent  
27 Cross Street  
Newton, MA, 02465

Members of the Newton Conservation Commission:

On behalf of the Applicant and Owner, Gabriel Askarinam, and in association with Spruhan Engineering, P.C., and Peter Nolan & Associates, LLC, Lucas Environmental, LLC (LE) is pleased to submit this Notice of Intent (NOI) to the Newton Conservation Commission for a proposed residential redevelopment project to include the demolition of the existing residence and construction of a two-family residential dwelling at 27 Cross Street in Newton, Massachusetts. The entire property is located within disturbed and developed portions of the Riverfront Area and Bordering Land Subject to Flooding. Proposed work will occur within Riverfront Area, Bordering Land Subject to Flooding, the 100-Foot Buffer Zone to Inland Bank, and the 25-Foot Buffer Zone under the Newton Conservation Commission's (NCC) NVB Policy. This NOI is submitted in accordance with the Massachusetts Wetlands Protection Act (WPA; M.G.L. Ch. 131, Section 40) and implementing regulations (310 CMR 10.00 et seq.), and the Newton Floodplain Ordinance (Sec. 22-22) and Stormwater Ordinance (Z-45 30-5(c)).

## 1.0 EXISTING CONDITIONS

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The subject property is located at 27 Cross Street in Newton, Massachusetts (See Figure 1 – USGS Map, the “Study Area”) and includes approximately 0.38± acre of land. The entire property is currently developed, and includes a two-story, wood frame single-family house with a paved driveway and front walkway, back porch, and landscaped lawn. A stand-alone garage is located at the rear of the parcel. The parcel is zoned as Multi-Residential (MR1). A perennial stream, Cheese Cake Brook, runs along the northern boundary of the subject property, flowing in an easterly direction under Cross Street. The brook is located within a constructed stone channel along the property line. The property is bound by Cheese Cake Brook and residential development to the north, Cross Street to the east, residential development to the south, and commercial development to the west.

A review of the current MassGIS data layer for the Massachusetts Natural Heritage Atlas (effective August 1, 2021) under the Natural Heritage & Endangered Species Program (NHESP) indicates that the property is not located within Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species (See Figure 2 – NHESP/FEMA Map). No Certified or Potential Vernal Pools under the jurisdiction of the Wetlands Protection Act Regulations (310 CMR 10.00 et seq.) or the Massachusetts Endangered Species Act (321 CMR 10.00 et seq.) are mapped by NHESP in the Study Area.

The Study Area is not located within an Area of Critical Environmental Concern (ACEC), Outstanding Resource Water (ORW), Watershed Protection Area, or MassDEP Wellhead Protection Zone.

Cheese Cake Brook (Segment ID MA72-29) is identified as a Category 5 water requiring a Total Maximum Daily Load (TMDL) per the Final MassDEP 2018 Integrated List of Waters (305(b)/303(d)). Waters are listed in Category 5 if they were identified as impaired (i.e., not supporting one or more intended uses), the impairment was related to the presence of one or more “pollutants”, and the source of those pollutants was not considered to be natural. The causes of impairment in Cheese Cake Brook have been identified as algae, dissolved oxygen, Escherichia coli (E. coli), fish bioassessments, total phosphorus, alteration in stream-side vegetative cover, and other anthropogenic substrate alterations. TMDLs have been prepared for algae, E. coli, dissolved oxygen, and total Phosphorus.

## 2.0 WETLAND RESOURCE AREAS

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A Wetland Scientist from Lucas Environmental, LLC (LE) conducted a site investigation at 27 Cross Street in Newton, Massachusetts on August 31, 2021, to determine if wetland resources were present. The wetland investigation was performed in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40) and regulations (310 CMR 10.00 *et seq.*); Section 404 of the Clean Water Act (33 U.S.C. 1344); Massachusetts Department of Environmental Protection (MassDEP) publication “Delineating Bordering Vegetated Wetlands” under the Massachusetts Wetlands Protection Act (1995); the U.S. Army Corp of Engineers (USACE) Wetland Delineation Manual (1987); and the Northcentral and Northeast Regional Supplement (2012). The site investigation was limited to wetland areas within 100 feet and perennial streams within 200 feet of the Study Area.

The following data sources were examined prior to the site investigation:

- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps;
- United States Geological Survey Topographic Quadrangle;
- USGS National Map and National Hydrography Dataset;
- MassGIS MassDEP Wetland and Hydrography Datalayers;
- National Wetland Inventory (NWI) Maps;
- MassGIS Natural Heritage Atlas Datalayers; and
- United States Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) Soil Survey.

The site inspection identified the following wetland resource areas within the Study Area, which are identified on the Site Plans prepared by Spruhan Engineering, dated August 30, 2022.

- Inland Bank;
- Land Under Water Bodies and Waterways (LUWW);
- Bordering Land Subject to Flooding (BLSF); and
- Riverfront Area (RFA).

## 2.1 Resource Area Descriptions

### *Inland Bank – 310 CMR 10.54*

Section 310 CMR 10.54 of the WPA defines Bank as *the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland. The upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level.*

The Bank of Cheese Cake Brook is comprised of the man-made concrete/stone wall and is coincident with the Mean Annual High Water (MAHW) line further described below. No work is proposed within this resource area.

Cheese Cake Brook flows through a man-made concrete/stone channel that is approximately 20 feet wide. Material within the bottom of the channel consists of a stone/cobble/sand mix. The sides of the channel are approximately eight feet in height. Water levels within the stream on the day of the site visit were approximately 1.5 feet deep. Vegetation along the top of the concrete/stone wall includes overhanging Norway maple (*Acer platanoides*), sugar maple (*Acer saccharum*), and slippery elm (*Ulmus rubra*). There are no Bordering Vegetated Wetlands associated with this stream in the Study Area.

### *Land Under Water Bodies and Waterways – 310 CMR 10.56*

Section 310 CMR 10.56 of the WPA defines LUWW as *the land beneath any creek, river, stream, pond or lake. Said land may be composed of organic muck or peat, fine sediments, rocks or bedrock. The boundary of Land under Water Bodies and Waterways is the mean annual low water level.*

LUWW is present within Cheese Cake Brook. The boundary of LUWW was not delineated in the field. No work is proposed within this resource area.

### *Bordering Land Subject to Flooding – 310 CMR 10.57*

Section 310 CMR 10.57(2)(a) of the WPA defines BLSF as *an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland. 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.*

According to the June 4, 2010 FEMA FIRM for the City of Newton, Massachusetts, Map Number 25017C0551E, the entire Study Area is located in a Zone AE area subject to the 1% Annual Chance Flood (100-year flood). The Base Flood Elevation at the site is at approximate elevation 38-39 feet (NAVD 88) or 44.5-45.5 City of Newton Data, with the higher floodplain elevation prevailing and identified on the Site Plans. The brook itself in the vicinity of the subject property is mapped as a Regulatory Floodway. Therefore, BLSF occurs within the entire property and work is proposed within this resource area.



### *Riverfront Area – 310 CMR 10.58*

Section 310 CMR 10.58(2)(a)(3) of the WPA defines RFA as *the area of land between a river's mean annual high water line measured horizontally outward from the river and a parallel line located 200 feet away.*

Cheese Cake Brook is mapped as perennial on the current USGS topographic map (Newton Quad, 2021) and is therefore presumed to be perennial. The MAHW line was delineated in the field with blue survey flagging numbered sequentially from BF1-1 to BF1-8 along the top of the concrete/stone wall of the stream. The Riverfront Area extends 200 feet horizontally from the delineated MAHW/Inland Bank line along Cheese Cake Brook within the Study Area. The entire site is located within the 100-Foot RFA which is currently disturbed and developed. There is no natural RFA located on the site.

## **3.0 PROPOSED WORK**

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Proposed work includes the demolition of an existing wood frame residential dwelling, shed/garage, and driveway, and construction of a new two-family residential dwelling, utilities, stormwater infiltration BMP's, and resource mitigation area. The proposed structure is designed to meet the requirements of the Newton Stormwater Management Ordinance and the Newton Floodplain Ordinance. Design details are provided on the project Site Plans. As noted previously, the site is currently developed, and lies within the 100-Foot RFA and BLSF. Therefore, all work proposed is unavoidably within these resource areas.

The proposed structure will be constructed on piers to elevate the structure above the 100-year flood elevation, and additional flood compensatory area is proposed. The proposed project will result in an increase in the flood storage capacity on the site of approximately 3,041 cubic feet, as detailed on the project Site Plans.

The proposed project will result in an overall increase in impervious area on the lot of approximately 1,805 square feet. Runoff from impervious areas on the lot will be infiltrated on-site. Runoff from paved areas will be directed to a subsurface infiltration system proposed at the front of the site consisting of six Storm Tech units. Roof runoff will be directed to the crushed stone infiltration system proposed at the rear of the proposed dwelling. Details of the design of the infiltration system are provided on the project Site Plans. Proposed mitigation measures are described under Section 5.0 below. Further detail is provided in the Stormwater Report, dated August 30, 2022, prepared by Spruhan Engineering.

### **3.1 Regulatory Compliance**

The proposed project is the redevelopment of previously developed Riverfront Area. As stated under 310 CMR 10.58(5): *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.*

This criterion is met. The lot is previously developed and contains degraded areas. Proposed work will result in an improvement over existing conditions relative to increased flood storage capacity, improved stormwater management with runoff being infiltrated, and habitat mitigation through establishment of a naturalized wildflower area.

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

This criterion is met. The project is not subject to the MassDEP stormwater management regulations and fully complies with City of Newton stormwater standards.

- (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).*

Existing development (landscaping) is present to the Bank of Cheese Cake Brook. The limit of proposed work (at the erosion control barrier) is approximately seven feet from the Bank at its closest point. This does not include the proposed Mitigation Area, which abuts the Bank.

- (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).*

This criterion is met. The entire site is located within the inner Riparian Zone and the structure is proposed as far from the brook as practicable. The new structure is located further (26.1 feet) from the brook than the existing residence (23.6 feet).

- (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).*

Per 310 CMR 10.58(4)(d) of the WPA, the Conservation Commission *may allow the alteration of up to 5,000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997.* As such, the Commission may allow the additional 1,804.65 square feet of new impervious surface as it is well below the 5,000 square feet for new development. The Commission may review the alterations on a site with these conditions under both the new and redevelopment standards of the RFA, assuming all impacts are reviewed cumulatively.

- (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:*

The new disturbance consists of approximately 1,840.64 square feet of impervious area which is only 160 square feet above the 10% threshold. This will be mitigated through a mitigation area of 1,111 square feet. Additional mitigation proposed is discussed per 310 CMR 10.58(5)(g) below.

1. *removal of all debris, but retaining any trees or other mature vegetation;*

Existing trees along the brook will be retained.

2. *grading to a topography which reduces runoff and increases infiltration;*

Stormwater runoff from proposed impervious areas will be directed to infiltration structures.

3. *coverage by topsoil at a depth consistent with natural conditions at the site; and*

Restored impervious areas of the existing driveway and shed/garage will be graded with topsoil at a depth consistent with natural conditions at the site.

4. *seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;*

Seeding with a wildflower seed mix is proposed for the Mitigation Area and existing trees in this area will be retained.

- (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 through 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 Energy and Environmental Affairs.*

Although the proposed project does not fully meet the restoration criteria based on square footage, there are other improvements proposed to provide significant environmental protection. In addition to the proposed wildflower mitigation area, these include full infiltration of proposed impervious surfaces at the site, (where currently stormwater runoff from impervious surfaces is not infiltrated), and a significant increase in flood storage volume on the site of 3,041 cubic feet.

### **3.2 Alternatives Analysis**

Because the site lies entirely within the inner Riverfront Area and BLSF, there are no alternatives other than a no-build alternative that would avoid impacts to these resource areas. The proposed alternative places the structure as far as practicable from the brook and toward the front of the lot to preserve a consolidated area of Riverfront Area to the rear of the lot. Other configurations were considered; however, it required location of the new structure closer to the brook.

## **4.0 PROPOSED MITIGATION**

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There are several aspects of the mitigation proposed at the site. These include establishment of a 1,111 square foot naturalized wildflower area (the “Mitigation Area”), an increase in flood storage volume of approximately 3,041 cubic feet, and infiltration of runoff from impervious surfaces on the site (which currently has no infiltration BMP’s). Details regarding stormwater management and compensatory flood storage volume are provided on the Site Plans.

The NCC Naturally Vegetated Buffer (NVB) Policy seeks to maintain or establish a 25-foot naturally vegetated buffer of native trees, shrubs, and low-growing vegetation to the maximum extent feasible immediately upgradient of the edge of a resource area. However, due to the narrow nature of the lot, it is not feasible to establish a NVB of this width along Cheese Cake Brook. Therefore, existing trees will be maintained along the brook and a Mitigation Area has been proposed at the rear of the property abutting the brook within the RFA and NVB.

In accordance with the Newton Mitigation Planting Guidelines, the Mitigation Area is designed to be consolidated rather than a narrow strip; to not include walls or fences within the Mitigation Area; to be sited away from the buildings and road; and to utilize native plants with high habitat value (pollinator species). In addition, the existing trees will also be retained in this area. The approximately 1,111 square foot Mitigation Area will be seeded with a wildflower seed mix. One pound of the New England Wildflower seed mix, available from New England Wetland Plants, Inc., (or other appropriate seed mix approved by the Newton Conservation Commission) is proposed for this area (application rate of one pound per 1,900 square feet). The composition of this seed mix is indicated in Table 4-1.

Erosion control/sediment barriers are proposed consisting variously of a 12-inch diameter silt sock and silt fence with straw bales. In addition, a crushed stone construction entrance is proposed to minimize transport of sediment onto public roads. Locations and details of the erosion controls are provided on the Site Plans.

**TABLE 4-1  
NEW ENGLAND WILDLIFE SEED MIX**

<b>Species</b>	<b>Latin Name</b>	<b>Indicator Status</b>
Little Bluestem	<i>Schizachyrium scoparium</i>	FACU
Indian Grass	<i>Sorghastrum nutans</i>	UPL
Partridge Pea	<i>Chamaecrista fasciculata</i>	FACU
Virginia Wild Rye	<i>Elymus virginicus</i>	FACW-
Canada Wild Rye	<i>Elymus canadensis</i>	FACU+
Red Fescue	<i>Festuca rubra</i>	FACU
Butterfly Milkweed	<i>Asclepias tuberosa</i>	NI
New York Ironweed	<i>Vernonia noveboracensis</i>	FACW+
Evening Primrose	<i>Oenothera biennis</i>	FACU-
New England Aster	<i>Aster novae-angliae</i> ( <i>Symphotrichum novae-angliae</i> )	FACW-
Black Eyed Susan	<i>Rudbeckia hirta</i>	FACU-
Early Goldenrod	<i>Solidago juncea</i>	NI
Hollow-Stem Joe Pye Weed	<i>Eupatorium fistulosum</i> ( <i>Eutrochium fistulosum</i> )	FACW
Starved/Calico Aster	<i>Aster lateriflorus</i> ( <i>Symphotrichum lateriflorum</i> )	FACW

#### 4.1 Monitoring

The Mitigation Area will be monitored once annually during the growing season for two growing seasons. An annual report will be prepared and submitted to the Newton Conservation Commission describing the status of the Mitigation Area, including percent vegetative cover, survival of seeded vegetation, evidence of invasive species, evidence of erosion or sedimentation and any recommended remediation, if necessary.

#### 5.0 SUMMARY

It is LE's opinion, based on our professional education, training, and familiarity with the project site, that the proposed work will not have any adverse effect on any interests identified in the Wetlands Protection Act. The proposed design achieves the goals of the Applicant, while being sensitive to adjacent regulated resource areas. Accordingly, the Applicant respectfully requests that the Conservation Commission consider a finding that the proposed design is adequately protective of the interests identified in the Wetlands Protection Act and issue an Order of Conditions approving the project as described in this Notice of Intent and as shown on the attached Site Plans.



500A Washington Street, Quincy, MA 02169

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Please find included with the NOI application package the WPA Form 3, project narrative, figures, photographic documentation, abutter notification, filing fees, and Site Plans. We respectfully request that you place this matter on your agenda for the September 22, 2022, Public Hearing.

If you have any questions, please do not hesitate to contact me at 617.405.4118 or [jho@lucasenviro.com](mailto:jho@lucasenviro.com). Thank you for your consideration in this matter.

Sincerely,  
**LUCAS ENVIRONMENTAL, LLC**

A handwritten signature in blue ink that reads 'Joseph H. Orzel'.

Joseph H. Orzel, PWS  
Project Manager/Wetland Scientist

Enclosures:

1. Conservation Commission Wetland Application Coversheet/Checklist
2. WPA Form 3
3. USGS Map (Figure 1)
4. NHESP/FEMA Map (Figure 2)
5. Photographic Documentation
6. Abutter Information
7. NOI Wetland Fee Transmittal Form
8. Filing Fees/Copy of Checks

cc: Gabriel Askarinam (Applicant/Owner)  
MassDEP – NERO





Ruthanne Fuller  
Mayor

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

Telephone  
(617) 796-1120  
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August 18, 2022  
Barney S. Heath  
Director

**Conservation Commission Wetland Application Coversheet/Checklist**

**Date** September 6, 2022

Fill in all white cells completely

<b>Parcel</b> Address Sec/Block/Lot Book & Page	27 Cross Street 30 / 007 / 0019 Book 12505 / Page 463 Book 19297 / Page 454	<b>Applicant name</b> Address Email Phone	Gabriel Askarinam 142 Bellingham Road gabi327@gmail.com 516.508.6335
<b>Owner name</b> Address Email Phone	Gabriel Askarinam 142 Bellingham Road gabi327@gmail.com 516.508.6335	<b>Representative</b> Address Email Phone	Lucas Environmental, LLC 500A Washington Street, Quincy, MA 02169 jho@lucasenviro.com 617.405.4118

<b>Wetland type</b>	Riverfront Area	<b>sf/cf affected</b>	16,589 sf	<b>Relevant Perf. Standards</b>	10.58(4)
<b>Wetland type</b>	BLSF	<b>sf/cf affected</b>	3,041 cf	<b>Relevant Perf. Standards</b>	10.57(4)(a)
<b>Wetland type</b>		<b>sf/cf affected</b>	(gain)	<b>Relevant Perf. Standards</b>	10._____

Components of a Complete NOI Application

<b>State Form: NOI Form 3</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Engineered Plan* title(s)</b> Plan date Plan stamped by <small>*if legible, plans should be 11"x17"</small>	27 Cross Street, Newton, Massachusetts (5 sheets) August 30, 2022 EDMOND T. SPRUHAN (Professional Engineer) and PETER J. NOLAN (Professional Land Surveyor).
<b>Narrative</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Proof that all relevant perf. standards are met</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Locus map</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Delineation lines (backup material)</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Fees</b> ● Fee Transmittal form ● City portion of state filing fee <u>\$800.00</u> ● City's separate filing fee <u>\$50</u>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Abutter Information</b> ● Certified abutters list (within 100') ● Newton's Abutter notification form ● Affidavit & proof -- bring to hearing	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>Present them at the hearing</i>
<b>Other Attachments, e.g.</b>	
<b>Planting Plan</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Floodplain analysis</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Stormwater analysis</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Riverfront Area Alternatives Analysis</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Restoration or mitigation summary</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<b>Phasing/Sequencing plan, O&amp;M plan, etc.</b>	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable

## Conservation Commission Wetland Permit Process

RDA	NOI	Steps in Permitting Process		
1.	1.	<b>Get a certified list of all abutters within 100' of property lines from the Newton Assessor's Office.</b>		
	2.	<b>Submit applications by noon of the Tuesday deadline</b> (16 days before the desired hearing) to: <ol style="list-style-type: none"> <li>a. <u>Newton Conservation Commission</u>:               <ul style="list-style-type: none"> <li>• <b>Complete NOI or RDA application packet</b> <u>via electronic submission through NewGov</u>. For NOIs use the application checklist to ensure completeness.                   <ul style="list-style-type: none"> <li>• <b>Application coversheet, state forms, narrative, photocopies of checks, ALL attachments</b></li> <li>• <b>Plans</b> (11"x17" if legible) stamped by engineer if any aspect of the project requires engineering.</li> </ul> </li> <li>• <b>Application fees</b> <u>via mail to Newton Conservation Office, 1000 Commonwealth Ave., Newton, MA 02459</u>. For NOIs use the application checklist to ensure completeness.                   <ul style="list-style-type: none"> <li>• <b>Check to City of Newton</b> for city portion of the state filing fee</li> <li>• <b>\$50 check to City of Newton</b> for city filing fee</li> </ul> </li> </ul> </li> <li>b. <u>Mass DEP Northeast Regional Office</u>: 205B Lowell Street, Wilmington, MA 01887 (1 paper copy)               <ul style="list-style-type: none"> <li>• <b>Complete NOI or RDA application packet (hard copy) AND Photocopy of the two state filing fee checks</b></li> </ul> </li> <li>c. <u>DEP Lock Box</u>: Box 4062, Boston MA 02211               <ul style="list-style-type: none"> <li>• <b>Check to Commonwealth of Mass.</b> for state portion of the state fee <u>AND Fee transmittal form</u></li> </ul> </li> </ol>		
			<i>The Conservation Agent will determine application completeness and assign a public hearing/meeting date and time.</i>	
	3.	Once you have the date and time of the hearing, using the City's " <b>Notification to Abutters Form</b> ", <b>notify all abutters within 100' of the property line</b> via <b>certified mail, certificate of mailing, or hand delivery with signatures</b> .		
			<i>The Conservation Agent will place a legal ad in the Boston Herald and the Applicant will receive an email with instructions to pay.</i>	
	4.	<b>Stake the project.</b> 2 weeks in advance of the public hearing, stake all proposed structures, erosion control barriers, stormwater systems, etc. within Con Com jurisdiction.		
			<i>The Conservation Agent will perform a site visit before the public hearing to confirm existing conditions and proposed work. If you wish to be informed of the time of the visit, please contact the Con Com office.</i>	
			<i>One week prior to the meeting, when the agenda is posted, the Conservation Agent will send all Applicants detailed Conservation staff notes and recommendations (from the Conservation Commission's detailed agenda).</i>	
	5.	<b>Applicants may submit revised materials (via NewGov) by the Tuesday prior to the meeting</b> (to be reviewed and discussed at the meeting) or <b>may request a continuation</b> to a future Conservation Commission meeting.		
	2.	6.	<b>Attend the public hearing/meeting.</b> The applicant or representative is expected to <b>provide proof of abutter notification</b> , briefly <b>present the project</b> , and <b>answer any questions about possible impacts on wetlands</b> . At the end of the hearing, the Con Com will either: <ul style="list-style-type: none"> <li>• <b>Issue a Determination of Applicability</b> ("negative" determination means no further permitting is needed),</li> <li>• <b>Issue an Order of Conditions</b> (OOC) approving or denying the project, or</li> <li>• <b>Approve a continuation</b> of the public hearing, to allow time for additional information to be provided.</li> </ul>	
	3.	7.	<b>Receive and read the decision and understand the conditions.</b> Contact the Con Com if you have any questions. Some conditions are temporary (such as maintaining erosion controls), and some are perpetual (such maintaining restoration planting areas or limiting the use of fertilizers and outdoor lighting).	
			8.	<b>Wait-out the 10-Day appeal period.</b> A decision of the Con Com can be appealed to MassDEP by any abutter, applicant, or 10-citizen group within 10 business days of the decision.
			9.	<b>Record the Order</b> at the Registry of Deeds. <b>Provide proof of recording</b> to the Conservation office.
		10.	<b>Install MassDEP file number sign and erosion controls.</b>	
		11.	<b>Schedule and attend a pre-construction site visit.</b> Contact the Conservation office to schedule the site visit.	
4.	12.	<b>Execute the project.</b> The project must be completed within 3 years, unless an extension of the permit is issued.		
		13.	<b>Request a Certificate of Compliance (COC) via NewGov.</b> Once the project is complete and all conditions have been satisfied, request a COC from the Conservation office by submitting: (1) DEP <b>Form 8a</b> , (2) a stamped <b>as-built plan</b> , and (3) a <b>letter from the engineer</b> stating that everything is in substantial compliance with the approved plans and OOC.	
		<i>The Con Com will perform a site visit to ensure compliance, and will issue a COC if appropriate.</i>		
		14.	<b>Record the Certificate of Compliance (COC)</b> at the Registry of Deeds to remove the cloud from the title. <b>Provide proof of recording to the Conservation office.</b>	



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

Provided by MassDEP:

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MassDEP File Number

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Document Transaction Number

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Newton

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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>27 Cross Street</u>	<u>Newton</u>	<u>02465</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.350945° N</u>	<u>71.219209° W</u>	
d. Latitude	e. Longitude	
<u>31-007</u>	<u>0019</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Gabriel</u>	<u>Askarinam</u>	
a. First Name	b. Last Name	
<u>Gaskarinam Realty Trust</u>		
c. Organization		
<u>142 Bellingham Road</u>		
d. Street Address		
<u>Brookline</u>	<u>MA</u>	<u>02467</u>
e. City/Town	f. State	g. Zip Code
<u>516.508.6335</u>	<u>gabi327@gmail.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

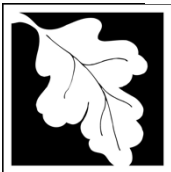
<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Joseph</u>	<u>Orzel</u>	
a. First Name	b. Last Name	
<u>Lucas Environmental, LLC</u>		
c. Company		
<u>500A Washington Street</u>		
d. Street Address		
<u>Quincy</u>	<u>MA</u>	<u>02169</u>
e. City/Town	f. State	g. Zip Code
<u>617.405.4118</u>	<u>617.405.4465</u>	<u>jho@lucasenviro.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



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
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Newton
City/Town

## A. General Information (continued)

### 6. General Project Description:

The Applicant is proposing the demolition of an existing wood frame residential dwelling, shed, and driveway, and construction of a new two-family residential dwelling, utilities, stormwater infiltration BMP's, and resource mitigation area.

### 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 → Two-family residential building

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

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

#### 2. Limited Project Type

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

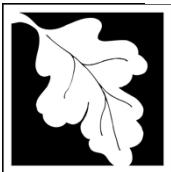
### 8. Property recorded at the Registry of Deeds for:

Middlesex South	
a. County	b. Certificate # (if registered land)
12505 / 19297	463 / 454
c. Book	d. Page Number

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

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

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



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

**WPA Form 3 – Notice of Intent**

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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 checked="" type="checkbox"/> Bordering Land Subject to Flooding	16,589 1. square feet 898.4 3. cubic feet of flood storage lost	2. square feet 3,939.7 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	Chees Cake Brook 1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

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

3. Total area of Riverfront Area on the site of the proposed project: 16,589 sf (entire lot)  
square feet

4. Proposed alteration of the Riverfront Area:

4,463 sf (impervious area)      4,463 sf (impervious area)      0 sf  
 a. total square feet                      b. square feet within 100 ft.                      c. square feet between 100 ft. and 200 ft.

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

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

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

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



Massachusetts Department of Environmental Protection  
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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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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

	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	_____	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	

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

_____	_____
a. square feet of BVW	b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

_____	_____
a. number of new stream crossings	b. number of replacement stream crossings





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

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## C. Other Applicable Standards and Requirements

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

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

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

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

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

- August 1, 2021  
b. Date of map

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

- c. Submit Supplemental Information for Endangered Species Review\*

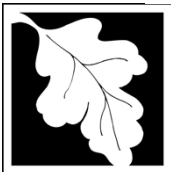
- Percentage/acreage of property to be altered:
  - (a) within wetland Resource Area \_\_\_\_\_ percentage/acreage
  - (b) outside Resource Area \_\_\_\_\_ percentage/acreage
- Assessor's Map or right-of-way plan of site

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

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

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

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



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

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

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

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

(d)  Vegetation cover type map of site

(e)  Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

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

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

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

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

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

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

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



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

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

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

**D. Additional Information**

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

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

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

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

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



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

Provided by MassDEP:

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MassDEP File Number

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Document Transaction Number

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**D. Additional Information (cont'd)**

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

4.  List the titles and dates for all plans and other materials submitted with this NOI.

27 Cross Street ,Newton, Massachusetts (5 Sheets)

a. Plan Title

Spruhan Engineering, P.C. and Peter Nolan & Associates, LLC

EDMOND T. SPRUHAN, P.E. & PETER J. NOLAN, P.L.S.

b. Prepared By

c. Signed and Stamped by

August 30, 2022

1" = 10'

d. Final Revision Date

e. Scale

Stormwater Report

August 30, 2022

f. Additional Plan or Document Title

g. Date

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

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

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

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

**E. Fees**

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

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

110

August 18, 2022

2. Municipal Check Number

3. Check date

109

August 18, 2022

4. State Check Number

5. Check date

Gabriel

Askarinam

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

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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.

<u>Gabriel Askarinam</u>	<u>8/18/2022</u>
1. Signature of Applicant	2. Date
<u>[Signature]</u>	<u>8/18/2022</u>
3. Signature of Property Owner (if different)	4. Date
<u>[Signature]</u>	<u>8/29/2022</u>
5. Signature of Representative (if any)	6. Date

333 WASHINGTON ST #601      GAB1327@GMAIL.COM  
BOSTON MA 02108      516.508.6335

**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:**

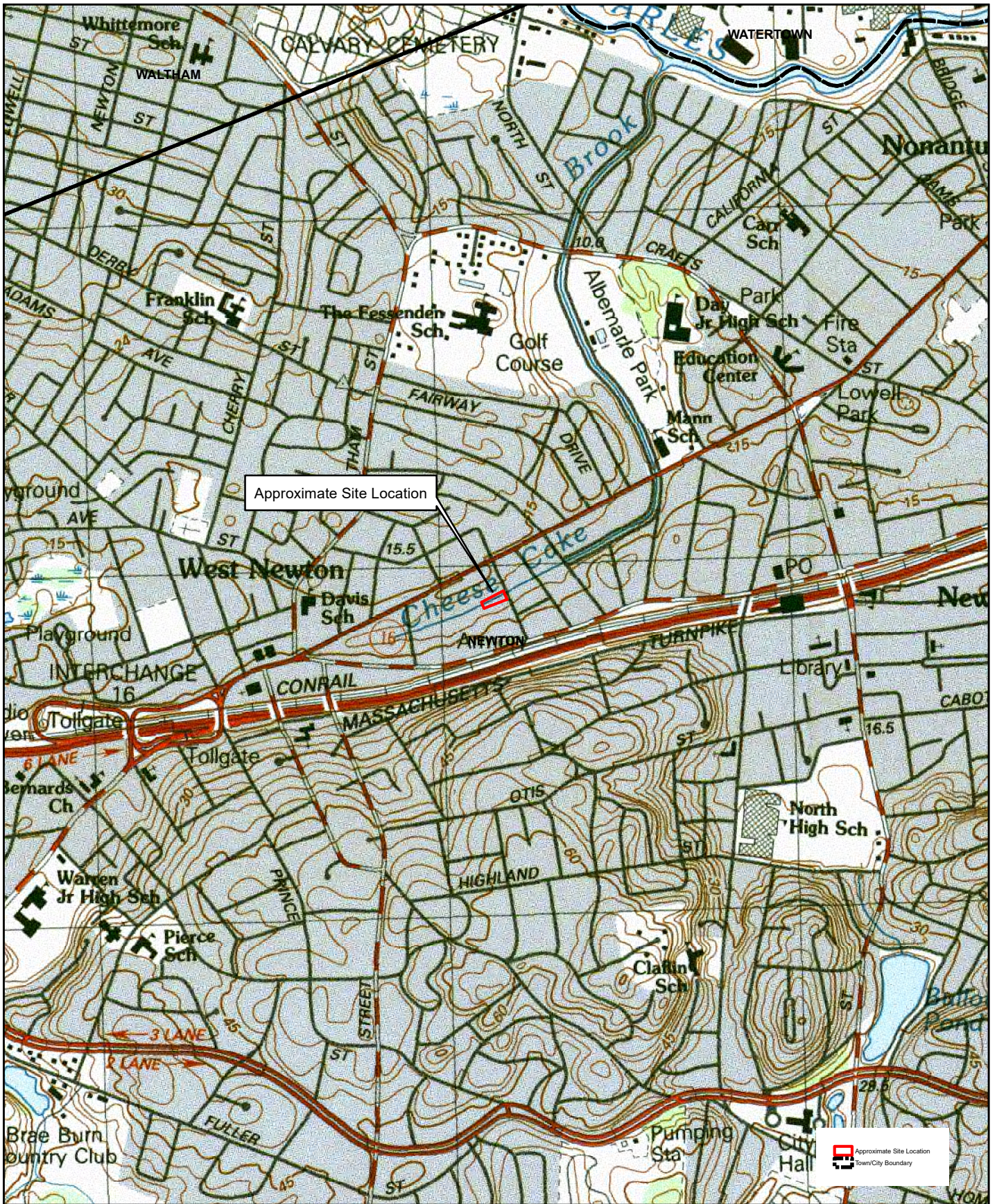
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

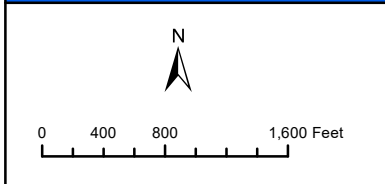
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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.





Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs, USGS Topographic Quadrangle Images

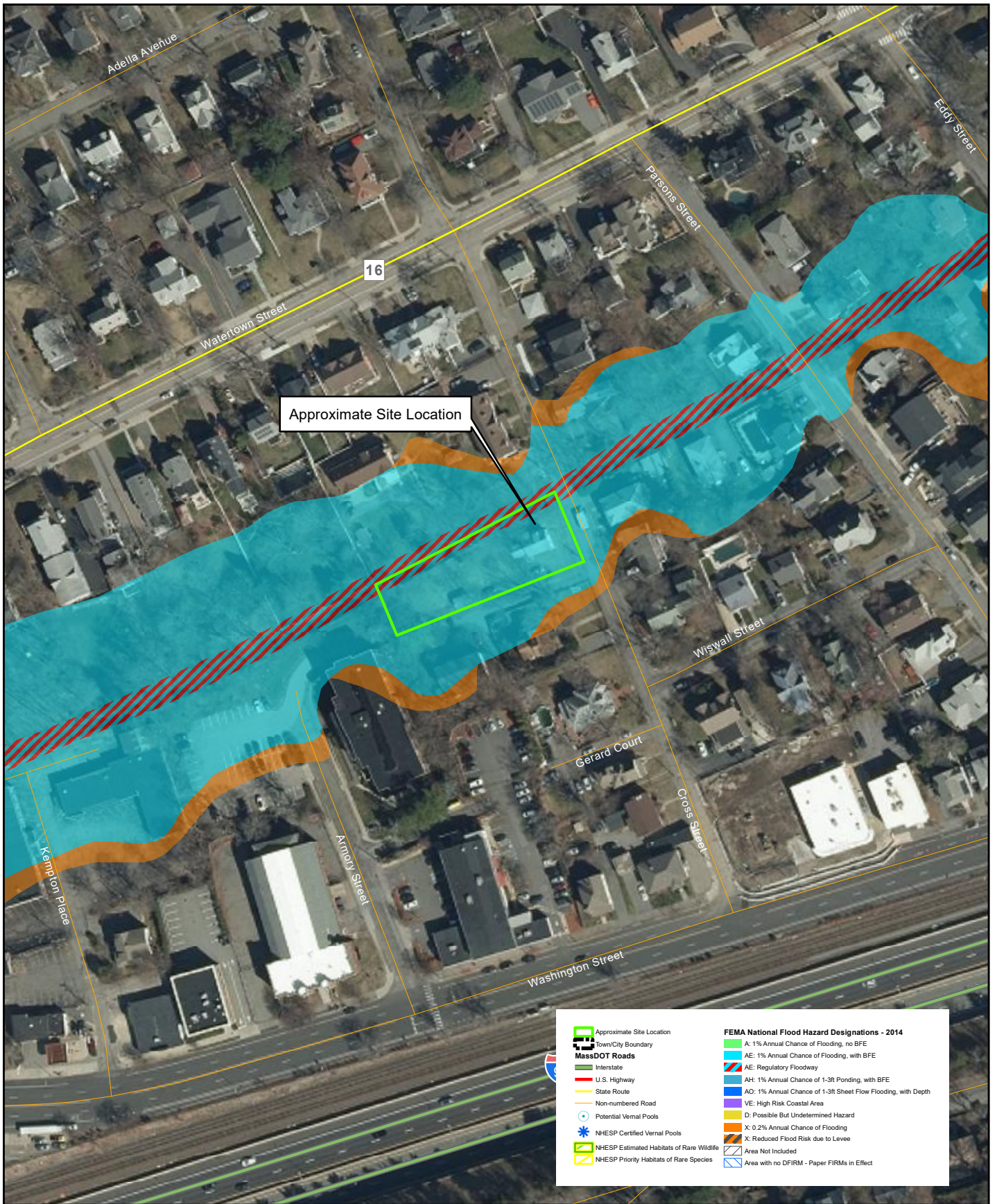


**USGS Map**  
 Notice of Intent  
 27 Cross Street  
 Newton, MA

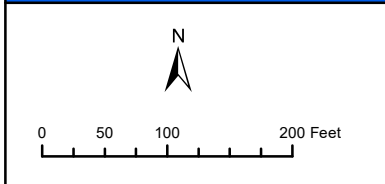
**FIGURE 1**

**LUCAS**  
 ENVIRONMENTAL, LLC





Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs; USGS Color Ortho Imagery - 15cm (2021)



**NHESP/FEMA Map**  
**Notice of Intent**  
**27 Cross Street**  
**Newton, MA**

**FIGURE 2**





## PHOTOGRAPHIC DOCUMENTATION

DATE: August 31, 2021



Photograph 1: Existing residential structure, driveway, and shed/garage on the site.



Photograph 2: Existing structure and proximity to Cheese Cake Brook.

## PHOTOGRAPHIC DOCUMENTATION

DATE: August 31, 2021



Photograph 3: Cheese Cake Brook within the constructed stone/concrete Banks.



Photograph 4: Rear area of the lot with Cheese Cake Brook to the left in the photo.

## **Notification to Abutters under the Massachusetts Wetlands Protection Act and Newton Wetlands Protection Ordinance**

In accordance with the Massachusetts Wetlands Protection Act (Mass. General Laws Chapter 131, Section 40) and the Newton Floodplain Protection Ordinance (City Ordinance Section 22-22. Floodplain/Watershed Protection Provisions), you are hereby notified of the following.

**The applicant** has filed a **Notice of Intent** with the Newton Conservation Commission seeking permission to “**remove, fill, dredge or alter an area subject to protection under the Wetlands Protection Act**” and/or **Newton Floodplain Protection Ordinance**.

**Applicant:** Gabriel Askarinum

**Project Location:** 27 Cross Street, Newton, MA

**Project Site Section-Block-Lot:** 31-007-0019

**Project Description:** The Applicant is proposing the demolition of an existing wood frame dwelling, shed, and driveway, and construction of a new two-family dwelling, stormwater infiltration BMP's, and resource mitigation area.

### **A Public Hearing will be held remotely via Zoom.**

During the COVID-19 outbreak, Gov. Baker issued an Emergency Order on March 12, 2020, allowing public bodies greater flexibility utilizing technology in the conduct of public meetings under the Open Meeting Law. The City of Newton implemented remote participation procedures allowed under Gov. Baker’s Emergency Order for all boards, committees, and commissions.

**The Public Hearing will be held remotely on (date and time):** September 22, 2022 at TBD  
and notice will be published at least five (5) days in advance in the TAB newspaper.

### **The Public Hearing can be accessed remotely:**

- From your computer using Meeting ID: TBD or
- From your phone: Dial +1 646 558 8656, followed by Meeting ID# TBD

### **Information regarding the date, time, and Zoom ID for the public hearing:**

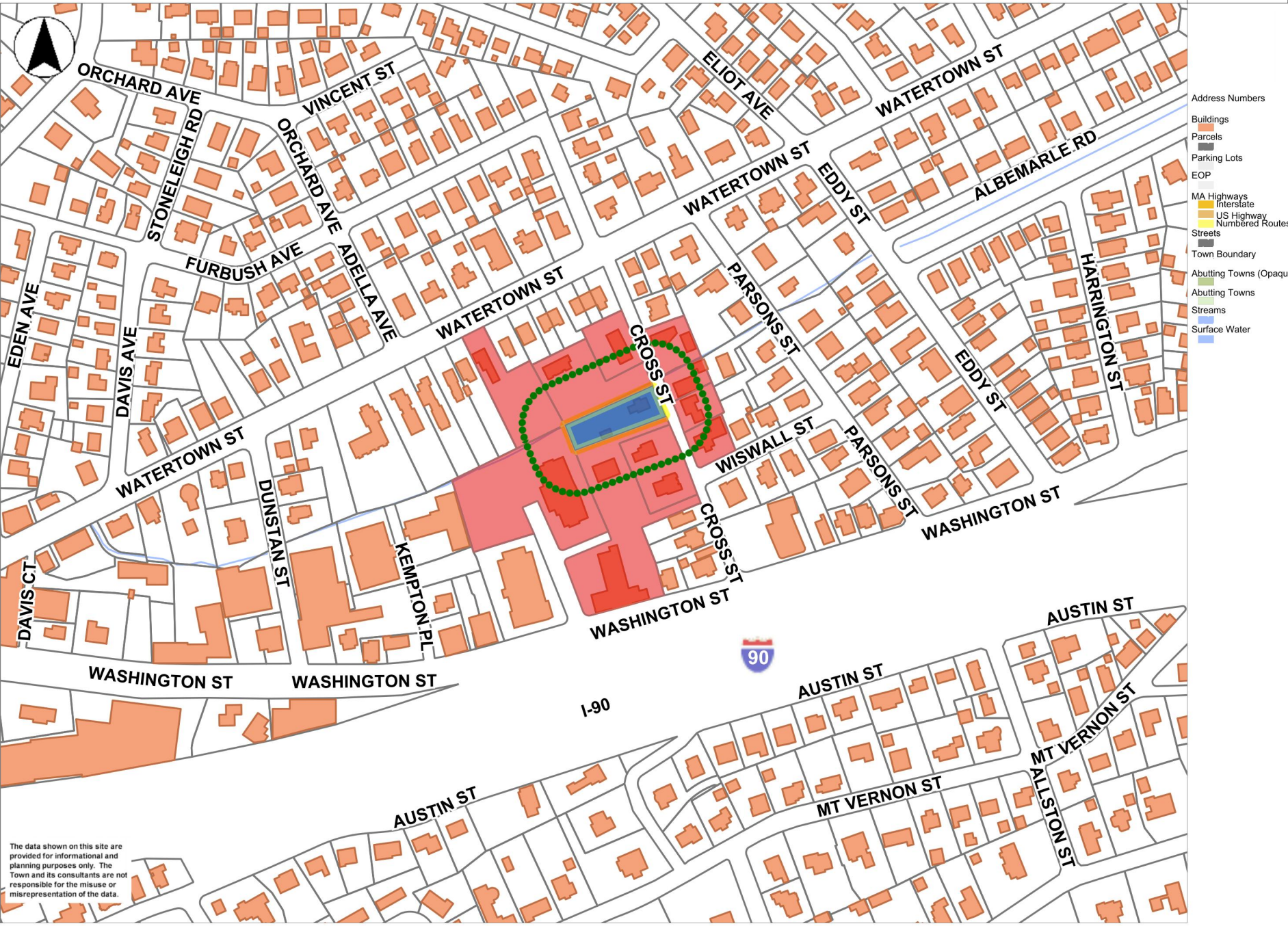
- Will be posted on the Conservation Commission website 48 hours in advance of the hearing
- May be obtained from the Newton Conservation Commission by calling 617-796-1134 or emailing [jsteel@newtonma.gov](mailto:jsteel@newtonma.gov) or [emenounos@newtonma.gov](mailto:emenounos@newtonma.gov).

### **Copies of the Notice of Intent:**

- Can be found on the Newton Conservation Commission’s website “Meeting Documents” tab: <https://www.newtonma.gov/government/planning/boards-commissions/conservation-commission/meeting-documents>)
- Can be requested from the Northeast Regional Office of the Department of Environmental Protection at 978-694-3200.

This is a notification required by law. You are receiving this notification because you have been identified as the owner of land abutting another parcel of land for which certain activities are proposed. Those activities require a permit under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40).





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



Printed on 08/17/2022 at 11:43 AM

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

Date: August 17, 2022

Subject Property Address: 27 CROSS ST Newton, MA  
Subject Property ID: 31-007-0019

Search Distance: 100 Feet

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Prop ID: 31-007-0009  
Prop Location: 868 WATERTOWN ST Newton, MA  
Owner: FERN TRACEY E TR  
Co-Owner: 868 WATERTOWN ST RLTY TRUST  
Mailing Address:

868 WATERTOWN ST  
NEWTON, MA 02465

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Prop ID: 31-007-0017  
Prop Location: 15-19 CROSS ST Newton, MA  
Owner: DESANTIS ARGIA & ANTONIO TRS  
Co-Owner: ANTONIO DESANTIS IRR TRST  
Mailing Address:  
15 CROSS ST  
WEST NEWTON, MA 02465

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Prop ID: 31-007-0018  
Prop Location: 21-23 CROSS ST Newton, MA  
Owner: VISCARIELLO MARCO  
Co-Owner: VISCARIELLO MONIQUE S  
Mailing Address:  
21 CROSS ST  
WEST NEWTON, MA 02465

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Prop ID: 31-007-0020  
Prop Location: 35 CROSS ST Newton, MA  
Owner: ARCESE ALBERT A & SARAH L  
Mailing Address:  
35 CROSS ST  
WEST NEWTON, MA 02465

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Prop ID: 31-007-0020-A  
Prop Location: 31 CROSS ST Newton, MA  
Owner: SRINIVASAN MANDAYAM A  
Co-Owner: ANNASWAMY ANURADHA M  
Mailing Address:  
31 CROSS ST  
NEWTON, MA 02465

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Prop ID: 31-007-0021  
Prop Location: 41-43 CROSS ST Newton, MA  
Owner: KATZEN JOSHUA TR  
Co-Owner: 41 CROSS NOMINEE TRUST  
Mailing Address:  
40 NONANTUM ST  
NEWTON, MA 02458

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Prop ID: 31-007-0023  
Prop Location: 25 ARMORY ST Newton, MA  
Owner: GPH WEST NEWTON LLC  
Mailing Address:  
P O BOX 160488  
ALTAMONTE SPRINGS, FL 32716-0488

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Prop ID: 31-008-0005  
Prop Location: 1121 WASHINGTON ST Newton, MA  
Owner: JACKSON NEWTON LP  
Mailing Address:  
P O BOX 610100  
NEWTON, MA 02461

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Prop ID: 31-010-0011  
Prop Location: 40 CROSS ST Newton, MA  
Owner: TECHLER TIMOTHY J  
Co-Owner: TECHLER MICHELLE T  
Mailing Address:  
40 CROSS ST  
NEWTON, MA 02465

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Prop ID: 31-010-0012  
Prop Location: 32-34 CROSS ST Newton, MA  
Owner: LEAL DAYANNE  
Mailing Address:  
32 CROSS ST  
NEWTON, MA 02465

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Prop ID: 31-010-0013  
Prop Location: 26-28 CROSS ST Newton, MA  
Owner: MUI LILY TR  
Co-Owner: THE CARE TRUST  
Mailing Address:  
26 CROSS ST 28  
NEWTON, MA 02465

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Prop ID: 31-010-0014  
Prop Location: 16 CROSS ST Newton, MA  
Owner: MACKINTOSH SEAN  
Co-Owner: GREGORY SONIA  
Mailing Address:  
16 CROSS ST  
WEST NEWTON, MA 02465

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## **CALCULATED FILING FEE STATEMENT**

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The proposed project is located at 27 Cross Street in Newton, Massachusetts, and consists of redevelopment of the existing, developed site. Proposed activities are included under Category 3(b) under the Wetlands Filing Fee Calculation Worksheet.

Category 3(b): *Construction of each building for any commercial, industrial, institutional, or apartment/condominium/townhouse-type development, any part of which is in a buffer zone or resource area. Any activities associated with the construction of said building, including associated site preparation, and construction of retention/detention basins, septic systems, parking lots, utilities, point source discharges, package sewage treatment plants, and roadways and driveways other than those roadways and driveways reviewable under 310 CMR 10.53(3)(e), shall not be subject to additional fees if all said activities are reviewed under a single Notice of Intent.* The fee is \$1,050.00 per activity under the WPA and is located within the Riverfront Area.

### **Wetlands Protection Act Fees:**

Category 3(b) = \$1,050.00 x 1.5

State Share of WPA Filing Fee:  $(\$1,575.00/2) - \$12.50 = \$775.00$

Town Share of WPA Filing Fee:  $(\$1,575.00/2) + \$12.50 = \$800.00$

### **Newton Filing Fee:**

Total Newton NOI Filing Fee = \$50.00

**Check Payable to: City of Newton for \$50.00 (Local Fee)**

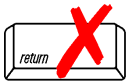
**Check Payable to: City of Newton for \$800.00 (WPA Fee)**

**Check Payable to: Commonwealth of Massachusetts for \$775.00 (WPA Fee)**



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

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



**A. Applicant Information**

1. Location of Project:

<u>27 Cross Street</u>	<u>Newton</u>
a. Street Address	b. City/Town
<u>109</u>	<u>\$775.00</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Gabriel</u>	<u>Askarinam</u>	
a. First Name	b. Last Name	
<u>Gaskarinam Realty Trust</u>		
c. Organization		
<u>142 Bellingham Road</u>		
d. Mailing Address		
<u>Brookline</u>	<u>MA</u>	<u>02467</u>
e. City/Town	f. State	g. Zip Code
<u>516.508.6335</u>	<u>gabi327@gmail.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

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

**B. Fees**

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

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

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

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

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

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

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

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



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

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 3(b), multifamily residential building development	1.5	\$1,050.00	\$1,575.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Step 5/Total Project Fee:</b>			_____
<b>Step 6/Fee Payments:</b>			
Total Project Fee:			\$1,575.00
State share of filing Fee:			a. Total Fee from Step 5 \$775.00
City/Town share of filing Fee:			b. 1/2 Total Fee <b>less</b> \$12.50 \$800.00
			c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

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

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

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

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